ACTS

33023

OF THE

NINETY-SECOND LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

TWENTY-FOURTH UNDER THE NEW CONSTITUTION.



NEW BRUNSWICK, N. J.:
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1868.

ACTS

OF THE

NINETY-SECOND LEGISLATURE.

CHAPTER I.

A Supplement to an act entitled "An Act to incorporate the Sussex Valley Railroad Company, approved March fourteenth, eighteen hundred and sixty-seven.

WHEREAS, the Sussex Valley Railroad Company, by an act of the legislature of this state, entitled "An Act to incorporate the Sussex Valley Railroad Company," approved March fourteenth, eighteen hundred and sixty-seven, was ordained, constituted and declared to be a body corporate in law and in name, with certain rights, privileges and franchises, and subject to certain duties and restrictions; and whereas, through inadvertence the said "The Sussex Valley Railroad Company" have omitted to pay the tax and assessment imposed upon their said act of incorporation by the act entitled "An Act to increase the revenues of the state of New Jersey," approved March sixth, eighteen hundred and fifty-eight—therefore, Preamble.

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 Sussex Valley Railroad Company," approved March fourteenth, eighteen hundred and sixty-seven, shall stand revived, and shall have the same force and effect as if the said tax and assessment had been duly paid on or before the first day of July next after the passage of the said mentioned act; *provided*, that the said tax and assessment im- Reviving original act on paying state assessment. Proviso.

New Jersey State Library

posed by the act, entitled "An Act to increase the revenues of the state of New Jersey," shall be duly paid on or before the first day of July next after the passage of this act.

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

HENRY S. LITTLE,
President of the Senate.
AUGUSTUS O. EVANS,
Speaker of House of Assembly.

Approved February 5, 1868.

MARCUS L. WARD.

CHAPTER II.

An Act to incorporate the Drew Theological Seminary of the Methodist Episcopal Church.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel Drew, Edmund S. Janes, George T. Cobb, Matthew Simpson, Enoch L. Fancher, James M. Tuttle, Theodore Runyon, Daniel Curry, Benjamin F. Manierre, Charles B. Sing, Cornelius Walsh, John S. Porter, Francis H. Root, John P. Durbin, James Bishop, R. L. Dashiell, Daniel L. Ross, Morris D'C. Crawford, Daniel D. Chamberlain, Archibald C. Foss, John H. Ockershausen, Leonard M. Vincent, William Wells, George F. Brown, William W. Drew, William H. Ferris, John A. Wright, John Lanahan, Charles C. North, Thompson Mitchell, and their successors in office as herein provided for, are hereby constituted a body corporate by the name of "Drew Theological Seminary of the Methodist Episcopal Church," and by that name the corporation shall have perpetual succession, the right to sue and be sued, the right to contract and be contracted with, and to make and use a common seal, and to alter the same at pleasure, and may acquire, have, hold, possess, use and enjoy upon the trusts, and for the uses and purposes of said corporation, by purchase, gift, grant, devise or bequest, any real estate or personal property, and may let, lease, sell, grant, alien and convey any of said real es-

Name.

May hold real estate.

tate or personal property, subject, however, to the limitations herein contained, and shall possess, enjoy and exercise all the rights, powers and privileges of corporations conferred by law, or by the statutes of this state.

2. *And be it enacted*, That the objects and purposes of the said corporation are the establishment, maintenance and support within the state of New Jersey of a theological faculty and seminary, and of theological instruction and education therein, under the direction and supervision of the general conference of the Methodist Episcopal Church in the United States, and, in consonance with the doctrines and discipline of the said church, with power to confer on graduates of said seminary proper degrees in theology, and to exercise the prerogative of a university in conferring honorary degrees in theology upon clergymen, with power also to organize faculties of arts, law, literature and medicine, at such time as the said corporation may see fit, and to that end to appoint professors in said faculties, and through them to provide instruction in the arts, law, literature and medicine, and to confer degrees in the same, and to use and exercise all the powers and functions of a university; and said corporation is hereby authorized and empowered, whenever it shall desire so to do, to change its corporate name to that of the Drew University, said change to be effected by filing in the office of the secretary of state, of this state, a certificate signed by the president of the board of trustees for the time being, by order of said board, of their intention so to change said name, and upon the filing of said certificate said corporation shall thenceforward be known by the said name of the Drew University; *provided*, that said change of name shall not in any wise affect the title to any of the property of the corporation; but said corporation shall have and enjoy all its franchises, property, rights and privileges, and have succession in all respects as if its name had not been changed.

Objects and purposes.

May change its name.

Proviso.

3. *And be it enacted*, That the government of the said corporation and the management of its property, business and affairs, are hereby vested in a board of trustees, consisting of thirty-one persons, constituted as follows, viz.: fifteen ministers and fifteen laymen, and the president of the faculty herein provided for ex-officio, all of whom shall be in good standing as ministers or members of the Methodist Episcopal Church, and nine of such trustees shall constitute a quorum of said board, competent to act at any regular or adjourned

Government vested in a board of trustees.

meeting thereof, and the said trustees, as such, shall constitute the said corporation.

Corporators to act as trustees until their successors are elected.

4. *And be it enacted*, That all the persons first herein named, to whom shall be added the said president of the faculty when appointed, shall be and act as the first board of trustees of the said corporation until their successors are elected as herein provided; and at the first meeting of the said trustees they shall divide the members of said board, not including said president of the faculty, into three classes, numbered one, two and three, and proceed to determine by lot which of said trustees, other than said president of the faculty, shall fill said classes respectively, and each class shall contain five ministers and five laymen; and the terms of office of the trustees in class number one shall expire on the first day of July, anno domini eighteen hundred and sixty-eight; and of those in class number two, on the first day of July, eighteen hundred and seventy-two; and of those in class number three, on the first day of July, eighteen hundred and seventy-six; and at any regular session or meeting of the said general conference preceding the expiration of the terms of office of said trustees as aforesaid, the said general conference may elect ten trustees, of whom five shall be ministers and five laymen, to succeed those trustees whose terms are about to expire, to hold office as such trustees for twelve years and until their successors are elected, and the trustees thus elected shall succeed to all the rights, powers and privileges, and shall perform all the duties herein conferred and imposed upon their immediate predecessors as trustees, and shall, at the expiration of their respective terms of office, surrender all their rights, powers, privileges and prerogatives as said corporation, as well as trustees, to their successors; and any vacancy occurring from any cause in said office of trustee shall be filled by the remaining trustees, to hold until next session of the general conference; failure to elect trustees shall not work a forfeiture of this charter or the dissolution of the corporation hereby created, or of the privileges thereby granted.

Terms of office.

How trustees are elected.

Failure to elect no forfeiture.

Officers.

5. *And be it enacted*, That the said trustees at the first meeting of the said board, and annually thereafter, shall organize said board by the election from their number of a president, secretary and treasurer, and shall have power to adopt and enforce a constitution and such by-laws, rules and regulations, not inconsistent with the constitution or laws of

this state or of the United States, as may be deemed advisable for the government of the business and affairs of said corporation and for the regulation of the action of the said board, its officers and agents, in the discharge of its and their duties in fully executing and carrying into effect the objects, intents and purposes of this act; but the acts of the said trustees, as such, shall be subject at all times, and subordinate to the directions and instructions of said general conference relative thereto, and no contract requiring an expenditure greater than ten thousand dollars, and no sale, conveyance, or transfer of any property of greater value than the sum of five thousand dollars shall be made, except by permission first obtained from said general conference or from the chancellor of this state; nor shall any debts be contracted without the like permission whenever the debts of the corporation shall amount in the aggregate to more than five thousand dollars; and the property of said corporation, real and personal, shall be exempt from assessment and from taxation.

Acts of trustees subject to control of general conference.

Property free from taxation.

6. *And be it enacted*, That the first faculty in theology shall be appointed by the trustees, but all vacancies thereafter occurring by the resignation, death or removal of professors in said faculty of theology shall be filled as follows, namely: the board of bishops of the Methodist Episcopal Church shall nominate three persons for each such vacancy from whom the trustees of the corporation herein created, may choose one to fill said vacancy, or if they see fit so to do, they may reject all of said persons so nominated and return the names accordingly to said board of bishops, who shall again nominate in like manner until a choice shall have been made by the trustees from such nominees; and should additional chairs in said faculty of theology be created at any time, the first professors in such chairs shall be chosen by the trustees; and vacancies thereafter occurring shall be filled as above provided; the board of trustees may at any time found professorships and scholarships, and they may also appoint adjunct professors, lecturers, tutors, and other necessary officers.

First faculty appointed by trustees.

Vacancies filled on nomination of board of bishops.

7. *And be it enacted*, That Daniel Drew, of the city of New York, herein named, by deed of trust, or by title in fee simple, and for a nominal consideration in the sum of one dollar, or by both, may transfer and convey unto the said corporation hereby created, any property, real or personal, and limit and designate the particular uses and purposes to which the same may, in accordance with law, be applied, and

Power given to Daniel Drew to convey or devise real estate to said corporation.

may also, by his last will and testament, or otherwise, give, grant, devise and bequeath unto the said corporation any portion of his estate, real or personal, any existing act or statute to the contrary notwithstanding; and the land and property recently purchased by said Daniel Drew for the purposes of the corporation hereby created, shall from the time when it was purchased to the time when it shall be conveyed by him to the said corporation be, and be held to have been exempt from tax or assessment.

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

Approved February 12, 1868.

CHAPTER III.

An Act to better enable the voters of the several road districts in the township of Springfield, county of Burlington, to elect their road overseers and to control the expenditures of said officers.

Road overseers in Springfield, Burlington county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the annual town meetings held in the township of Springfield, in the county of Burlington, there shall be on each of the ballots voted the name of one candidate only for the office of overseer of roads, with the title of the district in which he is a candidate.

What amount may be expended.

2. *And be it enacted*, That the overseers of roads in the said township shall not expend more than six hundred dollars annually upon the roads of the township without a written order from the township committee, said sum to be equally divided among the road districts.

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

Approved February 13, 1868.

CHAPTER IV.

An Act to incorporate the Newark Sparverein, of Newark New Jersey, (Newark Savings Association.)

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Otto, Henry Rommel, John Herpick, Christian H. Herzog, Christoph Stoetzel, Caspar Meyer, Peter Mock, Ernest A. Adam, Henry Weiss and Adam Werner, shall be and they are hereby declared to be a body politic and corporate, in fact and in law, by the name of "The Newark Sparverein," for the purpose of carrying on the trade or trades of general and retail dealers, producers and manufacturers, in order to enable its members to purchase food, fuel, clothing and other necessaries on the most favorable terms, and for that purpose may hold such real estate as may be needful to carry on said business or may accrue to them in the course thereof, and may sell, mortgage, lease or otherwise dispose of the same.

Name.

Capital stock.

2. *And be it enacted*, That the capital stock of the company shall be two thousand dollars, divided into shares of ten dollars each, and the persons named in this act are hereby appointed commissioners to receive subscriptions to said capital stock, in such place in the city of Newark as a majority of them may appoint, giving at least five days' notice in at least one of the newspapers published in said city, and as soon as the whole of said stock is subscribed the said commissioners shall by a like notice call the first meeting of stockholders for the purpose of organizing said company.

Directors, how elected.

3. *And be it enacted*, That the business of the said company shall be carried on in the county of Essex, and managed by not less than ten, or more than fifteen directors, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices for one year and until others are elected in their stead, and every year thereafter, at such time and place, and upon such notice as the by-laws may appoint, an election shall be held, at which election every stockholder shall be entitled to one vote.

Powers.

4. *And be it enacted*, That the directors of said company shall have power to make by-laws for its government not inconsistent with the laws of the state or of the United States,

and may appoint such subordinate officers as the business of the company may require.

Stock personal property.

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

May increase capital.

6. *And be it enacted*, That the said corporation may from time to time increase the said capital to any sum not exceeding fifty thousand dollars, giving ten days' notice of their intention so to do in two of the newspapers printed in Newark.

Books of account.

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

Liabilities.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions and liabilities set forth in "An Act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, and the supplements thereto, so far as the same are applicable, and the legislature may at any time hereafter modify or repeal the same.

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

Approved February 13, 1868.

CHAPTER V.

An Act to incorporate the Home for Aged Women, in Jersey City.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Anna E. Miller, Irene Wilbur, Catharine J. Sauzade, Mary L. Williamson, Harriet W. Ames, Aurinthia Doremus, Mary F. Hoagland, Maria B. Mason, Cordelia McElroy, Sarah J. Morrow, Anna L. Olendorf, Sophia A. Van Vorst, Eliza A. Van Deventer, Abby A. Weaver, Edna C. Woolsey, Emily H. Van Vorst, and their successors, are hereby constituted a body corporate by the

Name.

name of "The Home for Aged Women," with power to ap-

point their associates and successors, for the purpose of providing a home for and aiding in the maintenance and support of aged women who shall have resided in Jersey City at least five years, with authority to administer the funds and all things appertaining to the object of this corporation, according to such by-laws and regulations as may be from time to time adopted.

2. *And be it enacted*, That the said corporation may receive and take by purchase, grant, devise, bequest, or donation, any real or personal property, and hold the same for the purposes aforesaid, to any amount not exceeding one hundred thousand dollars, and may manage and dispose of the same according to their discretion. May hold real estate.

3. *And be it enacted*, That the said corporation shall have power to prescribe the terms of admission for members, to elect such officers as they may deem necessary, and to make such by-laws as shall be necessary or expedient for the management of its affairs, not repugnant to the constitution and laws of this state or of the United States. Powers.

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

Approved February 13, 1868.

CHAPTER VI.

An Act to incorporate the Central Cemetery Association of New Brunswick.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jeptha Cheeseman, Edward W. Evans, John Beekman, Theodore Ashmore, James L. Rogers, and their associates, be and they are hereby made a body politic and corporate in law, by the name of "The Central Cemetery Association of New Brunswick." Corporators. Name.

2. *And be it enacted*, That the said corporation shall be composed of such persons who are or shall be owners of stock in the said company, and that the said corporation shall have power to purchase and hold in fee, the tract of land belong- Object.

ing to Jeptha Cheeseman, situate on the south side of Morris street, in the city of New Brunswick, in the county of Middlesex, for the purpose of a cemetery, and that said corporation may hold such tract of land for the uses hereafter mentioned: first, the said corporation may sell or otherwise dispose of the sub-lots in the said cemetery, to be used only as burial places for deceased persons, with the use and privilege of the several avenues, walks and passages, and may erect on said tract of land, such buildings and accommodations as they may deem suitable for the business of the cemetery; second, the sub-lots shall be conveyed to the respective purchasers in fee, on the payment of the purchase money, and the purchaser, his or her heirs or assigns, shall have the exclusive use and occupation thereof only for the interment of deceased persons, with the common use of the walks, passages and avenues, subject to such regulations as may be established by said corporation for digging graves, building vaults, enclosing, ornamenting and preserving said plots.

Directors, and how elected.

3. *And be it enacted*, That there shall be a board of seven directors, who shall be elected by and from among the stockholders on the first Monday in May next, and the said directors shall elect from their own number, a president, treasurer and secretary, annually, and shall have power to fill vacancies in their own number; they shall have the sole charge, superintendence and control of the said cemetery; and until the first election of directors, the corporators in the first section of this act named shall be the said directors and act until others are chosen in their stead.

Corporators to act until first election.

Capital stock.

4. *And be it enacted*, That the said corporation may raise the sum of fifteen thousand dollars, to be expended in the purchase, embellishment and improvement of the land aforesaid for the purposes of a cemetery, the erection of fences, buildings and structures therefor, which sum shall be the capital stock of said company, and be divided into shares of one hundred dollars each; that one-half the net proceeds of all sales of lots shall be appropriated or funded for the embellishment and improvement of said cemetery grounds, and the other half shall belong to and be divided among the stockholders according to their several interests; and if any part of the said proceeds shall be funded for the embellishment of said cemetery as aforesaid, the same shall be free from all taxes or assessments, and no taxes shall be imposed on lot owners therefor.

5. *And be it enacted*, That the rights of individual lot holders shall be created by deed from the president, under the common seal of the said corporation, and transfers of such rights may be made among individuals by simple assignments annexed to said deeds, but shall not be valid until the said assignment is recorded in the books of the secretary of said association.

6. *And be it enacted*, That any association of persons for benevolent purposes, and also any religious society, may purchase and hold lots in said cemetery, in which they may bury agreeably to any peculiar rites or ceremonies of their own, subject only to the rules and regulations of the corporation; but no lot or plot of ground laid out on the map of said company and numbered as separate lots shall ever be subject to division, although the same may be held in undivided shares.

7. *And be it enacted*, That the provisions of the eighth and tenth sections of the act entitled "An Act authorizing the incorporation of Rural Cemetery Associations," be and the same are hereby made part of this act.

8. *And be it enacted*, That nothing herein contained shall impair the rights of the mayor and common council of the city of New Brunswick to open and regulate Morris street, by ordinance as they shall deem proper.

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

Approved February 13, 1868.

CHAPTER VII.

An Act to incorporate the Colored Relief Association, of Allentown.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob Stout, Jeremiah Johnson, Isaiah Dillon, Moses Byard, Rachel E. Johnson, Rhoda Dillon, Charles H. Williams, Alfred Dillon, Mary Washington, James Woby, and all such persons as now are or shall hereafter become members of the said society, be and they are hereby constituted and declared to be a body politic and cor-

porate, in fact and in law, by the name, style and title of
Name. "The Colored Relief Association of Allentown," and by that name they and their successors shall have continued succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatsoever, in all manner of actions, suits, matters, complaints and causes whatsoever, and that they and their successors may have and use a common seal, and shall have power to change and alter the same at pleasure, and by their name aforesaid, and under their common seal, may make, enter into, form and execute any contracts or agreements relating, touching or concerning the objects of the said incorporation.

Officers and managers, and how elected. 2. *And be it enacted*, That for the accomplishment of the objects of the said incorporation, there shall be a president, vice president, treasurer, secretary, one marshal, and a board of managers, consisting of twelve persons, and such other officers and assistants as shall be deemed necessary, who shall be elected annually by ballot by a majority of the members present at the annual meeting of the said society, which annual meeting shall be held on the last Wednesday in October every year, or as soon thereafter as can be; and all or any of the officers of the said society now acting in any of the above-mentioned capacities shall be deemed good and valid officers until the next annual meeting of the said society, as above provided.

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

Object. 4. *And be it enacted*, That the sole and exclusive object of this association hereby incorporated shall be the relief of its respective members when sick or disabled by bodily infirmities

or accident from pursuing their daily avocations, the payment of expenses incident to the decent interment of deceased members, as provided in the constitution and by-laws of the said association, and such other necessary expenses as shall accrue by carrying into effect the objects set forth in this and the other sections of this act, and to promote temperance, morality, economy and enterprise among its members; and no part of the funds of said corporation shall be used for banking purposes or in any other way except as provided for by this act.

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

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

Approved February 13, 1868.

CHAPTER VIII.

An Act to incorporate the Newark German Hospital.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Louis, Greiner, Joseph Christel, Ferdinand Keer, John Schnellbacher, Leopold Graft, Godfrey Rippel, Jacob Wendel, Frederick J. D. Rumpf, Charles Seitz, Charles Ferdinand Gotthold, Christian Staehlin, Anton Neigert, and their associates, are hereby constituted and appointed a body corporate and politic, by the name of "The Newark German Hospital," for the purpose of establishing and maintaining a hospital in the city of Newark, and by that name shall have perpetual succession, be capable in law of suing and being sued, of holding and conveying property for the purposes of said corporation; *provided*, that Corporators. Name. Proviso.

the clear yearly income of such property over and above the annual expenditures do not in any one year exceed the sum of five thousand dollars.

How to become members.

2. *And be it enacted*, That any person upon the payment of five dollars annually, or fifty dollars at one time to the treasurer of the said corporation for the use thereof, may become a member of the said corporation, and shall be entitled to vote at any election to be held in virtue of this act.

3. *And be it enacted*, That no religious test shall be required or allowed for general membership, or for eligibility to any office in this institution, or for the admission as a patient.

Directors, and how elected.

4. *And be it enacted*, That for the proper and efficient management of said corporation, there shall be a board of directors, to consist of twelve persons, to be elected at the annual meeting of the members, at such time and place as the by-laws of the said corporation shall direct and appoint.

Officers.

5. *And be it enacted*, That the board of directors shall annually elect by ballot from among their own members a president, vice president, secretary and treasurer, who shall hold their respective offices for one year and until others are elected in their stead, and shall from time to time appoint all such physicians and other officers as may be required for the purposes of the corporation.

Failure to elect not to work a dissolution.

6. *And be it enacted*, That in case an election shall not be made on the day appointed by the by-laws, the corporation shall not for that cause be deemed to be dissolved, or be rendered inoperative, but it shall and may be lawful to hold such election on some day to be appointed by the board of directors, by giving five days previous notice of time and place of such an election.

Vacancies, how filled.

7. *And be it enacted*, That vacancies occasioned by the death, resignation or removal of any director or directors, may be filled by a majority of the board of directors until the next annual election.

Powers.

8. *And be it enacted*, That said directors shall have full power and authority to establish and ordain from time to time such by-laws, ordinances and regulation as they may deem necessary for the full and efficient government of said corporation.

9 *And be it enacted*, That the property and effects of said corporation shall not be liable to the imposition of any tax or

assessment; *provided*, such property and effects shall not exceed in value the sum of fifty thousand dollars; and that this act shall be deemed a public act, shall be adjudged and construed in all cases most favorably and for the best benefits and advantages of the said corporation, and the benevolent and charitable purposes it is intended to subserve.

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

Approved February 13, 1868.

CHAPTER IX.

An Act to incorporate the New Jersey Land Improvement and Building Company, of Passaic County.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Crooks, Adam Carr, Lees Garside, James Peacock and J. V. E. Fredericks, and all such persons as may hereafter be associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic in fact and in name, by the name of "The New Jersey Land Improvement and Building Company, of Passaic County," and by that name shall be capable in law of purchasing, using, holding, letting, improving, manufacturing, selling, and disposing of such real and personal estate in the county of Passaic as may be necessary or expedient to the objects of this corporation, and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever necessary or useful for the purposes aforesaid.

Name.

Directors, and how elected.

2. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by five directors, a majority of whom shall be residents of this state, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices respectively for one year and until others are elected; and that the said directors shall be chosen on the first Monday in April in every year, at such time and place as shall be provided for by the by-laws of said corporation, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and notice of the time and place of such election shall be published not less than two weeks previous thereto in a newspa-

per published in the county of Passaic, and each stockholder shall be entitled to one vote for each share which he or she may hold in said corporation; and the persons having the greatest number of votes shall be directors, and the said directors may appoint such agents, officers and superintendents, and make such compensations, and assign such duties to said agents, officers and superintendents as they shall think fit, and if at any time it shall happen that any vacancy or vacancies occur, from any cause whatever, among the directors of said company, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time, or a majority of them, shall appoint; and until other directors are chosen from the stockholders, the first directors shall be James Crooks, Adam Carr, Lees Garside, James Peacock and J. V. E. Fredericks, who shall hold their office until the first Monday in April next or until others are legally chosen.

Corporators made the first directors.

Capital stock.

3. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing it to three hundred thousand dollars, which shall be divided into shares of one hundred dollars each; and as soon as two hundred shares of the capital stock shall have been subscribed, and the sum of twenty dollars on each share so subscribed, paid or secured to be paid, it shall and may be lawful for said corporation to proceed to carry into effect the objects of said corporation; and it shall be lawful for the directors of said corporation to call and demand from the stockholders thereof, respectively, such installments, and at such times and in such proportions as they shall deem proper, not exceeding twenty dollars on each share at any one time, notice of which shall be published for at least thirty days in a newspaper published in the county of Passaic, or shall be given in writing to the stockholders for the like space of time before such installments are required to be paid, and in case of the failure of any stockholder to pay his or her installments at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her shares and all previous payments thereon, for the use of the company; and the books of subscription for the stock of said corporation shall be opened at such time and place, and remain open such time, in the county of Passaic, as the directors shall appoint, notice being given previous thereto for two weeks in a newspaper printed in said county; and the shares of the said cap-

Non-payment of installments incur a forfeiture to stockholders.

Books of subscription, where opened.

ital stock shall be deemed personal property, and be transferable in such manner as the corporation by their by-laws shall direct.

4. *And be it enacted*, That the said company is hereby authorized to let, rent, lease, mortgage, sell and convey all such lands and real estate as they may have and hold, from time to time, in whole or in parcels, and to improve the same by grading, paving, curbing, guttering or flagging, or by constructing sewers or drains, subject to the regulations of the municipal authorities of any cities or villages in which such improvements may be proposed, or by erecting or causing to be erected thereon, buildings of every name, kind and description, and for all proper and legitimate uses and purposes, or by laying off said lands and real estate into lots, and to use the same for agricultural purposes, or in any other way that the said corporation may deem necessary and advisable, and to purchase, make up and manufacture, sell and dispose of, all material pertaining to the erection of such buildings; and the said company are authorized to issue their bonds, bearing interest not exceeding seven per cent. per annum, and to sell and dispose of the same at market value; to secure the payment of such bonds, the said company shall have power to convey or pledge by way of mortgage, trust or otherwise, such portion of the property of said company as the directors may deem necessary for the purpose; *provided*, that the amount of bonds issued shall not exceed two-thirds of the value of the real estate held by said company. Powers of corporation. May issue bonds. Proviso.

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

6. *And be it enacted*, That in case it shall at any time happen that an election of directors shall not be made on the day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as the directors of said corporation shall direct. Failure to elect directors not to work a dissolution.

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

Approved February 13, 1868.

CHAPTER X.

An Act to revise and amend the charter of Egg Harbor City.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the county of Atlantic included within the following bounds, that is to say, between the Little Egg Harbor or Mullicas river on the northeast, and the Camden and Atlantic railroad on the southwest, and between a line on the southeast and south, commencing at a point southeast of the forty-second mile stone of the Camden and Atlantic Railroad, on the line of the said railroad and the middle of an avenue named Bremen avenue, on the plan of said city, and running thence in a straight line perpendicularly to said railroad in a northeastwardly direction along the middle of said Bremen avenue until it meets another avenue laid out on plan of said city, named Savannah avenue; thence eastwardly along the middle of said Savannah avenue to the Little Egg Harbor or Mullicas river and a line on the northwest, commencing at the said Camden and Atlantic railroad, and running northeastwardly along the middle of an avenue named Hamburg avenue, on the said plan of said city to the said Little Egg Harbor or Mullicas river; and all the freemen, citizens of this state, and residing within the limits aforesaid, shall be and are hereby made a body corporate and politic by the name of "Egg Harbor City, and by that name shall have perpetual succession, and be capable of suing and being sued, defending and being defended, in all courts and places whatever, and in all manner of actions, complaints and causes whatsoever, and may have a common seal, and alter the same at pleasure, and by said corporate name shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of said corporation.

Incorporation of city, and name.

Officers, and their terms.

2. *And be it enacted*, That there be and forever hereafter shall be in and for said city one mayor, who shall be keeper of the seal of the city, and nine common councilmen (the latter to hold their office for three years, and three of them to be elected annually), which mayor and common councilmen shall constitute and be called the common council of Egg Harbor City.

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

be summoned and held at such times and places in said city as they may appoint, the mayor shall preside at the meetings of the common council, and have a casting vote only, and if he be absent, one of the common councilmen may be appointed by the members present, chairman pro tempore, and a majority of the whole number of members shall be a quorum to transact business; and it shall be the duty of the mayor, when necessary, to call special meetings of said common council, and in case of his neglect or refusal, then it shall be lawful for any four members of said common council, at such time and place as they may designate, to call any special meeting or meetings by written or printed notice; and in all cases of special meetings, notice shall be given to all the members of the said board of common council in person, or left at their places of residence. Meetings of common council.

4. *And be it enacted*, That an election by ballot shall be held annually at such time, place and manner as the election of members of the senate and general assembly may be held in said city, of which election the said common council shall cause public notice, either printed or written, to be set up in five public places in said city, at least one week previous to the day of such election, at which election one mayor, three common councilmen, one or two justices of the peace (if there is any vacancy for this office), one clerk, one treasurer, one assessor, two chosen freeholders, two constables, one overseer of the poor, one marshal, three judges of election, three commissioners of appeal in cases of taxation, one harbor master, one poundkeeper, three trustees of common schools, one of them elected to serve for one year, another elected to serve for two years, and the third elected to serve for three years, and one trustee shall be elected every year after the first election held under this act to fill the place left vacant as above provided, and one superintendent of common schools shall be annually chosen in said city from among the citizens residing therein and entitled to vote at such elections, which said several officers shall hold their respective offices for one year, except in cases of the common councilmen and the trustees of common schools, and until others shall be chosen and legally qualified in their stead. Election when held, &c.

5. *And be it enacted*, That the officers of the said election shall be the same as those holding and conducting the general election, and the said election in all things shall be conducted, continued and concluded as nearly as may be accord- Manner in which election shall be conducted.

ing to the same rules and regulations, and under the same restrictions and penalties as are prescribed by the laws regulating the election of members of the senate and general assembly, and after the polls shall be closed, the said judges shall count the votes given for the several candidates and certify the results under their hands and seals, and deliver such certificate to the clerk of said city, who shall file and preserve the same in his office, and the persons having the greatest number of votes shall be deemed to be elected to the offices for which they shall be voted for respectively.

Vacancies to be filled by common council.

6. *And be it enacted*, That in case of death, resignation, inability, disqualification, neglect or refusal to act, or removal out of the city, of any of the officers thereof, it shall be lawful for the common council to appoint others in their place until the next regular election, who shall, during the said time, perform the like services, be entitled to the same fees, and be subject to the same responsibilities as though elected at the same election.

Officers to be sworn and give bonds.

7. *And be it enacted*, That before any of the said officers shall take upon themselves their respective duties, they shall take and subscribe an oath or affirmation for the due execution of their respective offices, before one of the justices of the peace of the county of Atlantic, who are hereby authorized and required to administer the same, or before the mayor of said city; and the treasurer, clerk, constables, marshal and harbor master so elected, shall each give bond to the said city, in such sum and with such sureties as the common council may approve, for the faithful performance of their respective offices; and no member of common council shall be taken as security upon the bond of any officer.

Powers of the mayor.

8. *And be it enacted*, That the mayor is hereby invested with all the powers which any justice of the said city is or may hereafter be invested with; and that the said mayor is hereby authorized, on witnessing any breach of the peace, forthwith to commit the offender for a hearing, without the issuing of any warrant or process; and that, for the purpose of quelling any insurrection, riot, disturbance or disorderly assemblage, the said mayor shall have the control of the constables and police force of said city, and the power to call upon the citizens for aid in all cases of insurrection, riot or disturbance of the public peace; and when he shall deem it necessary, to call out the militia of the said city, and employ the same in quelling such insurrection, riot or disturbance;

and he shall have the power, with one or two justices of the peace, as the case may be, to try and determine all cases of assault and battery, petty larceny and similar cases occurring within the limits of said city, subject, however, to the laws concerning the same.

Right of appeal.

9. *And be it enacted*, That every person against whom judgment may be obtained before the mayor or any justice of the peace for the violation of any of the ordinances of the said city, shall have the right of appeal, in common with the city, to the higher courts, as in case of civil suits before justices of the peace.

Powers and duties of common council.

10. *And be it enacted*, That it shall be lawful for a majority of the whole number of common council that may be assembled in council meeting convened, to pass all ordinances for establishing a public ground or grounds, and for reclaiming, improving, regulating and protecting the public grounds and walks, for regulating, leveling, grading, paving, flagging, graveling, improving, clearing and repairing the avenues, streets, alleys or sidewalks therein, for ascertaining and establishing (by appointing a city surveyor or otherwise) the lines and boundaries of the same, and for preventing and removing all encroachments, incumbrances and nuisances upon the same, and for regulating the planting and protection of shade trees, for compelling the occupiers and owners of lots to grade, curb and pave the sidewalks opposite their lots, and to keep the same and the gutters clear of snow and ice, and other impediments; for regulating wharves, docks and piers belonging to or about said city, and the rates of wharfage for all wharves in charge of or owned by said city; for abating and removing all nuisances on or in Mullicas or Little Egg Harbor river, opposite the said city, and in any creek, street, wharf, or other place in said city, and for preventing or removing all obstructions in the Little Egg Harbor river opposite the same, and for the regulation of the distances any wharf or wharves may be built out into the Little Egg Harbor river, opposite the same; for causing common sewers or drains to be made, and granting permission to construct vaults in any part thereof; for lighting the streets, and for regulating the laying of gas or other pipes in or under the same; for sinking and regulating wells, cisterns and pumps in said streets; for erecting, maintaining and regulating public markets in said city; for erecting and maintaining a city hall, city prison, school houses, and such other public building as may be necessary or convenient in said city; for

the better regulation and support of the poor; for preventing persons from riding, driving or passing over or upon the sidewalks with horses, wagons, carts or carriages, or animals of any description, and for preventing the immoderate riding or driving through or in any avenue, street or alley in said city; for the prevention or suppression of fires; for compelling the cleaning of chimneys; for appointing watchmen and additional police, and prescribing their powers and duties; for regulating the vending of meats and vegetables; for regulating butchers, hawkers, pedlars and petty chapmen; for the more effectual suppression of vice and immorality; for preserving peace and good order; for restraining vagrants, mendicants and street beggars; for suppressing and restraining disorderly and gaming houses, or public gaming in the said city; for preventing and restraining riots, routs, disturbances or disorderly assemblages, and the carrying of concealed weapons in any street, alley, house, or any other place in said city, and on the Little Egg Harbor river opposite thereto; for preventing the running at large of cattle, horses, goats, geese, chickens, dogs and swine, and for imposing a reasonable tax upon the owners or possessors of dogs; for prescribing and defining the duties of the several officers elected in said city, and such other ordinances for promoting the peace, good order and prosperity of said city as they may deem expedient, not repugnant to the constitution of the United States or of this state; and to enforce the observance of all such ordinances, by prescribing a forfeiture or penalty not exceeding one hundred dollars, to be recoverable by action of debt, with costs, before the mayor or any justice of the peace of said city, in the name of "The Treasurer of Egg Harbor City," for the use of said city, or they may prescribe punishment therefor by fine or imprisonment in the city prison, or both, to be imposed by the mayor or justice hearing or determining the same, the fine not to exceed one hundred dollars, and the imprisonment thirty days, and until fines and costs be paid; all said ordinances shall be caused to be published by printed handbills, put up in five of the most public places in said city, by the clerk of said city, for at least ten days before said ordinances shall go into effect; and no ordinances shall be enacted or passed by said common council unless the same shall have been introduced before said common council at a previous meeting.

11. *And be it enacted*, That a majority of the whole num-

ber of members of common council that may be assembled, exclusive of the mayor, or presiding officer in council meeting convened, shall have the sole, only and exclusive right and power of granting licenses under the common seal of said city to all and every innkeeper and retailer of spirituous liquors residing within said city, subject to the same provisions, and in like manner, as the same may lawfully be done by the courts of common pleas in this state, except that they may grant them for such length of time, not exceeding one year, as they may deem best; and they shall have the sole, only and exclusive right and power of licensing such and so many keepers of oyster-houses and cellars, and places for the sale of fermented liquors, within said city, upon such terms and conditions, and under such regulations as they may deem most conducive to the good of said city; and the amount assessed and paid upon granting all licenses, shall be paid to the city treasurer for the use of said city. Licenses, how granted, and for what purposes.

12. *And be it enacted*, That it shall be lawful for the common council of said city, by ordinance, to order the raising and cause to be raised, by tax, from year to year, such sum or sums of money as they shall deem expedient for defraying the expenses for the government of said city and the carrying out and maintaining such public works and public institutions as may be necessary or useful to the welfare of its inhabitants; and it shall be lawful for the common council to borrow money, from time to time, in the corporate name of the city, for all purposes for which they are by this act authorized to raise money by tax, and to secure the payment thereof by bond, note, or other instrument of writing under the common seal of the city and signature of the mayor, and to provide by tax for the payment thereof; *provided*, that no loan shall be made without the concurrence of two-thirds of the members of the common council present at the respective meeting of the same; and there shall not be a greater sum than five thousand dollars raised by loan in any one year, and that the said city shall not owe over twenty thousand dollars at any one time. Assessment of taxes. Power to borrow money. Proviso.

13. *And be it enacted*, That the said city shall constitute one independent school district, and it shall be the duty of the common council to regulate all public school affairs in said city, independently of the supervision of the county superintendent of public schools; and the school superintendent and school trustees of said city shall, in performing their respective Schools.

duties, act in all cases in which no special instructions shall have been given by the common council, in accordance with the general school law of this state.

Compensation of officers.

14. *And be it enacted*, That it shall be lawful for the common council of said city to pay the treasurer, clerk, assessor, school superintendent, overseer of the poor, marshal, and other officers and agents of said city, such compensation for their services as the said common council may deem reasonable and proper; *provided*, that those compensations shall at once be determined to be a full compensation for all services belonging to and in any way connected with the respective offices.

Assessment of taxes, how made and collected

15. *And be it enacted*, That the assessor of said city shall assess upon the persons and property of the residents, and the property of non-residents within the said city, and the treasurer shall collect all taxes ordered by the common council of said city directed or required to be assessed or collected within the said city, in the same manner, but three months before the time, as the assessors and collectors of townships are or may be by law required to assess and collect the state and county tax within their respective townships.

Commissioners of appeal.

16. *And be it enacted*, That the commissioners of appeal in cases of taxation shall convene annually at the time and place determined upon and published by the common council, to hear and determine all appeals, and they shall sit from nine o'clock in the morning to six o'clock in the afternoon, if necessary so to do, and for such further time as may be required.

Proceedings in case of non-payment of taxes.

17. *And be it enacted*, That the treasurer shall, at least one week before the day of appeal in cases of taxation, demand of all persons taxed the amount of their tax, by notice served upon them personally, if he can find them in the limits of the city, or left at their residence, if living in the city, and shall at the same time give notice of the time and place of the meeting of the commissioners of appeal in cases of taxation, and no other notice shall be required; and in case of the non-payment of any taxes three months before the day the township collectors are by law required to make out lists of delinquent taxpayers, the treasurer shall make out a list of the names of the delinquents, with the sums due from them respectively annexed, and deliver the same to the mayor or a resident justice of said city.

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

mayor or justice of the peace, on receiving a list of the names of such delinquents, to administer an oath or affirmation to the said treasurer, that the moneys in said list had been duly demanded, on due notice given, or left at the usual place of residence of such delinquent who can be found, or who may then reside in said city, and thereupon to give to the said treasurer a receipt for such list, certifying therein the names of the delinquents and the sums at which they are respectively assessed; and it shall be the duty of said mayor or justice, within thirty days after the receipt of the list of names of the delinquents, to deliver to the treasurer of said city a warrant requiring him to levy the tax so in arrears in the manner prescribed by the laws of the state of New Jersey relative to the collection of state, county or township taxes, and the said treasurer shall in the execution of said warrant, which warrant may embrace several parcels of land setting forth the amount due by each owner, have the same power and the same duties to perform, and shall be subject to the same forfeitures and penalties as are prescribed to the constables in regard to the execution of such warrants; he shall, however, not be entitled to extra compensation for the said execution, the same being considered part of his general duties and paid for in his yearly salary as determined by the common council.

List of delinquent tax payers to be made.

19. *And be it enacted*, That if, in the execution of any such warrant, the sale of uncultivated lots and tracts of land, the owners of which are unknown and cannot be ascertained, or if known are non-residents of said city, shall become necessary for the purpose of obtaining the respective taxes, then it shall be lawful for the said treasurer, in case the said taxes have remained unpaid for the space of two years after the time when they were payable, to make the said taxes, with the interest and costs thereon, by a sale of said lands in the manner such sales are according to the respective provisions of the law to be conducted, and if, after the payment of said taxes, interest and costs, any balance remains, such balance shall be deposited with the common council, who shall cause the clerk to record such deposits into a particular book to be held for this purpose, and shall instruct the treasurer about the manner of safe keeping the amounts thus deposited; no deed shall, however, be given to the purchaser of lands which are sold under the above provisions until after the lapse of one year from the time when the said lands shall have been sold, and if during that time the owner or owners of any such

Treasurer to sell lands for unpaid taxes.

lands, or any person having any claim upon or interest in the same, shall appear and claim the said lands and pay the taxes then due thereon, with cost and interest at the rate of twelve per centum per annum, and pay further for improvements in cultivating, if such have been made thereon, such sum to the respective purchaser as shall be determined by two disinterested persons, to be appointed by the common council, then the said common council shall refund the purchase money paid by the purchaser to him with interest thereon, and deliver possession of the said lands to the person or persons so redeeming the same, and in case no person shall appear to redeem the said lands, then on or after the expiration of one year from the said day the said treasurer who made the sale of said lands, or his successor in office, shall execute and deliver to the purchaser of the land so sold a deed for the same and such purchaser shall by virtue thereof hold the said lands to himself, his heirs and assigns forever against the owner or owners thereof, and against every other person claiming under such owner or owners; all balances of purchase money for land thus sold and not redeemed shall be held by the common council as above provided for until the person or persons entitled thereto shall apply for the same, and upon the common council being satisfied that such person or persons so applying are entitled to such balance, then to pay over the same to such person or persons.

Duties of city marshal.

20. *And be it enacted*, That it shall be the duty of the marshal of said city to execute all processes issued or delivered to him to be executed by the mayor, or a resident justice of said city, in the same manner, and to the same extent of jurisdiction as a city constable; and he shall maintain good order, and preserve the peace within the limits of said city, enforce all ordinances, arrest and imprison offenders, keep the city prison and hall, and perform such other duties as the common council may require, or as may be required by the ordinances of said city, and give such security, and in such sum, as the common council may require.

Constables.

21. *And be it enacted*, That the constable, or constables, of said city, shall have the same power and authority, and be authorized to perform the same duties, in civil as well as in criminal cases, in all respects, to serve warrants and other processes, in the same manner and to the same extent of jurisdiction, and be entitled to the same fees and compensation for his or their services, and shall enter into such bond,

Shall give bond.

with sureties to be approved by the common council of said city, as he or they would be by law required to enter into if he or they had been elected to the office of a township constable, under the laws of this state relating to township constables.

Bond to be recorded and filed.

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

Duties of constables

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

Duties of city clerk.

24. *And be it enacted*, That the clerk of said city shall keep, and when necessary, record all official papers belonging to the same; he shall attend all meetings of the common council of said city, and keep accurate minutes of the proceedings thereof, and shall give lawful notice of all such meetings and of annual and special elections; he shall record in a proper book to be provided for that purpose, all ordinances passed by said common council, and duly certify the same; he shall procure ballot-boxes for the use of said city, in such manner and of such description as are required to be procured by the township clerks of this state, and subject to the same penalties as township clerks are now subject to for neglecting to procure said boxes and keep the same in repair, and shall perform such other duties as the common council may from time to time prescribe.

Duties of treasurer.

25. *And be it enacted*, That the treasurer of said city shall, in addition to the duties of a collector hereinafter prescribed,

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

Inhabitants not incompetent as witnesses.

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

In case of failure to hold election officers hold over

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

Duties of overseer of the poor.

28. *And be it enacted*, That the overseer of the poor of said city shall perform and discharge all duties now required by law to be performed by overseers of the poor of the several townships of the state, and for that purpose it shall be the duty of the common council to pass all ordinances necessary for the regulating and better support of the poor within the corporate limits of said city, but in no case shall the said overseer or common council be entitled to receive any portion of the money which shall be raised for the support of the poor of the townships of Mullica, Galloway and Hamilton; nor shall said

city be liable to pay any money for the support of the poor not residing within the limits of said city.

29. *And be it enacted*, That all sections, parts of sections and supplements to Egg Harbor City charter conflicting herewith are hereby repealed. Repealer.

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

Approved February 13, 1868.

CHAPTER XI.

A Supplement to an act entitled "An Act to incorporate the Long Branch and Deal Turnpike Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the following words, "and with liberty to extend the same upon the public highway to Squan Village in the same county, with same powers and restrictions as in construction of said turnpike road upon the first-named course" of the eleventh section of the act entitled "An Act to incorporate the Long Branch and Deal Turnpike Company," approved March sixteenth, eighteen hundred and sixty-six, be and the same are hereby repealed. Repealer.

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

Approved February 13, 1868.

CHAPTER XII.

An Act to incorporate the Union Protective Benevolent Society of the Trap Block Makers of Weehawken, in the county of Hudson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Michael Rooney, Thomas Henery, John Padden, Christian Rickert, Michael Furlong, Jacob Heiligenthal, Christopher Young, and Conrad Baum, and their associates, officers and members of the Union Protective Benevolent Society of the Trap Block Makers of Corporators.

Weehawken, be and they are hereby constituted and declared to be a body politic and corporate in law, by the name, style and title of "The Union Protective Benevolent Society of the Trap Block Makers of Weehawken," and by that name they and their successors shall and may at all times hereafter be capable in law of having, purchasing, holding and possessing any lands, tenements, hereditaments and personal estate purchased, devised or bequeathed by any person or persons, body politic and corporate capable of making the same, and the same, or any part thereof to sell, mortgage or dispose of at pleasure, to make all needful by-laws for the regulation of its members and property, to establish branch societies in different parts of said county, to have a common seal, and use and alter the same at pleasure; *provided always*, that the said corporation or body politic shall not at any time hold or possess property, real, personal or mixed, the net income of which shall exceed the sum of three thousand dollars; *and provided also*, that the property of said corporation, real or personal, shall not be disposed of or mortgaged without the consent of a majority of its members; *and provided further*, that the constitution and by-laws of said corporation or body politic shall not be repugnant to the constitution and laws of this state or of the United States.

Name.

Proviso.

proviso.

Proviso.

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

Approved February 13, 1868.

CHAPTER XIII.

A Supplement to an act entitled "An Act to incorporate the Red Bank and Rumsen Neck Railroad Company," approved March twenty-third, eighteen hundred and sixty-five.

Extension of time to complete railroad.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time for commencing the railroad, authorized by the act to which this is a supplement, be and the same is hereby extended three years, and the time for completing the same be extended five years.

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

Approved February 13, 1868.

CHAPTER XIV.

Supplement to "An Act to incorporate Excelsior Hook and Ladder Company, Number One, of New Durham, in the county of Hudson," approved March thirteenth, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where section one of the act to which this is a supplement, reads "to the number of forty," the same henceforth shall read, "to the number of forty-five."

2. *And be it enacted*, That the respective periods of time any members shall have served in other parts of the county or state, in regular organized fire companies, shall be computed with the time they shall so serve as members of this company, said time to be certified by the officers of the respective companies to which they shall have been attached as members thereof; and members of Excelsior Hook and Ladder Company removing out of the township, who shall join other companies duly organized, the time they shall have served as members of said company, shall be allowed as so much service to be computed with the time they may serve elsewhere in this state. Term of service, how computed.

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

Approved February 13, 1868.

CHAPTER XV.

An Act to incorporate the Bergen Base Ball Club of Bergen, Hudson county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas D. Harrison, Samuel McBurney, John Winner, junior, Jacob Sip, James McDougal, John V. B. Vreeland, John V. R. Vreeland, John Daumont, John P. Culver, Thomas Lowrie, John H. Wester- Corporators.

velt and such other persons as now are or may hereafter become associated with them, be and they are hereby constituted and made a body politic and corporate, by the name of "The Bergen Base Ball Club, of Bergen, New Jersey," and by that name they and their successors, may at all times hereafter be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in any court of law or equity or elsewhere.

Name.

Objects.

2. *And be it enacted*, That the objects of this club shall be the improvement and perfection of physical education, engaging in proper and lawful games of active exercise and amusement, and of promoting social intercourse among its members.

May hold real estate.

3. *And be it enacted*, That the said club shall and may at all times hereafter, be capable of having, holding, purchasing and possessing, any lands, tenements or hereditaments, (not exceeding in all twenty-five acres) or any personal estate, conveyed, devised or bequeathed to the said club, by any person or persons, body politic or corporate.

Powers.

4. *And be it enacted*, That for the purpose of carrying into effect the objects and purposes of said club, it shall be lawful for said club to hold upon their grounds from time to time, and as often as they shall deem proper, base ball, cricket and skating matches, or exhibitions of feats of strength, and all games requiring skill and science, and to give to all competitors at such games, matches and exhibitions, premiums and other rewards, and to ask, demand and receive, for the said club's own use, such reasonable fees for admittance of competitors and visitors, to the said grounds, games, matches and exhibitions, as the said club may deem proper.

Capital stock.

5. *And be it enacted*, That the capital stock of the said company shall not exceed thirty thousand dollars, and shall be divided into shares of ten dollars each, which shall be transferable in the manner and upon such conditions as may be prescribed by the by-laws of said club.

By-laws, rules, &c.

6. *And be it enacted*, That the said club, at any meeting of its members, shall have power to make and enact such constitution, by-laws, rules and regulations for the transacting, managing and conducting the affairs of said club, and for the maintaining and preserving good order and conduct among the visitors on the grounds and premises of said club, as they may deem necessary; *provided*, that the same shall not be

Proviso.

contrary to the laws or constitution of the United States, or of this state; and from time to time may alter, modify and repeal the same; and by said constitution, by-laws, rules and regulations, the said club may determine the amount of the uniform monthly payments to be required of each member of the said club for the maintenance and support thereof, and may thereby also determine the mode of suspension or expulsion of members for violation of, or disobedience to, the constitution, by-laws, rules and regulations, or any of them.

Officers.

7. *And be it enacted*, That the said club may by its by-laws determine and regulate what officers shall be elected or appointed to manage and conduct its affairs; the time, place, mode and manner of their election or appointment, and their powers and duties, and time of meeting.

Membership, how created.

8. *And be it enacted*, That no stockholder shall be entitled to vote in said club at any election for officers, or in any manner whatever, unless he shall have been elected to membership to said club; and any stockholder may be elected a member of said club at such time and in such manner, and under such conditions and restrictions as the by-laws of said club may prescribe; and each member shall be entitled to one vote and no more, at any election or meeting of said club; any member who may be expelled or suspended from membership in said club, under the constitution or by-laws thereof, shall not be entitled to vote at any election or meeting until he shall have been restored to membership in said club, or his suspension be removed.

May appoint persons to preserve order.

9. *And be it enacted*, That for the purpose of maintaining peace, good order and decorum upon the grounds and premises of said club, and among the visitors and spectators thereat, it shall be lawful for the said club to appoint from time to time, one or more fit, proper or discreet person or persons, who shall take and subscribe, before the sheriff or one of the judges of the court of common pleas in and for the county in which the grounds of the said club may be located, an oath or affirmation, which oath or affirmation shall be filed in the office of the clerk of said county, and shall be of the like form and effect as now required by law for constables to take and subscribe, and they shall have power and authority to arrest all persons who shall be found upon the grounds and premises of said club violating any of the laws of this state, or who shall there or in the immediate vicinity be conducting themselves in a disorderly manner, to the annoyance and dis-

turbance of said club or such visitors or spectators, or who shall disturb or wrongfully interfere with the peace and good order of said club at any of its public meetings, matches or assemblies; and the parties so arrested shall, as soon as conveniently may be, be taken before some justice of the peace of said county, and there to be dealt with according to law.

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

Approved February 13, 1868.

CHAPTER XVI.

An Act to incorporate the Vineland Beet Sugar Manufacturing Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Hiram W. Bostwick, William D. Kelly, Charles K. Landis, James H. Nixon, and W. O. H. Gwynneth, and their associates, shall be and they are hereby declared to be a body corporate and politic, in fact and in law, by the name of the "Vineland Beet Sugar Manufacturing Company," for the purpose of manufacturing beet sugar in any and every way; and for that purpose may hold such real estate, water privileges, machinery and effects as may be needful to carry on the said business, or may accrue to them in the course thereof, and may sell, mortgage, lease, or otherwise dispose of the same.

Name.

Capital stock.

2. *And be it enacted*, That the capital stock of the company shall be twenty thousand dollars, with the privilege of increasing it to five hundred thousand dollars, divided into shares of fifty dollars each; and the persons named in this act are hereby appointed commissioners to receive subscriptions to said capital stock, at such place in the town of Vineland as a majority of them may appoint, giving at least five days' notice in two newspapers published in said town; and as soon as five thousand dollars of said stock is subscribed, the said commissioners shall, by a like notice, call the first meeting of the stockholders, for the purpose of organizing said company.

3. *And be it enacted*, That the business of the said corporation shall be managed by seven directors, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices for one year, and until others are elected in their stead, and every year thereafter, at such time and place, and upon such notice as the by-laws may appoint, an election shall be held, at which election every stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock he may own. Directors, and how elected.

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

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

6. *And be it enacted*, That regular books of account shall be kept in the office of said company, in or near the town of Vineland, to which books every stockholder shall have free access, at all reasonable times, for the purpose of inspection. Books of account to be kept.

7. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions and liabilities set forth in "An Act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable; and the legislature may at any time hereafter, modify or repeal the same.

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

Approved February 13, 1868.

CHAPTER XVII.

An Act to incorporate the People's Mutual Fire and Marine Insurance Company of Hoboken, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, are hereby constituted and made a body politic and corporate, by the name of "The People's Mutual Fire and Marine Insurance Company of Hoboken, New Jersey," and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended, in all courts of law or equity, and by that name may have, purchase, possess and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels and effects, of what nature and kind soever necessary for the purpose of this corporation; and the same to grant, demise, alien and dispose of at pleasure for the benefit of the said company, and may also have a common seal, and alter and renew the same at their pleasure.

Name.

Capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the said capital stock to one million dollars at any time during the continuance of this charter; and when the said capital stock of one hundred thousand dollars shall be subscribed, and ten per centum of the said sum paid, or secured to be paid, that then the subscribers to said capital stock, upon ten days previous notice in a newspaper published in the city of Hoboken, given by the commissioners hereinafter named, shall proceed to the election of the board of directors, which said board of directors shall then proceed to the election of a president, a vice president, a treasurer, and secretary, and the appointment of such other officers as may be necessary to manage the business of the company, and the office of secretary and treasurer may be filled by the same person; and Lafayette Tompkins, John G. Trusdell, Morris K. Crane, Lorenzo W. Elder, J. Harvey Lyons, William C. Harp, and Hermann Lohmyer be and the same are hereby appointed commissioners to open the books for sub-

Commissioners to open books of subscription.

scriptions to the capital stock of said company, and that ten days previous notice of the time and place of the opening of said books shall be given by the said commissioners, or a majority of them, the said notice to be published in a newspaper in the city of Hoboken during said space of ten days; and that said books of subscription may be kept open as long as it shall seem best by the said commissioners or a majority of them so to do.

Capital stock may be increased.

3. *And be it enacted*, That the capital stock may be increased at any time by the directors to such amount as they may determine, not exceeding the amount provided for in the second section, and they shall open books of subscription for said increased capital stock after giving ten days previous notice in a newspaper published in the city of Hoboken; and the persons who shall then own the stock of said company shall have the privilege, for five days, of subscribing for said increased stock, and after that time, if not subscribed for by said stockholders, it may be subscribed for by others, and the terms of said subscription, as well as the balance of first subscription, shall be fixed and determined by the said directors.

Directors, and how elected.

4. *And be it enacted*, That the stock, property, affairs and concerns of said company shall be managed and conducted by thirty-one directors, seven of whom shall constitute a quorum to transact business, who may respectively hold their office for one year and until others may be chosen; and shall at all times during their continuance in office be stockholders in the said company in their own right, and the said directors shall hereafter be elected on the second Monday of January in each and every year, at such hour of the day, and at such place in the city of Hoboken as the board of directors for the time being shall appoint, of which election public notice shall be given in a newspaper published in the city of Hoboken at least ten days previous to such election; and every such election shall be by ballot and by a plurality of the votes cast in person or by proxy; and at every such election each stockholder shall be entitled to one vote for every share of stock he may have standing in his own name on the books of the company; and the first directors shall be A. O. Evans, Adolph Meckert, John Roemmelt, Herman Brunjes, John Gardner, Andrew Anderson, J. Harvey Lyons, Robert Hankins, Lorenzo W. Elder, Theophilus Butts, Peter Kerrigan, William C. Harp, W. W. Shippen, Herman Lohmyer, La-

First directors

fayette Tompkins, Hermann D. Busch, Charles F. Tag, William G. Shepherd, John G. Trusdell, William H. Child, Morris K. Crane, John H. Bonn, Joshua J. Benson, Frederick B. Ogden, George F. Oakley, Michael Coogan, Ralph Thomas, John Meighan, Graham M. Sinclair, Peter M. Reynolds and Thomas Mickens, who shall respectively hold their office until other directors are elected in their stead; and any vacancy in the office of president or director may be filled by a majority of the remaining directors, and in the absence of the president the directors may appoint a president pro tempore, who shall have authority to exercise the power of the president; and the board of directors shall have power to allow such compensation to the officers of, and others in the employ of the company for their services as they may in their judgment deem reasonable and right; and the said directors, or a majority of them, shall have authority to make all necessary rules, regulations and by-laws, as may be necessary and expedient for the management and conducting of the business of the company; *provided*, the same do not conflict with the laws of this state or of the United States.

Proviso.

Business of company.

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

Policies and contracts.

6. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by the said company may be made either under or without the seal thereof, and shall be subscribed by the president or by such other officer as may be designated for that purpose by the by-laws of said company, and attested by the secretary, and when so subscribed and attested, the same shall be binding upon the company according to the tenor, intent and meaning of this act, and of such policies or contracts; and all such policies and contracts may be made, subscribed, attested and executed and the business of the said company may be otherwise conducted and carried on without the presence of a board of directors by committee or otherwise, and the same shall be binding and obligatory on the said company.

7. *And be it enacted*, That the stock of said company shall

be deemed personal property, and as such assigned and transferred on the books of the company. Stock personal property.

8. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold such and so much real estate as shall or may be necessary for their convenient accommodation in the transaction of their business; and also to take and hold any real estate or securities, mortgaged or pledged to the said company, or to secure the payment of any debt which may be contracted with the said company, and to redeem the moneys so pledged or secured either at law or equity; and also to purchase on sales made under judgments at law or done in equity, or on any other legal proceedings, or otherwise to receive and take any real estate in payment or towards satisfaction of any debt previousty contracted and due to the said company, and to hold the same until they can conveniently sell or convert the same into money or other personal estate; and for the purpose of investing any part of their capital stock, funds or money, may purchase and hold any public stocks created by the incorporated cities, and of the townships and counties of this state or of the United States, or the states of New Jersey, New York, Ohio, Pennsylvania, Massachusetts and Connecticut, as also of the stocks or other securities created by said states or either ot them, or of the United States, or in bonds secured by mortgages on unincumbered real estate within this state worth double the amount of money invested or loaned. May purchase and hold lands

9. *And be it enacted*, That it shall be lawful for the directors of said company to make dividends of so much of the profits of the company as shall be deemed advisable, and the said dividends shall be paid to the stockholders or to their legal representatives. Dividends.

10. *And be it enacted*, That all persons who shall insure with the said corporation may participate in its profits during the period they may remain insured by the same, upon such terms and conditions as the directors by their by-laws may fix and determine; and the power conferred in this section shall not prevent the said company from issuing policies of insurance without the parties participating in the profits of the company.

11. *And be it enacted*, That the tax to be paid by the said company into the treasury of this state shall be at the rate expressed in an act entitled "An act to increase the revenues of the state of New Jersey," approved March sixth, eighteen State assessment, how paid.

hundred and fifty-eight, and shall be paid first upon the one hundred thousand dollars, and upon the increased amounts from time to time, and at the time or times the same may be increased; and that this act shall be and remain in force for the term of fifty years, and shall take effect immediately.

Approved February 18, 1868.

CHAPTER XVIII.

An Act to amend "An Act to authorize the inhabitants of the township of Wantage, in the county of Sussex, to raise money to pay bounties to volunteers, drafted men and for other purposes," approved March twenty-eighth, eighteen hundred and sixty-five.

Reduction of poll tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the poll tax of ten dollars, authorized in section seven of said act, be and the same is hereby repealed, and the sum of three dollars substituted in lieu thereof.

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

Approved February 18, 1868.

CHAPTER XIX.

An Act to incorporate the Jackson Fire Engine Company, Number Four, of the city of Paterson.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Sweeny, John O'Brien, Quinton Kane, John Hinchliff, Patrick Sweeny, Thomas McGinnis, Matthew Kane and Arthur Fitzgerald, and all persons who now are, or hereafter shall become associates of the "Jackson Fire Engine Company, Number Four, of the city of Paterson," be and they are hereby constituted and

Name.

declared to be a body corporate and politic, in fact and in law, by the name of the "Jackson Fire Engine Company, Number Four, of the city of Paterson," and by such name they shall have succession and be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever; and that they and their successors may have a common seal, make, enter into and execute any contracts or agreements touching or concerning the objects of said corporation, and shall have full power and authority to make, form and adopt such form of constitution and such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state or of the United States, as they shall think proper; *provided*, that the said company shall be subject to and be controlled by the same laws, ordinances, rules and regulations as the several companies of the fire department of the city of Paterson now are or may hereafter be subject to or controlled by. Name. Proviso.

2. *And be it enacted*, That the capital stock of the said company shall not exceed the sum of ten thousand dollars, which shall be applied to the purchase of such implements and machines, and to such other incidental expenses as shall to the said company appear best, calculated to secure the property of their fellow citizens from injury or destruction by fire. Capital stock.

3. *And be it enacted*, That the said capital stock of the said company shall be divided into shares of ten dollars each; and that at the time of subscription there shall be paid an installment of ten per centum on each share subscribed; the directors are authorized to call upon the said subscribers for the payment of further installments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures as they may deem expedient, until the whole amount of said shares so subscribed shall have been fully paid. Capital stock, how paid in.

4. *And be it enacted*, That books of subscription to the capital stock of said company shall be opened at the city of Paterson, at such time after the passage of this law as the members of said company shall deem proper.

5. *And be it enacted*, That the said company shall elect annually out of their own body a president, and such other officers and assistants as they shall deem necessary for con- Officers.

ducting their affairs according to their constitution and by-laws; and that the said president shall keep in his custody the common seal of the said company, and at the expiration of his term of office shall deliver it over to his successor; and in their corporate name may institute suits for the recovery of all fines, debts and arrearages due to the said company.

Annual statement.

6. *And be it enacted*, That an annual statement of the financial affairs of the said company, signed by the president thereof, shall be placed upon the records of said company, not less than fifteen days and not more than thirty days before each annual election.

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

Approved February 18, 1868.

CHAPTER XX.

A Supplement to an act entitled "An Act to incorporate the Schooley's Mountain Turnpike Company," approved March twenty-second, eighteen hundred and sixty-five.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty of the act to which this is a supplement, be so amended as to read that if said road is not commenced within five and completed within ten years from the first day of April, Anno Domini eighteen hundred and sixty-eight, then and in that case this act shall be void.

Construction of road.

2. *And be it enacted*, That said company shall not be required to construct that part of the road lying between Belmont Hall on Schooley's Mountain and the south branch of the Raritan in German Valley, unless the citizens living along that part of said road and in German Valley shall subscribe and pay in one-half of the capital authorized.

Rates of toll.

3. *And be it enacted*, That the said corporation shall have power to demand and receive toll for the use of their road at and after the following rates, that is to say:

For every carriage, sleigh or sled drawn by one horse, two cents per mile;
For every additional beast, one cent extra per mile;
For every horse and rider, or led horse or mule, one cent per mile;
For every dozen calves, sheep or hogs, two cents per mile;
For every dozen horses, mules or cattle, four cents per mile;
and that all parts of the act to which this is supplementary that are inconsistent with the provisions of this act, be and the same are hereby repealed.

Approved February 18, 1868.

CHAPTER XXI.

An Act to incorporate the Schooley's Mountain Hotel Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William W. Marsh, Theodore Little, William Dellicker, John Marsh, Joseph Heath, 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 "Schooley's Mountain Hotel Company," and by that name shall have power to lease, purchase and hold real estate in the township of Washington, in the county of Morris, and to erect a hotel and other buildings and improvements on any part of the 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. Corporators. Name.

2. *And be it enacted*, That the said corporation shall have power to raise by subscription a capital of one hundred thousand dollars, with the privilege to increase the same to one hundred and fifty thousand dollars, 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 Capital stock.

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.

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.

Directors how elected.

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

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.

6 *And be it enacted*, That annually, in the month of October, 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.

Commissioners to open books of subscription.

7. *And be it enacted*, That William W. Marsh, Theodore Little, William Dellicker, John Marsh and Joseph Heath, 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 the said county of Morris; and whenever the said subscriptions amount to at least fifty thousand dollars, the stockholders representing the same may convene upon the call of the said commissioners, or a majority of them, and elect such officers 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 February 18, 1868.

CHAPTER XXII.

An Act to incorporate the German Turnverein of the town of Orange, Essex county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Sebastin Trabold, Augustus Schwalm, Jacob Reinhardt, Maximilian Trabold, Frank Ferg, Peter Moore, Charles Jaeger, Louis Marshner, George Senning, John Wagner, Augustus Bauscher and John Lohrman, and such other persons as now are, or hereafter shall become members of the German Turnverein of Orange, are hereby constituted a body corporate by the name aforesaid. Corporators. Name.

2. *And be it enacted*, That the object of this society shall be the improvement of mental, physical, and corporal education. Object.

3. *And be it enacted*, That the said corporation shall have power to prescribe admission and expulsion of its members, and for the election, time of service, and duties of its officers.

4. *And be it enacted*, That the said corporation may purchase and hold real and personal estate for their use and benefit, the annual income of which shall not at any time exceed five thousand dollars. May purchase and hold real estate.

5. *And be it enacted*, That the said corporation shall possess all the powers and privileges, and be subject to all the restrictions and liabilities contained in the act entitled "An Act concerning Corporations," passed and approved February the fourteenth, one thousand eight hundred and forty-six, and the various supplements.

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

Approved February 18, 1868.

CHAPTER XXIII.

An Act to incorporate the Rahway Wood Works.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David Crowell, Joseph T. Crowell, J. Henry Stone, John C. Coddington and Orrin Van Derhoven, and such other persons as may be associated with them, their successors and assigns, be and they are hereby created a body corporate and politic, in fact and in law, by

Name.

the name of "The Rahway Wood Works," for the purpose of purchasing, manufacturing, and selling lumber, timber and plain and ornamental wood work, and articles required for the construction of buildings, carriages and other vehicles, and for erecting buildings and dealing in the materials necessary therefor; and for said purposes may purchase and hold such real estate and personal property as may be deemed needful or advantageous to carry on said works, and for securing debts that may become due to said corporation, and may sell, mortgage, lease, or otherwise dispose of the same, together with all the powers and privileges, and subject to such restrictions as are specified in the act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, and the act entitled "An Act concerning manufacturing corporations, approved March twenty-seventh, eighteen hundred and sixty-one, and the various supplements thereto, except as otherwise granted in and by this act of incorporation; and this act shall continue in force for the term of thirty years.

Capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, with power to increase the same to two hundred thousand dollars, to be divided into shares of fifty dollars each.

Corporators to open books of subscription.

3. *And be it enacted*, That the corporators above named, or a majority of them, may open books to receive subscriptions to the capital stock of said corporation, at such time and place, within the city of Rahway, as they may deem proper, giving at least one week's notice thereof in one or more newspapers published in said city; and that as soon as five hundred shares of said stock is subscribed, and ten per centum thereof paid, the said corporators, or a majority of

them, shall, by like notice, call the first meeting of the stockholders for the purpose of organizing the said corporation and electing directors.

4. *And be it enacted*, That said directors shall consist of five persons, who shall manage the affairs of said corporation, a majority of whom shall be residents of this state, and one of whom shall be president; such directors shall hold their office for one year, and until others are elected in their stead; and an election for directors shall be held yearly, at such time and place, and upon such notice, as the by-laws may direct, at which election each stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock by him or her respectively owned; and all vacancies in the board of directors may be filled for the unexpired term by appointment to be made by the remaining directors. Directors, and how elected.

5. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and shall be transferred in such manner as the by-laws may prescribe; and the directors shall be authorized to call in the subscriptions to the capital stock of said company, by such installments, and at such times as they may direct; and in case of the non-payment of said installments, or any of them, within thirty days next after the day fixed for that purpose, by public notice previously published in one or more newspapers printed in the city of Rahway, they shall have power to forfeit such share or shares upon which such default shall arise, to and for the use of said corporation. Stock, and how transferred.

6. *And be it enacted*, That regular books of account shall be kept in the office of said corporation; and no dividends shall be declared except from the net profits of the corporation; and it shall be lawful for the said corporation to grant certificates of shares in full or in part payment for the estate, rights, or property that may be purchased.

7. *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 the by-laws, 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. Failure to elect directors not to dissolve

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

Approved February 18, 1868.

CHAPTER XXIV.

An Act to confirm the acknowledgments and proofs of deeds and other instruments of writing taken by Hiram C. Clark.

Preamble. WHEREAS, it appears to the legislature that Hiram C. Clark was duly appointed on the fifth day of March, in the year eighteen hundred and sixty two, one of the commissioners to take the acknowledgments and proofs of deeds for the county of Sussex, and state of New Jersey, and was commissioned and sworn into office by virtue of said commission; and whereas, it appears that the same Hiram C. Clark, from a misapprehension of the time of expiration of his commission, continued to take ackowledgments and proofs after the time for which he was appointed had expired, by reason of which defective acknowledgments and proofs innocent persons may be subject to great loss; therefore,

Confirming acts of commissioner. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several acknowledgments and proofs of deeds and other instruments of writing taken and certified by the same Hiram C. Clark, as commissioner, after the expiration of the time for which he was commissioned, be and the same are hereby confirmed and declared valid and effectual in like manner as though the same had been taken and certified by him before the expiration of the time for which he was appointed.

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

Approved February 18, 1868.

CHAPTER XXV.

An Act to incorporate the Masonic Temple Association of Millville.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Elijah B. Richmond, John L.

Sharp, John W. Newlin, William L. Newell, William J. Thompson, James H. Nixon, Elwood Beakley, George W. Dummett and John B. Maddon, and the survivors of them, and their successors, free and accepted masons of the state of New Jersey, be and they are hereby created a body politic and corporate, in fact and in law, by the name of the "Masonic Temple Association of the City of Millville," for the purpose of purchasing land in the city of Millville, and erecting thereon a building and hall, and the transaction of such business as may be necessarily connected with the purchasing said land, and erecting, building, conducting, leasing or otherwise disposing of such building and hall, and for that purpose the said corporation shall have power to purchase, take, receive, have, possess and enjoy all such lands, tenements, property, goods, chattels and effects, as may be required for the purpose of the said corporation, and the same to grant, bargain, sell, alien, convey, lease, demise, mortgage, change, encumber and dispose of at their will and pleasure.

Name.

May purchase and hold lands

2. *And be it enacted*, That the persons named in the first section of this act shall have power to raise by subscription a capital not exceeding fifty-thousand dollars ($50,000), in shares of twenty-five dollars each, which shall be deemed personal property, and may be transferred on the books of said corporation in such manner as shall be prescribed by the by-laws; and whenever five thousand dollars ($5,000) shall have been subscribed and paid, or satisfactorily secured to be paid, the said persons, or a majority of them, shall convene a meeting of the stockholders, by ten days previous notice served upon said stockholders, or published in one newspaper in the city of Millville, for the same space of time, which notice shall specify the time, place, and object of the meeting, at which meeting the said stockholders who shall attend shall proceed to elect such directors as they may deem necessary; and such directors when chosen, and their successors, shall have power to appoint a president and such other officers, and make such by-laws as they may deem proper for the purposes aforesaid, not inconsistent with the laws of this state or the United States; and the remainder of the stock, if any, may be disposed of from time to time by the directors, and the directors shall hold their office for one year and until others are duly elected in their stead; *provided*, that the persons named in the first section of this act may be first directors of said corporation, with all the powers above pro-

Capital stock.

Directors, how chosen, and their powers.

Proviso.

vided, and may continue in office until the first annual election prescribed by the by-laws, and until their successors shall be duly elected; and any vacancy occurring in the annual elections may be filled by the survivors, or a majority of them.

3. *And be it enacted*, That no part of the capital stock shall at any time or under any pretence be withdrawn or refunded to the stockholders until all debts and liabilities of the corporation are fully paid, and each stockholder, at all elections for directors or for other purposes, shall be entitled to one vote for every share of capital stock held by such stockholders, which vote may be given in person or by proxy.

Annual statement.

4. *And be it enacted*, That at every annual meeting of said corporation the directors shall submit to the stockholders a written statement under the oath or affirmation of their president or treasurer of the amount of capital stock paid in, the amount of all existing debts and claims against the corporation, and of their receipts and credits of the preceding year; and such dividends may from time to time be declared by the directors as they shall deem proper, and be paid to the stockholders, but no dividend shall be declared except from the net profits of the said corporation.

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

Approved February 18, 1868.

CHAPTER XXVI.

An Act to incorporate the Squankum and Freehold Marl Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John D. Buckelew, John P. Stockton, Robert F. Stockton, John G. Stevens, Richard F. Stevens and Isaac S. Buckelew, and such others as may be associated with them and their successors, are hereby declared to be a body politic and corporate, by the name of the

Name.

"Squankum and Freehold Marl Company."

2. *And be it enacted*, That the amount of the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be deemed personal property, and which shall be transferable only on the books of this corporation. Capital stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to receive subscriptions to the capital stock aforesaid, at such time or times, place or places in this state, and upon such notice as they or a majority of them, shall think proper; and at the time of subscribing for said stock, five dollars on each share shall be paid to said commissioners, or shall be satisfactorily secured, and the residue of the subscription shall be paid in such installments, and at such times and places, and to such person or persons as the directors of said company shall from time to time direct, by giving twenty days' notice in a newspaper printed and circulating in the county of Monmouth; and upon failure of payment thereof, the said directors shall have power to forfeit the shares of each and every person so failing to pay said installments, or any of them, to and for the use of the said company; and whenever twenty thousand dollars of the capital stock aforesaid shall have been subscribed, such commissioners shall, as soon as they deem it expedient, give like notice of a meeting of stockholders, at such time and place as they may designate, to choose six directors, a majority of whom shall be residents of this state, who shall hold their office for one year, or until others are duly elected; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the directors chosen at such meeting, or at the annual elections of said corporation shall, as soon as may be after every election, choose out of their own number a president, who shall 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 then current year, by the said board of directors.

Corporators commissioners to open books of subscription.

Failure to pay installments to work forfeiture.

Directors, how appointed, &c.

4. *And be it enacted*, That the said company when organized as aforesaid, shall be and they are hereby authorized to purchase, take, have, hold, occupy and convey such and so many marl beds as they may deem proper, situate in the coun-

Objects and powers of corporation.

ty of Monmouth, and to open and work the same, and to transport the marl taken therefrom from place to place, and to vend the same, and to purchase, hold and convey such other lands, and to erect such buildings thereon as may be necessary or convenient for said business, and to build, hold and use the railroad hereinafter mentioned, and the lands necessary therefor, and to lay, keep and maintain drains through the contiguous and adjacent lands, for the benefit of their said marl beds, in the manner hereinafter mentioned.

May lay out and construct a railroad.

5. *And be it enacted*, That the directors of the said company are invested with full powers to lay out and construct a railroad in the county of Monmouth to run from some convenient point on the line of the Freehold and Jamesburg Agricultural Railroad at or near the village of Freehold to their said marl beds, at or near the village of Farmingdale, with such branches as may be deemed proper, not exceeding three miles in length, and to run engines and cars on said railroad for the transportation of their said marl; the land to be taken for said road not to exceed one hundred feet in width, and where the same shall cross any public highway, the crossing shall be made and maintained in good repair, so as not unnecessarily to impede the travel, or interfere with the public convenience.

Width of road.

May survey, lay out and construct road.

6. *And be it enacted*, That it shall be lawful for the said company, their officers, agents, engineers, superintendents and others in their employ, to enter at all times upon lands, for the purpose of surveying and laying out the route of the said railroad and locating said drains, or any or either of them, and of subsequently altering the location thereof, doing no unnecessary damage to private property; and when any part of the location of such road or drains, or any or either of them, shall have been determined on, and a survey deposited in the office of the clerk of the county in which such lands lie, the officers, engineers, agents, superintendents, contractors, workmen, and the persons in their employ, compensation being first made therefor in the manner hereinafter provided, may enter upon the possession of, and hold, use, occupy, and excavate any such lands or such parts thereof as may be necessary for the purpose aforesaid, and may erect embankments, viaducts, and all necessary works thereon, and may lay rails and do all other things which may be suitable and necessary for the making, completion or repair of said railroad, and may lay, make or repair said drains from their said

marl beds, and may carry fully into effect the objects of this act; and may take and use any stone, gravel, sand, clay or earth on or near the said route, which may be required for the construction of, repairing or altering the said railroad or drains, or any of them, or of any of their works or appendages, first making compensation therefor in the manner hereinafter provided.

Proceedings when company and owners cannot agree.

7. *And be it enacted*, That if the said railroad or drains, or any of them, shall cross any lands not owned by said company, or any materials shall be required for the construction thereof, and the said company shall fail to agree with the owner or owners thereof, or if, by reason of the legal incapacity or absence of the owner or owners, or want of knowledge as to the ownership thereof, or from any other cause, no such agreement shall be made, a particular description of the land or materials so required shall be given in writing, under the oath or affirmation of some engineer or other agent of said company, 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 circuit court of the county where such lands or materials may be, and in case of the same being in two counties, to a judge of the circuit court of either county, who shall cause the said company to give notice thereof to the person or persons interested, if known and in the state, or to make publication thereof as he shall direct for any time not less than fifteen days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three impartial and judicious freeholders, residents in this state, commissioners to examine and appraise the said land and materials required for said railroad, and assess the charges which will be occasioned thereby, or which may be occasioned, as the case may be, by the laying and maintaining said drains, or any of them, upon such notice given to the person or persons interested as shall be directed by said judge; and it shall be the duty of said commissioners, or a majority of them, having first taken or subscribed 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 a time and place appointed by said

judge in his said order of appointment, and upon such notice to the parties interested as said judge shall direct in said order, and proceed to view and examine the said land and materials as may be required for the purpose of this act, and to make a just and equitable appraisement or estimate of the value of the same; and an assessment of the damages which will be occasioned by laying and maintaining said railroad, or, as the case may be, to make an assessment of the damages which will be occasioned by the laying and maintaining said drains, or any of them, and which said assessment shall be paid by the said company, and which said report shall be in writing, under the hands and seals of the said commissioners, or a majority of them, and filed with the aforesaid description of the land or materials, and the appraisement and oaths or affirmations aforesaid in the clerk's office aforesaid, to remain of record therein, which report, or a copy of the same, duly certified by said clerk, shall (the appraisement and damages being first paid, or deposited in said clerk's office,) at all times be considered as plenary evidence of the right of said company to hold, use, occupy, possess and enjoy the said land or materials, or to make, maintain and repair the said drains.

May borrow money on mortgage.

8. *And be it enacted*, That it shall be lawful for the directors of said company, from time to time, to borrow such sums of money as may seem to them advisable for the purposes of their said business, and to secure the same by a mortgage or mortgages on the lands, railroad and other property of said company.

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

Approved February 18, 1868.

CHAPTER XXVII.

An Act to incorporate the Lake View Hotel Company of Passaic County.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That F. C. Beckwith, James Crooks, Adam Carr, George Christie and John W. Miller and their

associates and all other persons who shall become subscribers to and owners of the capital stock hereby created, shall be and they and their successors are hereby made and declared to be a corporation and body politic and corporate, in fact and in law, by the name of "The Lake View Hotel Company of Passaic County," and by that name shall have perpetual succession, and shall have power to have, hold, lease, purchase, sell and convey such real estate in the county of Passaic as may be necessary or proper for the erection thereon of a hotel for the accommodation of the public, and such other buildings and improvements as may be adapted to and be connected with such hotel and the maintaining and management thereof, and to transact all business that may be incident or appertaining to the erecting, furnishing, managing, conducting, leasing or otherwise disposing of such premises, with the buildings and improvements, or any of them thereon, and of the other property of said corporation. Name.

2. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing the same at any time by the vote of a majority of the board of directors to any sum not exceeding two hundred thousand dollars; said stock shall be deemed personal property, and shall be divided into shares of one hundred dollars each, to be transferable only on the books of the corporation, and in such manner as shall be prescribed by the by-laws of the said corporation; each share of stock shall entitle the bona fide holder thereof to one vote, to be given either in person or by proxy, at all meetings of the stockholders. Capital stock.

3. *And be it enacted*, That the said F. C. Beckwith, James Crook, Adam Carr, George Christie and John W. Miller, or the majority of them, are hereby constituted commissioners to open books of subscription to the said capital stock, at such time and place in said county of Passaic as they shall designate by notice to be published for at least one week in some newspaper printed and circulating in said county, and that when twenty-five thousand dollars of the said capital stock shall have been subscribed, and ten per centum thereon paid in cash, the said commissioners or a majority of them, shall call a meeting of the subscribers, giving at least ten days' notice of the time and place of such meeting in manner aforesaid; and when so met, the said subscribers shall have power to choose from their own number, by ballot and Commissioners to open books of subscription.

Directors, how elected.

by a majority of votes, a board of not less than five nor more than nine directors, to continue in office until the second Monday in April then next ensuing, and until others shall be chosen in their stead.

Powers of directors.

4. *And be it enacted*, That a majority of the board of directors shall constitute a quorum for the transaction of business, and that the said board of directors shall choose from their own number a president, and shall have full power and authority to make, alter and repeal all necessary by-laws, rules and regulations for the transaction of their business and the business of the said corporation, and to prescribe the way in which the subscriptions to the said capital stock shall be paid, and to impose penalties, including forfeiture of stock for non-payment of any installment, for neglect to make such payment in the way so prescribed, and to choose and appoint such officers and agents as may be requisite for the proper management of the affairs of the said corporation, and such officers and agents at pleasure to remove.

Annual election.

5. *And be it enacted*, That the annual election of directors of the said corporation shall be held on the second Monday in April in each year, at such time and place in the said county of Passaic, as the directors shall appoint, by notice given at least ten days previously, in some newspaper printed and circulating in said county; in case of a vacancy or vacancies in the board by death or otherwise, the remaining directors shall have power to fill the same until the next annual election.

Capital stock shall not be withdrawn.

6. *And be it enacted*, That the said capital stock shall not, nor shall any part of the same, be at any time, in any manner, withdrawn from the legitimate business of said corporation or refunded to the stockholders, or any of them, until all the debts and liabilities of the corporation shall have been paid and discharged.

Debts not to exceed capital stock.

7. *And be it enacted*, That the whole amount of the debts which said corporation shall owe at any one time, shall not exceed the amount of the capital stock subscribed for, and that the said corporation shall not be permitted to issue any bonds, mortgages or other obligations, exceeding in amount two-thirds of the actual paid in capital stock of said corporation or the actual value or consideration of any property owned by said corporation.

Annual statement.

8. *And be it enacted*, That annually at the meeting of the stockholders to be held as aforesaid on the second Monday in

April in each year, the board of directors of said corporation, for the time being, shall submit to the stockholders a written statement of the condition of the affairs of said corporation, including the amount of capital stock paid in, the amount of debts existing against said corporation, specifying to whom such debts are due, the receipts and credits of the corporation, which statement shall be verified by the affidavit of the treasurer, and the same shall be filed in the office of the secretary of said corporation.

9. *And be it enacted*, That no dividend shall be paid to the stockholders except only from and out of the surplus profits arising from the business of said corporation. Dividends.

10. *And be it enacted*, That the said corporation shall possess the several powers, and be subject to the restrictions and liabilities contained in the act entitled "An Act concerning corporations," and the acts supplementary thereto and amendatory thereof, so far as the same are applicable.

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

Approved February 19, 1868.

CHAPTER XXVIII.

An Act amendatory to the act entitled "An Act revising and amending the act to incorporate the city of Paterson," approved March fourteenth, eighteen hundred and sixty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the word "one" next preceding the word "chosen" in the fourth section of the act to which this is an amendment, be stricken out, and the word "two" be inserted in the place thereof, and that the said section and the said act shall be construed and given effect to, as if the said word "two" had been therein originally inserted. Amendment.

2. *And be it enacted*, That all acts and parts of acts, general or special, inconsistent herewith, be and they are hereby repealed, and this act shall take effect immediately. Repealer.

Approved February 20, 1868.

CHAPTER XXIX.

An Act to incorporate the New Jersey Medical Electrical Institute.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles J. Bernard, Samuel W. Carey, Charles Willin, John M. Beearman, senior, George Springsteen, Charles S. B. Beearman, Charles H. Long, and such other persons as may become associated as members of the corporation hereby created, are constituted and hereby created and declared to be a body politic and corporate, by

Name.

the name and style of "The New Jersey Medical Electrical Institute," and by that name they and their successors shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and may have a common seal, and change and alter the same at pleasure, and that they and their successors, by said name, shall be capable in law to purchase, take, receive and hold any estate, real or personal, either by devise or otherwise, to the use of them and their successors, and to lease, sell and convey, or otherwise dispose of the same, as to them shall appear most advantageous for promoting the purposes of their incorporation, the yearly income of such estate not to exceed ten thousand dollars.

Objects.

2. *And be it enacted*, That the said incorporation is hereby incorporated for the purpose of practicing, and of instructing members thereof scientifically in the art of curing diseases by the use of medical electricity, and for the purpose of advancing the science of electrical therapeutics, also for the encouragement of improvements in the construction of electrodes and other appliances to be used in the electropathic mode of treating disease, by giving lectures, bestowing rewards, and other benefits on those who shall make such advancement and improvements as aforesaid.

owers of corporation.

3. *And be it enacted*, That the said corporation shall have power from time to time to make and establish such by-laws, rules and regulations as they shall judge proper for the election of their officers, for prescribing their respective functions and the mode of discharging the same; for the admission of

members thereof; for the granting of diplomas; for the government of the officers and members thereof; for imposing and collecting fees from patients and students, fines and contributions from members; for regulating the times and places of meeting; for suspension or expulsion of such members as shall refuse or neglect to comply with said by-laws, rules and regulations, and generally for the management and direction of the affairs of said corporation, if not inconsistent with the laws of this state.

Officers.

4. *And be it enacted*, That the officers of the said corporation shall consist of a president, secretary and treasurer, and such officers of the said corporation as the members thereof may think fit from time to time to appoint; that the president, secretary and treasurer for the time being shall be the trustees of the said corporation, and shall continue in office for one year from the time of their appointment or election and until others shall be chosen in their stead.

5. *And be it enacted*, That Charles S. Bernard shall be the first president, Samuel W. Carey shall be the first secretary, Charles S. B. Beearman shall be the first treasurer, and shall be the trustees thereof until the second Monday in June, eighteen hundred and sixty-eight, and until others shall be elected in their stead as hereinafter provided.

Officers and trustees when and how appointed.

6. *And be it enacted*, That on the second Monday in June, eighteen hundred and sixty-eight, and on the second Monday in June in every succeeding year, there shall be a general meeting of the members of the said corporation at some convenient place in the city of Hoboken, which shall be notified by the said officers or trustees for the time being in one or more of the public newspapers published in the county of Hudson, at least five days before such meeting, and the members of said corporation who shall so meet, shall elect by ballot the said officers or trustees of the said corporation for one year then next ensuing, which election shall be held by three inspectors, to be appointed for that purpose by the said officers or trustees for the time being, and which inspectors shall be the judges of such election, and certify the persons elected to the respective offices aforesaid.

7. *And be it enacted*, That the said officers or trustees of the said corporation may demand and take security from their treasurer from time to time, for the faithful performance of the trust reposed in him, in such manner as to them shall

seem fit, and every contract or obligation for that purpose shall be valid in law.

Vacancies; how filled.

8. *And be it enacted*, That in case of the death, resignation, neglect or refusal to act of any of said officers or trustees, the members of the said corporation may, at any time of their regular meetings, elect by ballot any other officer or officers in their stead, who shall hold their offices until the next annual election, and until others shall be chosen in their places.

Failure to elect officers not to dissolve

9. *And be it enacted*, That if an election of the said officers or trustees shall not be held in any year at the time appointed for that purpose by this act, the corporation shall not for that cause be dissolved, but the said officers or trustees for the time being shall order such election to be held at such other time and place in said city as to them shall appear proper, giving the like notice thereof as is hereinbefore required in the case of a regular annual election.

10. *And be it enacted*, That this act shall take effect immediately, and shall be favorably construed in all courts and places for the purposes thereby intended, and no misnomer of the said corporation in any deed, grant, gift, devise, bequest, or other instrument, contract or conveyance shall defeat or vitiate the same, if the corporation be sufficiently described to show or ascertain the intention of the parties.

11. *And be it enacted*, That the legislature reserves the right at any time hereafter to repeal, alter or amend this act.

Approved February 20, 1868.

CHAPTER XXX.

Supplement to "An Act to create a new township in the county of Hudson, to be called the township of Weehawken," approved March fifteenth, eighteen hundred and fifty-nine.

Powers of township committee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Weehawken shall have power to pass, alter and repeal ordinances to take effect within said township for the

following purposes: first, to suppress and punish vice and immorality; second, to suppress riots and disorderly and tumultuous assemblies, and punish all persons engaged therein; third, to prevent and suppress all breaches of the peace, and to punish any party engaged therein; fourth, to prevent and suppress gaming houses, and to prevent and prohibit gaming, and to restrain and punish all mendicants, vagrants, beggars, prostitutes, and persons drunk or disorderly; fifth, to establish and regulate a public pound, and to restrain and regulate the running at large or grazing in public places of any animal, and to authorize the impounding and sale of the same for the penalty incurred and the cost of impounding, keeping and selling the same; sixth, to regulate and prohibit bathing in the adjacent waters; seventh, to establish, regulate and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and their compensation; eighth, to establish and maintain a township prison, and to authorize the commitment thereto of any person violating any ordinance of this township; ninth, to prescribe the duties and compensation of all officers appointed by said committee; tenth, to punish by fine or by imprisonment in the township prison, or by both, all violations of any ordinance of said township, and to provide all ways and means that said committee may judge necessary to carry into effect the provisions of this act, but no fine shall exceed twenty dollars or imprisonment two days.

Officers.

2. *And be it enacted*, That the township committee shall have power to appoint, by resolution, a keeper of the township prison, a pound-master, and such policemen as they may deem necessary; the chairman of said committee shall be the head of the police of said township, and he may at any time appoint such number of special policemen as he may deem necessary to preserve the public peace; but the said committee may at any time, by resolution, limit the number of said special policemen, the time their appointment shall continue, and their compensation.

Duties of justices of the peace under the ordinances

3. *And be it enacted*, That any justice of the peace in said township be and he is hereby empowered, on oath or affirmation that any person has violated any ordinance of said township, to issue a process, either in the nature of a summons or of a warrant, as he may deem best, against the person violating said ordinance, which process, if a warrant, shall be returnable forthwith, if a summons, within five days, and on the re-

turn of said process, or at any time to which said justice may adjourn the cause, the said justice shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleadings, and if judgment is rendered for the township, and the violation of the ordinance complained of is punished by imprisonment, he shall forthwith commit said person to the township prison for the time specified in said ordinance, and if the punishment is by fine, then he shall forthwith demand payment of said fine and of his costs, and in default of immediate payment, he shall commit said party to the township prison for a period not exceeding two days, but said party shall be discharged at any time by payment to the keeper of the prison of the amount of said fine and costs; in case of an adjournment, the justice may take bail for the party's appearance at the adjourned day, and in default of bail may commit said party to the township prison until the adjourned day.

Duties of policemen and constables.

4. *And be it enacted*, That any policeman or constable of said township seeing any person or persons violating any ordinance of said township, may at once without summons or warrant, arrest said person or persons, and take him or them before a justice of the peace in said township, who shall thereupon take the oath or affirmation of said officer, and thereafter proceed as if said person or persons had been brought before said justice by a warrant regularly issued by him for a violation of any ordinance of said township.

Ordinances, how posted.

5. *And be it enacted*, That every ordinance shall be posted in five of the most public places in said township by the clerk thereof, who shall at the expiration of said period, file in his office a copy of said ordinances, signed by himself and the chairman of such committee, with an affidavit of posting as aforesaid annexed thereto, and the said ordinance and affidavit, or copies thereof, certified by said clerk, shall be evidence in all courts and places that said ordinance has been duly passed and posted according to law; all fines collected for violation of any ordinance shall be forthwith paid to the township committee.

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

Approved February 20, 1868.

CHAPTER XXXI.

A Supplement to an act entitled "An act to incorporate the Cumberland County Steamboat Company," approved April third, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Cumberland County Steamboat Company be and they are hereby authorized to increase their capital stock to the sum of forty thousand dollars, with the privilege of increasing the same to one hundred thousand dollars. Increase of capital stock.

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

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

Approved February 20, 1868.

CHAPTER XXXII.

A Further Supplement to the act entitled "An act to incorporate the Schooley's Mountain Manufacturing Company," passed February twenty-seventh, eighteen hundred and thirty-eight.

WHEREAS, by means of death and other cause the corporators heretofore appointed under the original act have never organized said company; and whereas, the original act and supplement thereto cannot now be carried into effect without the appointment of new corporators; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William W. Marsh, Joseph Heath, Hampton O. Marsh, and William Dellicker, be and they are hereby appointed and declared to be corporators under the said act and supplement thereto, until others may be New corporators.

appointed in their stead, with all the powers and authority given to the original corporators in said act, to proceed in the premises.

May purchase and lease real estate.

2. *And be it enacted*, That it shall and may be lawful for the said company to purchase or lease real estate, either in the counties of Morris, Sussex or Hunterdon, as the directors of said company may deem expedient, for the purposes contemplated in the original act of incorporation.

Approved February 20, 1868.

CHAPTER XXXIII.

An act for the relief of the Third Street Methodist Episcopal Church of Camden City, in the County of Camden, New Jersey.

May sell and deliver church property.

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 trustees to the Methodist Episcopal Church at Camden" (known as Third Street Methodist Episcopal Church) to sell either at public or private sale, the whole of their church property, situated on the southwest corner of Third street and Taylor's avenue in the city of Camden aforesaid, and any portion of their other church property situated on the east side of Third street, bounded by Bridge avenue and Mickle street in the city aforesaid, as may seem proper and advisable, and to execute and deliver to the purchaser or purchasers thereof, under the seal of the trustees of the said church, a good and sufficient deed or deeds therefor, which deed or deeds shall convey to and vest in the purchaser or purchasers a good and valid title in fee simple in said church property, free and clear and absolutely discharged of and from all trusts whatsoever, and the purchase money of said sale or sales shall be applied to church purposes.

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

Approved February 20, 1868.

CHAPTER XXXIV.

An Act to incorporate the Central Brick and Tile Manufacturing Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Bergen, Andrew V. D. B. Vasseller, Henry V. Hoagland, Abraham Gulick and John S. Randolph, and such other persons as may hereafter be associated with them, and 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 Central Brick and Tile Manufacturing Company," for the purpose of carrying on a general manufacturing of all species of brick and draining tile in the county of Somerset.

Name.

Capital stock.

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

Corporators to open books of subscription.

3. *And be it enacted*, That the persons named in the first section of this act, or a majority of them, may open books to receive subscriptions to the capital stock of said corporation at such time or times, and place or places in the county of Somerset, in this state, as they may think proper, giving notice thereof for at least two weeks previously by publishing the same in one of the newspapers published in said county; and as soon as twenty-five thousand dollars of the capital stock shall have been subscribed, and ten per centum of the amount subscribed paid in in cash, to give notice for a meeting of the stockholders to choose five directors, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote, and the persons having the greatest number of votes, being stockholders, shall be declared elected directors, and that the directors chosen at one election shall be capable of serving, by virtue thereof, until another election shall have been held; and the said directors shall elect one of their number as president,

Directors, and how elected.

and have power to elect a general superintendent to oversee the business affairs of said corporation, and shall appoint such clerks as may be deemed necessary, and give them such compensation as a majority of such directors shall determine.

Powers of directors.

4. *And be it enacted*, That the said directors may, from time to time, call for and demand of the stockholders respectively all such sums of money as are by them subscribed, at such times and in such proportions as they shall deem proper, under the penalty of the forfeiture of their stock and all previous payments thereon to the said corporation, if such payments shall not be made within thirty days after the day fixed for that purpose, by a notice served personally on each, designating the portion of such payment per share, and the time and place, when and where the officer to whom the same shall be required to be paid; and that the said directors shall have power to make by-laws for their own government; *provided*, the same be not inconsistent with the provisions of this act, or with the constitution of the United States or of this state.

Proviso.

Annual election.

5. *And be it enacted*, That the directors of said corporation shall be elected annually in every year, and that such elections shall be held at such time or times, and place or places in said county, as shall be directed by the by-laws of said corporation.

May hold real estate.

6. *And be it enacted*, That the said corporation may rent, or purchase and hold such real estate as may be required for the purposes of said corporation, and may erect and build thereon such houses, warehouses, machine shops, machinery, and all buildings and improvements for the necessary uses of said corporation.

7. *And be it enacted*, That this act shall continue and be in force for the space of thirty years from its date, and that it take effect immediately.

Approved February 20, 1868.

CHAPTER XXXV.

A Supplement to the act entitled "An Act to incorporate the Union County Building and Improvement Company," approved March thirteenth, eighteen hundred and sixty-six.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joel B. Laing be, and is hereby declared to be one of the corporators of the said Union County Building and Improvement Company, in place of Benjamin M. Price, named in the first section of the act to which this is a supplement. Joel B Laing a corporator.

2. *And be it enacted*, That the real estate purchased or buildings erected by said corporation, may be disposed of to shareholders or others, at prices to be fixed from time to time by the board of directors; and loans for building purposes only, may be made to shareholders, in such manner as may be prescribed by the by-laws of said corporation; *provided*, that no premium given for priority of loan, or acquisition of real estate, shall be deemed to be usurious. May sell real estate to shareholders and others,&c. Proviso.

3 *And be it enacted*, That the said corporation may issue stock in full or part payment for real estate purchased; *provided*, that no special stock shall be issued except in the manner authorized by the act entitled "An Act concerning Manufacturing Corporations," approved March twenty-third, eighteen hundred and sixty. May issue stock for real estate.

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

Approved February 20, 1868.

CHAPTER XXXVI.

A Further Supplement to an act entitled "An Act to incorporate the General Accident Insurance Company," approved March ninth, eighteen hundred and sixty-six.

May establish a tontine fund.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said company may establish and receive subscriptions to a tontine or insurance fund, to be paid over to the surviving subscribers thereto, in such amounts and at such time or times as may be agreed upon between the company and such subscribers; and also make such charges upon such fund for the care and management thereof as may, in like manner, be agreed upon, with power also to establish and receive subscriptions to more than one such fund.

May grant annuities and insure lives

2. *And be it enacted*, That said company may grant, purchase or dispose of annuities, present or deferred, on the lives of individuals; and make every insurance upon or appertaining to the lives of individuals, or connected therewith.

May insure lives for the sole use of wife, &c.

3. *And be it enacted*, That said company may insure the life of any person for any definite period, or for natural life, in favor of and for the sole use and benefit of the wife, husband, child or children of the insured, in the name of the beneficiary of such insurance, or in the name of a third person, with his assent as trustee; and in case such beneficiary shall live until the sum or net amount of insurance shall become due and payable, by the terms of the contract in that respect, then such sum or net amount shall be payable to such beneficiary or trustee, as the case may be, free from all claims of the representatives or creditors of the insured; or in case such beneficiary shall not so live, then such sum or net amount may be made payable, in like manner, to the legal representative of the beneficiary, for their use, or their guardian, if under age.

Approved February 20, 1868.

CHAPTER XXXVII.

A Supplement to an act entitled "An Act to incorporate the Sweedesboro Railroad Company," approved February twenty-third, eighteen hundred and sixty-six.

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

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

Approved February 20, 1868.

CHAPTER XXXVIII.

A Supplement to the act entitled "An Act to incorporate the Vineland Railway Company," approved April ninth, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Vineland Railway Company are hereby authorized to build their railroad from a point at or near the corner of Post road and Lincoln avenue in Vineland, to a point forming a junction with any railroad, at or near either Pemberton or Vincentown, in Burlington county, subject to the same restrictions, terms and liabilities as the act to which this is a supplement. Authorized to build railroad between certain points.

2. *And be it enacted*, That the commissioners appointed as provided in the act to which this is a supplement, to examine and appraise the land or materials, and to assess the damages which may be sustained in consequence of the construction of the said Vineland Railway, shall take into consideration all the benefits to be derived from or in consequence of the said railroad to the owner or owners, and make a just and equitable estimate or appraisement of the value of the same, and assess- Commissioners shall assess benefits as well as damages.

ments of damages to be paid by the company for such lands or materials and damages aforesaid.

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

Approved February 20, 1868.

CHAPTER XXXIX.

An Act to facilitate the collection of taxes in the township of Mullica, in the county of Atlantic.

Power to enforce collection of delinquent taxes

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Mullica, in the county of Atlantic, shall have power to enforce the collection of all delinquent taxes assessed on any real estate in said township during the year of our Lord one thousand eight hundred and sixty-seven, and thereafter, by exposing the same for sale, or so much thereof as may be sufficient to pay said taxes, and the costs thereon, at public vendue, to the person or persons who will take the least quantity of said land, to be laid out in one body, and to commence at some designated corner of the premises on which said delinquent taxes are claimed to be due; and in cases where the said committee may deem it for the interest of the township, they may authorize the treasurer of the township to appear at such sale, and bid on such lands as are offered for sale as aforesaid, in the name of the township; the lands so sold to him, if any, to be the property of said township.

Township collector must make return of unpaid taxes.

2. *And be it enacted*, That no land shall be sold by virtue of this act until the township collector shall have made a return to the township committee, that the taxes assessed on said lands are unpaid, and have by him been returned as delinquent, and shall verify the same by his affidavit attached thereto; and the collector neglecting or refusing to make such return and affidavit on or before the annual township meet for the election of officers, shall be liable to the township all of said unpaid and delinquent taxes not so returned.

3. *And be it enacted*, That within ten days after the said

return by the collector of the township, the township committee shall cause a copy of said return to be recorded in the clerk's office of said township, and a copy thereof to be posted in at least three public places in said township, one of said places to be at the place where the last election of said township was held, the same to be certified to and signed by the clerk of the township. Proceedings consequent on such return.

4. *And be it enacted*, That if any of said delinquents, at any time before the expiration of twenty days after the first posting of said notices, shall appear before said clerk, and pay said delinquent taxes and the costs, together with the additional sum of fifty cents as registry fee for said clerk, then, in such case, the clerk shall receive the same in the name of the township committee, and give his receipt therefor; but in case such delinquents do not appear and make the said payment within the said twenty days, the township committee shall cause a certified copy of the said return and affidavit of the collector to be published in one or more newspapers published in said county, at least six weeks, specifying the time and place where the same will be sold at public vendue as aforesaid, for the collection of said returned and delinquent taxes.

5. *And be it enacted*, That on the day mentioned in said notice, or on some adjourned day thereof, the chairman of the said committee shall at the hour named in said notice, proceed to sell the several tracts or parcels of land returned and unpaid, and in the order so returned, at public vendue as aforesaid, to the person or persons who will take the least quantity of said premises so offered, and pay the amount of said delinquent taxes with the costs of advertising and sale. Upon due notice may sell lands.

6. *And be it enacted*, That immediately after such sale the township committee shall execute and deliver to such person or persons, who may become the purchasers of said lands, a certificate of such sale, describing the piece, or several pieces so sold, as the case may be, together with the amount paid for the same, entitling the holder thereof to a deed of the premises so sold; *provided*, that the owner or owners of said land or lands, do not within six months from the date of said certificate, appear before the said committee and deposit with them for the purchaser of said land, the amount so paid by him, together with fifteen per cent. interest, in which case the said certificate shall be deemed to be canceled, and the amount May execute and deliver certificate of sale. Proviso.

so received shall on demand, be paid to the party holding and owning such certificate.

If not redeemed within six months a deed executed and delivered.

7. *And be it enacted*, That if at the expiration of six months from the time of said sale, the owner or owners of any land so sold does not appear to redeem said land as aforesaid, then the said township committee shall execute to the holders and owners of said certificate a deed of the premises described therein in their corporate name, the party receiving said deed to be at the expense of the revenue stamps and the acknowledging of the same, and on the delivery of said deed, the sale shall be final, and the title to such lands pass irrevocably to the holders thereof.

8. *And be it enacted*, That a majority of the said committee shall constitute a quorum for the purposes of this act, and may adjourn from time to time as they shall judge proper.

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

Approved February 20, 1868.

CHAPTER XL.

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

Powers under ordinances to lay out or open streets, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the common council shall determine by ordinance to lay out or open any street, road, highway or alley, public park or square within said city, or to alter, widen or straighten any street, road, highway or alley, or to make any sewer or drain in any part of said city, and to take and appropriate for such purpose any land and real estate, it shall be lawful, and they may, if they deem best, immediately proceed to appoint five disinterested freeholders of the said city, residing in different wards, commissioners to make an estimate and assessment of the damages that any such owner or owners will sustain by taking and appropriating in the manner aforesaid, such lands and real

estate; and the awards of such commissioners shall be payable to said owner or owners at the expiration of six months from the date of the ratification of the same by the common council, unless the said common council sooner take possession of the said lands or real estate, in which case the said awards shall be payable from the date of such possession, and the interest on said awards shall commence at the expiration of the said six months from the date of the ratification, or in case the said common council sooner enters into possession, then from the date of such possession.

Failure to ascertain the names of owners of property assessed no bar to collection.

2. *And be it enacted*, That whenever any assessment for opening, paving or grading any street, alley or highway, or for improving the same, or for laying out any public park or square, or for the constructing any sewer or drain, is laid upon any land or real estate in the city of Newark, it shall be the duty of the city surveyor, in cases where the assessment is laid by him, or of the commissioners appointed to make such assessment, to use diligent efforts to ascertain the names of the owner or owners thereof, but the failure to so ascertain the names shall not be a bar to the collection of said assessment, but the assessment shall be a lien upon the said lands or real estate, as though the correct names of the said owners had been obtained.

Publication of proceedings.

3. *And be it enacted*, That all proceedings under the act to which this is a supplement, and under the various supplements thereto may, at the discretion of the common council, be published in two newspapers published in said city, in addition to the two now authorized, in which case one of the four shall be a paper published in the German language; and the expense of the same shall be added to the whole costs, damages and expenses of the improvement in respect to which such proceedings were taken; but nothing herein shall invalidate any ordinance or proceedings, nor shall the want of, or any defects or informalities in such publication, be construed to affect the legality of such ordinance or proceedings; *provided*, the publication is duly made in two newspapers of said city, as now required by law; and when any officer of said city has neglected to sign any ordinance engrossed in the book provided for engrossed ordinances, or has failed to do so by reason of his office having expired before such ordinance was engrossed, it shall be lawful for him to sign the same though not in office, and the same shall be as good and effectual in law as if signed by him while in office, which

Proviso.

Neglect to sign ordinances, how remedied.

said book shall be taken and received as conclusive evidence of the passage, according to law, of all ordinances recorded therein.

4. *And be it enacted*, That hereafter it shall not be necessary for the common council to publish in more than one of the corporation newspapers the full trial balance sheet from the ledger of the city auditor for the preceding month, and the balance sheet presented by the city treasurer at the regular monthly meeting of said common council.

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

Approved February 20, 1868.

CHAPTER XLI.

An Act to incorporate Washington, in the county of Warren, into a borough or town corporate.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that tract of land situate, lying and being within the limits and boundaries hereinafter mentioned and described, that is to say: Beginning at the centre of the bridge crossing the Morris canal, near Joseph Kinneyman's, and runs from thence south forty-seven degrees west fifty-two chains, to a stake and stones near Cornelius Carhart's, and runs from thence south eleven and one-quarter degrees east ninety chains to a heap of stones, and runs from thence north sixty-three and three-quarter degrees east one hundred and fifty-six chains to a stake, from thence north twenty-two degrees west fifty-nine chains to a stake on the lands of Elijah Dilts, and runs from thence north eighty-nine degrees west ninety-seven chains and fifty links, to the place of beginning, shall be, and the same is hereby ordained, constituted, and declared to be a town corporate, and henceforth shall be called, known and distinguished as the inhabitants of the borough of Washington, in the county of Warren.

2. *And be it enacted*, That the said corporation, in addition to the rights, privileges and immunities granted, and the

duties and obligations imposed by this act, shall be entitled to all the rights, privileges and immunities conferred, and subject to all the duties, restrictions and liabilities imposed by the laws of this state upon the inhabitants of the several townships thereof, so far as the same are consistent with the provisions of this act.

Town meetings.

3. *And be it enacted*, That the inhabitants of the said borough of Washington, qualified by law to vote, shall hold a town meeting on the second Monday of April next, at Samuel Weller's hotel, in Washington, at ten o'clock in the forenoon, which meeting shall close at four o'clock in the afternoon, and on the second Monday in April of every year, at the same hour, and at such place in said borough as the electors thereof at their annual town meeting shall from time to time direct and appoint, which meetings, and such other town meetings as may from time to time be convened, shall be organized and conducted in the same manner as the town meetings of the present township of Washington are.

Officers to be elected by ballot.

4. *And be it enacted*, That at such annual town meeting the citizens of said borough qualified to vote as aforesaid shall elect by ballot the following officers, all of whom shall be residents in said borough, and who shall be voters and qualified to hold office, to wit: one mayor who shall hold his office for one year, six common councilmen who shall be elected for one year, one assessor, one collector, who shall be inspectors of elections, one clerk, one judge of election, one chosen freeholder, one street commissioner, two surveyors of the highways, three commissioners of appeal in cases of taxation, one or more constables, one or more overseers of the poor, and as many poundkeepers as the inhabitants of the said borough shall deem necessary, and as many justices of the peace as the inhabitants of the said borough may be entitled to elect, all of whom shall take the same oath or affirmation, give the same security for the performance of their respective duties, hold office for the same time, and in all respects have the same powers, privileges and jurisdiction, perform the same duties, and be subject to the same restrictions, liabilities and penalties as the like officers elected by any township in this state, unless where otherwise directed and provided by this act, but in all such cases where the word township occurs in the form of any oath or affirmation, bond or obligation, or in any other form prescribed by law, the word borough shall be substituted.

Judges of election.

5. *And be it enacted*, That the first election of town officers shall be held by the persons chosen by voters present, to preside at or superintend the town meeting, who shall act as judge of election in other elections, and two inspectors of election, who together with the clerk to be chosen for such meeting, shall be chosen in the same manner, and all subsequent elections by the judge of elections, and the assessor and collector who shall be inspectors of elections in said borough, a majority of whom shall determine all questions respecting the right of voting at such elections, which election shall close at the hour of four o'clock in the afternoon, and shall be conducted in the same manner and form as the annual town meetings of the township of Washington, in Warren county, and the said board of election shall in all things conform to the laws of this state regulating elections.

Vacancies, how filled.

6. *And be it enacted*, That if the inhabitants of said borough shall fail or neglect at their annual town meeting, to choose any of the officers required to be chosen, or if any of the officers chosen shall die, remove out of the borough, refuse to serve, or become incapable of serving, the vacancies may be supplied by elections held in the manner directed in the preceding section, at town meetings to be called for the purpose, in the same manner as in the townships, and in case of the neglect of the electors for fifteen days after such failure or omission to choose, or after the death, removal, refusal or inability of any such officers, justice of the peace excepted, the common council, shall by writing under their hands and seals appoint suitable persons to fill such vacancies, and the persons so appointed shall during the remainder of the term of said officer, possess the same power and privileges, and be subject to the same laws, rules and regulations as such officers elected at the annual town meeting.

Meetings of common council.

7. *And be it enacted*, That the mayor and common councilmen shall constitute the common council of said borough, and the said common council shall meet at such times and places as the said common councilmen may by their by-laws appoint, and special meetings of the common council may be called by the mayor or by any three members, by giving such notice as the by-laws may require; at the meetings of the common council the mayor shall preside, but in his absence the other members may appoint any one of their number chairman pro tempore; four members shall constitute a quorum to do business, and each member present shall be entitled to a vote,

the said common council and its members collectively and individually, shall possess the powers and perform the duties which by law belong to or are imposed upon the township committee of the townships, and the members of each collectively and individually, when performing the duties belonging to the said township committees shall receive the compensation allowed by law for the performance of such duties, but shall not be allowed compensation in more than one character for any day's service, and shall not be allowed for more than five days pay during a year for duties as such council, and they shall be entitled to no other pay or compensation for their services as members of the common council, except for their actual and necessary expenses in discharge of their duties.

Powers and duties of common council.

8. *And be it enacted*, That it shall and may be lawful for the said common council, by not less than four concurring votes, to pass and enforce all such by-laws and ordinances as they shall judge proper for regulating, cleaning, widening and keeping in repair the streets, sidewalks, and highways and public alleys in said borough, preventing and removing all obstructions and encroachments in and upon the same; preventing immoderate riding and driving through the streets, and riding or driving on the sidewalks, for regulating and preventing the running at large of cattle, horses, sheep, goats, swine and geese, for preventing, abating and removing nuisances, for lighting the streets, for preventing and restraining riots, routs, disturbances, disorderly assemblages, noisy, disorderly or indecent conduct and drunkenness, for suppressing disorderly or gaming houses and groggeries, and for suppressing vice and immorality, for gravelling, grading and paving streets and sidewalks, for protecting shade and ornamental trees on the streets, highways and public grounds, for protecting public property and property belonging to the said corporation, and for providing for a supply of water for the use of the inhabitants of said borough, and for providing means for suppressing and preventing fires, for regulating and prescribing the duties of fire engineers and firemen, for the preventing and carrying on of dangerous and noxious manufactures and business, for appointing watchmen and prescribing their powers and duties, and appointing one or more police officers for said borough, and regulating the police of the borough, for establishing and regulating public pounds, for restraining street begging, vagrancy and mendican

such other by-laws and ordinances for the peace and good order of said borough as they may deem expedient, not repugnant to the constitution or laws of the United States or of this state, and to enforce the observance and obedience of all such by-laws and ordinances by enacting penalties for the violation thereof, either by imprisonment not exceeding seven days, or by fine not exceeding fifty dollars, recoverable with costs in an action of debt in the name of the treasurer of the borough of Washington, without specifying the individual name of the treasurer for the time being, before any justice of the peace residing in the said county of Warren, or in any county where the offender shall reside, in which action it shall be lawful to declare generally in debt for such penalty, and give the special matter in evidence; and further, the said mayor and justice of the peace in said borough, are hereby constituted and declared to be conservators of the peace for the same, and each of them is authorized and empowered to enforce the penalty of imprisonment for violations of the by-laws and ordinances passed as aforesaid, by warrant, under the hand and seal of said justice or mayor, who shall hear and determine the cause, and commit the person so offending, directed to the keeper of the Warren county jail, who is hereby authorized and required to keep the persons so committed, or to such place of confinement as shall be provided by the said common council of said borough; *provided always*, that each and every ordinance and by-law so passed as aforesaid, shall be published for the space of twenty days in at least one newspaper circulating in said borough, or posted up in three of the most public places in said borough, before such by-law or ordinance shall go into effect; *and provided, also*, that no such by-law or ordinance shall be enacted or passed unless the same shall have been introduced before the common council at a previous meeting.

Proviso.

Proviso.

May appoint policemen.

9. *And be it enacted*, That the said common council is empowered and authorized to appoint under their hands and seals one or more person or persons to act as policemen, who shall receive for his or their services such compensation as the said common council of said borough shall deem expedient and just; and such person or persons so appointed by the said common council as aforesaid, in addition to the duties imposed upon him or them as policemen of said borough, is empowered and authorized to act as constable in the service of any summons, writ or process issued out of any court for

the trial of small causes in the county of Warren, in the same manner and form as constables of the townships, and shall take the same oath or affirmation for the faithful performance of their duties, and shall give such security for the faithful performance of their duties, as the said common council shall require, and shall receive, in addition to his or their salary, the same fees as are by law allowed to constables of the townships for the service of any writs or process.

May build and maintain a town hall, prison, &c.

10. *And be it enacted*, That it shall be lawful for the common council of said borough to purchase, procure, build and maintain a suitable place for holding elections and the meetings of said council, and place of confinement to imprison persons convicted of offences against the laws and ordinances of said borough.

May regulate highways, streets, &c., by ordinance.

11. *And be it enacted*, That it shall be lawful for the common council of said borough to make and establish ordinances and regulations for the leveling, grading and paving the highways, streets and alleys, and for flagging, graveling, grading and repairing the sidewalks of the same, by the owners of lots fronting and adjoining such highways, streets and alleys, and to appoint one or more skillful person or persons, if necessary, to prescribe the manner in which the same shall be performed.

Further proceedings if owners shall neglect to comply with ordinance.

12. *And be it enacted*, That if the owner of any lot, in front whereof the sidewalks shall by such ordinance or regulation be directed to be leveled, graded, flagged, graveled or repaired, shall neglect to comply with such ordinance or regulation, within forty days from its passage or adoption, it shall be lawful for said common council to cause the same to be leveled, graded, paved, flagged, graveled or repaired as aforesaid, and to keep an accurate account of the costs and expenses thereof, and shall also file a bill of the particulars of such costs and expenses with the clerk of the said corporation.

Costs and expenses to remain a lien on real estate.

13. *And be it enacted*, That the costs and expenses so made and filed as aforesaid shall be and remain a lien on such lot, with the appurtenances, from the time of the completion, and filing a bill of the particulars of the costs and expenses incurred in leveling, grading, paving, flagging, graveling or repairing such sidewalks on such highways, streets and alleys as aforesaid, until the same shall be paid or otherwise satisfied; and it shall be lawful for said common council, in case the owner of any such lot, or house and lot within the said

borough, shall neglect as aforesaid to comply with such ordinance and regulation in respect to the sidewalks in front thereof, to cause the said costs and expenses of such improvement to be paid out of any moneys in the hands of the treasurer of said borough, and to sue for and recover, in the name of the treasurer of said borough of Washington, for the use of the inhabitants of said borough of Washington, the amount so paid from the owner or owners of such lots, or house and lot, or his or her legal representatives, with the interest and costs, in any court of this state having cognizance of such sum, in an action on the case for so much money by them paid, laid out and expended to and for the use of such owner or owners, or his or their legal representatives, and such bill of the costs and expenses, with proof of the amount paid, shall be conclusive evidence for the plaintiff in every such action.

Inhabitants not incompetent as witnesses.

14. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact in which the corporation is a party, or in which it is interested in any way, no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant or freeholder of said borough; and if any person shall be sued or impleaded by reason of anything done by virtue of this act, it shall be lawful for such person to plead the general issue, and give this act and the especial matter in evidence at the trial.

Oaths to be administered to officers.

15. *And be it enacted*, That the mayor and common councilmen and street commissioner shall each, before entering upon the duties of his office, take and subscribe an oath or affirmation before any person duly authorized by law to administer oaths, faithfully and impartially, to execute the duties of his office, which oath shall be filed and kept by the borough clerk.

Powers of the mayor.

16. *And be it enacted*, That the mayor of the said borough is hereby empowered to administer oaths and affirmations in all cases where they are directed to be taken before him, or are prescribed by law, without designating before what officer, or are proper and necessary in the discharge of his duty, and the said mayor may authorize and require the policemen of the said borough to execute all warrants or other processes issued by him in the discharge of his duty, under the same liabilities and penalties that are subject in case of warrant or other process issued by a justice of the peace.

Duties of treasurer.

17. *And be it enacted*, That the common council shall choose annually a suitable person for treasurer, who shall

serve one year or until a suitable person as his successor is appointed and sworn into office, whose duty it shall be to demand and receive all moneys or other property belonging to, or due and owing in any way to the said corporation from the collectors and other officers, who may have collected or received, or who may hold the same, and safely keep the same, and all vouchers therefor, to pay out such moneys on the warrant of the common council for the same, and at the expiration of his term of office to pay over and deliver to his successor, all such moneys, property and vouchers therefor, as may be in his hands, and once in each year to make out a full and true account of all moneys raised by tax or otherwise, for the use of said corporation, and of the application and expenditure of the same, and deliver the said account to the borough clerk, at least thirty days previous to the annual town meeting, and said clerk shall file the same in his office, and cause a copy thereof to be published in one or more newspapers circulating in said borough, at least ten days previous to the said meeting, and the accounts of the said treasurer shall at all times be subject to the examination of the common council, who in case of default or violation of duty may remove him from office, and appoint another in his stead for the remainder of the year, and until a successor is elected or appointed, and sworn into office, and if the said borough treasurer shall neglect or fail to deliver to the borough clerk, an accurate account of all the moneys received and paid according to the provisions of this section, he shall forfeit the sum of fifty dollars, to be recovered by an action of debt in any court having cognizance thereof, to be brought by the mayor of said borough for the use of the inhabitants of said corporation.

Shall give bond.

18. *And be it enacted*, That such treasurer whenever elected or appointed, shall execute a bond to the inhabtiants of the borough of Washington, Warren county, with such sum and with such securities as the common council shall approve, conditioned for the faithful performance of the duties of his office, and shall also take and subscribe an oath or affirmation before the mayor or other person duly authorized by law to administer oaths, which oath shall be filed and kept by the borough clerk.

Duties of clerk

19. *And be it enacted*, That the clerk of the said borough besides performing the duties required by law, of a clerk of a township shall also be clerk of the common council, and

shall keep an exact and true record of the votes and proceedings, and of all by-laws and ordinances passed by the said common council, which record shall at all reasonable and proper times be open to inspection by any inhabitant of said borough; *provided*, that in case of the absence of the clerk from any meeting of the common council, the members may appoint any one of their members pro tempore, who shall in like manner keep an exact record of their proceedings, and sign his name thereto.

Proviso.

Compensation of officers.

20. *And be it enacted*, That it shall be lawful for the common council to pay unto the treasurer, clerk and other officers and agents of the borough, such compensation for their services as the said common council shall deem reasonable and proper.

Duties of street commissioner.

21. *And be it enacted*, That it shall be the duty of the street commissioner to superintend, direct and oversee the work of grading, repairing, graveling, paving and working the highways, streets, alleys and sidewalks of said borough, and shall act under the directions of the common council, and shall employ the necessary men to do the said work, and purchase all the materials necessary to do the said work, subject to the approval of the common council.

How money is to be raised.

22. *And be it enacted*, That the citizens qualified to vote at town meetings shall be and are hereby empowered at their annual town meetings, or at any other meeting duly held for that purpose, to vote and raise such sum or sums of money, for the purposes for which townships in this state are authorized to vote and raise the same, as the majority of them shall deem necessary and proper, which vote shall be by ballot; and it shall be lawful for the common council from year to year, to vote and raise by tax such sum or sums of money as they shall deem necessary and proper for the purposes of this act, and the money so voted and granted shall be assessed, levied and collected with the state and county taxes by the proper officers, in the same manner and with the like fees, fines and penalties, and shall, when collected, be paid to the treasurer of the said borough, for the use of the said borough.

School fund.

23. *And be it enacted*, That the said borough shall be entitled to its just proportion of the school fund of this state, to be ascertained in the manner in which the quotas in the townships are or may be ascertained, subject to the provisions of the school law; the said town shall be subject to its just and equitable proportion of all debts and liabilities to which

Debts and liabilities

the inhabitants of the township of Washington, in the county of Warren, are now subject, and be entitled to all its just and equitable proportion of all the money and property now belonging to the inhabitants of the township of Washington, in the county of Warren, which said debt and liabilities, and also the said money and property shall be divided between the said borough and township of Washington, Warren county, in proportion to the taxable property and ratables as taxed by the assessor at the last assessment within the respective limits of the said borough and township, and any money or property to which the said borough may be so entitled shall be applied under the supervision of the common council for the purpose and in the manner for and in which they are now authorized to be used by said township, and the said borough shall also be entitled to receive its just quota of the proceeds of the surplus revenue apportioned to the state of New Jersey, in the same manner as the several townships in Warren county.

Manner in which election shall be conducted.

24. *And be it enacted*, That the borough of Washington shall constitute one election ward, and all elections hereafter held for officers of the county of Warren, and of the state of New Jersey, and of the United States, shall be held within said borough at the place appointed by the inhabitants for the next annual town meeting, and every person resident in said borough entitled to vote at such election shall give his vote in said borough, and not elsewhere; at all such elections the judge of elections, the two inspectors of elections, and the clerk chosen as aforesaid shall be respectively judge of elections, inspectors of elections, and clerk, and in case of the absence or incapacity of them to act, their places shall be supplied in the manner prescribed by law, and they, and each of them, or the person or persons appointed to act in their places shall possess the powers, perform the duties, and be subject to the provisions of the law regulating elections; *and further*, the said borough of Washington shall be and is hereby joined to and made a part of the second assembly district of the county of Warren, and as such is entitled to representation therein.

Common council to have sole right to license, &c.

25. *And be it enacted*, That the said common council, or a majority of them, in common council met, shall have the sole and exclusive right and power of licensing and assessing every inn-keeper, tavern-keeper, and retailer of spirituous, malt or vinous liquors within said borough, subject to the same

provisions and in like manner as the same is or may be lawfully done by the courts of common pleas in this state; and the said common council shall have the sole and exclusive power of licensing all menageries or collections of wild beasts or animals, all circuses, plays or other shows and exhibitions whatsoever proposed to be performed or exhibited within the limits of said borough, which said power of licensing the said common council may by ordinance delegate to the mayor of the borough; and any such license may be granted on such terms, and under and subject to such limitations and restrictions as the said common council may prescribe; and all moneys derived from granting such licenses shall go to and for the use of said borough; and if any person or persons shall exhibit, or be concerned in exhibiting, or cause to be exhibited within the limits of said borough, any matter or thing hereinbefore specified, without having first obtained such license as aforesaid, he, she or they shall be proceeded against under and by virtue of the statute of this state, entitled "An act for suppressing vice and immorality," approved April fifteenth, eighteen hundred and forty-six, as the case may require, and whether such person or persons shall have obtained a license from any justice of the peace or not.

26. *And be it enacted*, That all roads, highways, streets and alleys now open and in public use in said borough shall be and remain public streets, highways and alleys until the same shall be vacated or altered according to law.

27. *And be it enacted*, That this act shall be deemed and taken to be a public act in all courts of this state, without pleading the act specially.

28. *And be it enacted*, That it shall be lawful for the inhabitants of the township of Washington, in the county of Warren, to hold their town meetings and elections at any place in the said borough of Washington that they shall from time to time order and direct, or such meetings and elections may be held at any place within the said township of Washington as the inhabitants thereof shall or may from time to time order and direct.

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

Approved February 20, 1868.

CHAPTER XLII.

An Act to incorporate the Paterson and Pompton Railway Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David B. Beam, Cornelius D. Vreeland, William W. Colfax, Samuel Vanness, George A. Ryerson, Alfred Ryerson, Peter Hopper and Horace B. Tolles, and such other persons as may hereafter be associated with them, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Paterson and Pompton Railway Company," and they and their successors, by the same name and style, shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this incorporation.

Name.

Capital stock.

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

Corporators to open books of subscription.

3 *And be it enacted*, That the above named persons, or a majority of them, may open books to receive subscriptions to the capital stock of said corporation at such time or times, and at such place or places, as they or a majority of them may think proper; and whenever one thousand shares of the said stock shall have been subscribed, they or a majority of them may give notice for a meeting of the stockholders to choose seven directors, a majority of whom shall be residents and citizens of this state; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors shall

Directors, and how elected.

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 election of said corporation, shall, so soon as may be after every election, choose out of their own number a president, who shall be a resident and a citizen of this state; and in case of death, resignation, or removal of the president, or of 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 corporation shall provide; and the board of directors shall have the power at any time to remove the president, and appoint his successor out of their own body by a two-thirds vote.

Failure to elect directors not to work a dissolution.

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 others shall have been chosen in their places.

Powers of directors.

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

May survey, lay out, and construct a railroad.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized, and invested with all the rights and powers necessary and expedient, to survey, lay out and construct a railroad from some point within the city of Paterson, in the county of Passaic, to some

point within the township of Pompton, in said county of Passaic, with the privilege of extending the said railroad to the village of Bloomingdale, and with the privilege of connecting the same with the railroad of any other company built, or to be built, within said county by the consent of such other company, and on such terms and conditions as may be agreed upon; said railroad not to exceed one hundred feet in width, with as many sets of tracks and rails as may be necessary; and said company are invested with all powers necessary or convenient to survey, locate, lay out, and construct the said road; and it shall be lawful for the president and directors, their agents, engineers, superintendents, and others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, leveling and laying out the route of such railroad, and of locating the same, doing no unnecessary injury to private property; and when the route and location of said road shall be determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for the said company by its officers, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, use and occupy, and to excavate any such lands, and to erect embankments, bridges and other necessary works thereon, and to lay rails, and to do all other things which may be suitable or necessary for the completion and repairs of 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.

Proceedings when the company and owners of property cannot agree.

7. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required lands or materials for the use or purchase thereof, or when by 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 railroad shall be given in writing, under oath or affirmation, of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, to make publication thereof as he shall direct, for any term not less

than six days, and 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 and publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, resident in the county in which the lands or materials in controversy lie or the owners reside, as commissioners to examine and appraise the said land and 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, and to be expressed therein, not less than six days; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to view and examine the said lands and materials, and to make a just and equitable appraisement of the value of the same, and assessment of the damages aforesaid, a report of which shall be made in writing under the hands and seals of such commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid descriptions of the lands or materials, and the appointment, and oaths or affirmations aforesaid, in the clerk's office of the county in which the said lands or materials are situate, to remain of record therein, which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said lands; and either of the justices of the said court shall on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses, to the justices, 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.

Further proceedings upon an appeal to circuit court.

8. *And be it enacted*, That in case the said company or owners of the said land or materials 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 or materials lie, at the first term after filing said report, by proceeding in form of petition to

said court, which proceeding shall vest in said court full right and power to direct a proper issue for the trial of said controversy between the said parties, and to order a jury to be empanneled and sworn as in other cases, and view the premises, if either of the parties desire it, and the issue shall be tried at the next term of the said court to be holden in said county, upon like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the jury to assess the value of the said land and the damages sustained, and if they shall find a greater sum than the commissioners have awarded or the company have offered to the said owner or owners, then judgment thereon, with costs, shall be entered against the said company and execution awarded thereon; and if 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 may have offered, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; 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; 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 a tender thereof, or, the owner or owners thereof being under legal disability, the same being first paid into the court of chancery.

Must construct bridges and wagon ways.

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

Rate of transportation of property.

10. *And be it enacted*, That the president and directors of the said company shall have the power to have constructed, or to purchase with the funds of the company, all machines,

engines, wagons, carriages or vehicles, for the transportation of persons or any species of property on the railroad as they may think fit, reasonable, expedient or right; *provided*, that they shall not charge more than at the rate of ten cents per ton per mile for the transportation of property on the said road, which is usually weighed by the ton, or four cents per mile for conveying each passenger on said railway.

Proviso.

Dividends.

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

Penalty for injuring road or its appurtenances.

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

May hold real estate.

13. *And be it enacted*, That the said company may purchase, have and hold real estate at the termini of their railroad and at any intermediate depots upon the line of the same, not exceeding five acres at each place; and may erect and build thereon such houses, warehouses, machine shops, and other buildings and improvements as they may deem expedient for the safety of property, and the construction and repairing of cars, carriages, steam engines, and for other necessary uses.

Shall file a statement of cost with secretary of state

14. *And be it enacted*, That as soon as the railroad, with its appendages, shall be finished so as to be used, the president and treasurer of the said company shall file under oath or affirmation, a statement of the amount of the cost of such railroad, including all expenses, and the amount of all purchases made by virtue of this act, in the office of the secretary of state.

Annual tax to be paid to the state.

15. *And be it enacted*, That the said corporation shall pay to the treasurer of this state one-half of one per centum on the capital stock of the said road, to be paid annually hereafter on the first Monday of January of each year, and such

other state tax as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passing of such law or laws.

16. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money from time to time as shall be necessary to build, construct or repair such 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, land, privileges, franchises and appurtenances of or belonging to said corporation, at a rate not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury in any court of law or equity in any suit instituted to enforce the payment of any bond or mortgage executed under this section.

May borrow money on bond and mortgage, or otherwise.

Proviso.

17. *And be it enacted*, That at any time after the expiration of thirty years from the completion of said road, the legislature 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 appointed by the company, who, or a majority of them, shall report the value thereof to the legislature within one year from the time of their appointment, or, if they cannot agree, they shall choose a seventh person, who with the aforesaid six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the three said persons on their part for two months after the said appointment by the said chief justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding upon the said company; or in case the said six commissioners shall be appointed as aforesaid, and if they cannot agree on the aforesaid seventh person, then upon two weeks' notice to the said company, the said chief justice shall appoint such seventh person as aforesaid to make such appraisement, and thereupon the state shall have the privilege for three years of taking the said road upon the payment of the amount of the said appraisement within one year after electing to take the said road, which appraisement shall be filed in the office of the secretary of state; and the whole property and interests of said railroad

Proceedings upon appraisement of road.

New Jersey State Library

and the appendages thereof shall be vested in the state of New Jersey, upon the payment to the said company of the amount so appraised; *provided*, that the said sum to be paid shall in no case exceed the original cost of said road, and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, whenever they shall so request, a full and fair statement of the cost of said road, and all the receipts and disbursements of the company.

Proviso.

Term of completion five years.

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

State officers to pass free.

19. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors of this state, while 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 repass on the railroad of said company in the cars free of charge.

20. *And be it enacted*, That this act may be altered, amended or repealed, whenever the legislature may deem the public good requires the same.

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

Approved February 20, 1868.

CHAPTER XLIII.

An Act to incorporate the Deal and Squan Bridge Turnpike Company.

Commissioners to open books of subscription.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the capital stock of the Deal and Squan Bridge Turnpike Company shall be opened by John Remson, Robert Laird, Osborn Curtis, A. A. Higgins, Forman Osborn, Pittney Curtis, Louis C. Green, Britton White, Allen R. Cook, William H. Bailey,

Peter White, Andrew Rogers, Thomas Bell, Benjamin D. Pierce, Allen Osborn and William Laird, or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock at such times and such places as they or a majority of them may direct, giving notice at least ten days prior to the opening of said books by publishing the same in at least two of the newspapers published in this state.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be twelve thousand dollars, with liberty for said company to increase the same to a sum not exceeding twenty-five thousand dollars, and shall be divided into shares of fifty dollars each, and that when fifty shares shall be subscribed for, the persons holding the same shall be, and they are hereby incorporated into a company by the name of the "Deal and Squan Bridge Turnpike Company," and by that name shall have, enjoy, and exercise all the rights, powers, and privileges appertaining to corporate bodies, and necessary to carry the objects of said company into effect.

Name.

Payment of stallments.

3. *And be it enacted*, That at the time for subscribing for said stock five dollars shall be paid upon each share subscribed for to the commissioners, or any of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed, and the residue of the subscription shall be paid in installments, at such times and at such places and to such persons as the president and directors of the company shall from time to time direct, or 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 installments, or any of them, to and for the use of said company; *provided*, that the stockholders shall, upon request, have the right to pay the stock subscribed for, except the first installment, by work upon said road under such regulations, at such time and upon such notice as the directors may determine.

Non-payment of installments incur a forfeiture.

Proviso.

Subscriptions to be made within three years or act void.

4. *And be it enacted*, That if the number of shares hereinbefore made necessary for the incorporation of the said company be not subscribed for within three years from the time of opening the said books, this act and all the subscriptions under it shall be null and void, and the said commissioners after deducting thereout the expenses incurred, shall return the residue of the money paid in, to the respective

subscribers or their representatives, in proportion to the sums paid in by them.

Directors, and how elected.

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

President.

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

Powers of directors.

7. *And be it enacted*, That the said directors, or a majority, may supply any vacancy in the interval between the annual elections by death, resignations, removal or refusal to act of any president or director, and may appoint a treasurer, who shall be a citizen of this state and a resident of the county of Monmouth, and all officers, agents, superintendents, or other servants that may be required to transact the business

of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls and have the superintendence and direction of all receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfer of stock, and for the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution or laws of this state or of the United States. Proviso.

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

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

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

11. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road from Deal, in the county of Monmouth, to Squan, in said county, beginning at the south end of Great Pond bridge and ending at the north end of Squan river bridge, which said turnpike road shall be constructed on and along the public highway leading from Deal to Squan, except in those places where said public highway is not straight, then and in those places May construct and make a turnpike road.

said company shall have power to construct the said turnpike road where they may deem proper, and that the width of said turnpike road may be made equal to fifty feet, and to be measured from the centre of the present public road upon which it may be made; *provided*, that before said company shall construct the said turnpike road aforesaid, along the highway aforesaid, they shall pay the respective owners of the lands over which the said highway selected for constructing the said turnpike upon now passes, all damages which said owners will sustain by reason of the construction of said turnpike road; and in case the said company and any of the said owners cannot agree upon the amount of said damages, then the said damages shall be ascertained and determined as nearly as may be, in the manner hereinafter provided for for ascertaining and determining the damages which any land owner or owners shall sustain for the taking of stone, gravel and other materials from his or her lands for the constructing and maintaining said turnpike road; *provided, also*, that the said company shall have power to take only the right of way over the lands whereon the road is to be constructed, paying damages which the owner will sustain thereby, and the commissioners hereinafter named, if appointed, shall have power to assess damages for the right of way only.

Proviso.

Proviso.

Width of road, &c.

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

Proceedings when company and owners of property cannot agree.

13. *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 burden and draught 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 as possible, repair-

ing any breach they may make in the enclosure thereof, and to make all ditches and underdrains across and through such lands necessary for proper draining such road, and that when such company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of said company for 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 of 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 supreme court of this state, or to one of the judges of the court of common pleas of the county of Monmouth, who shall cause said company to give notice thereof to the persons interested, if known and in this state, or if unknown and 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 said lands or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice or judge making such appointment to be expressed therein not less than twenty days; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, faithfully to examine the matter in question and make a true report, to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands and materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages to be paid by the said company for such land and 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 land or materials, and the appointments and oaths or affirmations

aforesaid in the clerk's office of the county of Monmouth, to remain on record therein, and shall be recorded by the clerk, which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials after the payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of the 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 within twenty days after demand made of their treasurer, and shall constitute a lien upon their property in a nature of a mortgage, and payment of said assessment shall be made to the owner or owners or persons entitled to receive the same, or to the clerk of the court of common pleas of Monmouth county whenever the judge appointing commissioners shall so order; and the said judge shall tax and allow such costs, fees and expenses to the said judge, commissioners, clerk 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.

May demand and receive tolls.

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

For every carriage, sleigh or sled, drawn by one beast, one and a half cents;
For every additional beast, one and a half cents;
For every horse and rider, or led horse or mule, one cent;
For every dozen of calves, sheep or hogs, one cent;
For every dozen of horses, mules or cattle, six cents;

and it shall and may be lawful for the toll gatherers to stop persons riding, leading or driving any horses, cattle, mules, 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 said company to de-

May stop persons until such tolls are paid.

mand or receive toll of or from any person passing to or from public worship on the sabbath day, or horses, carriages, sleighs or sled 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 military officer or soldier passing or repassing when called to duty by the laws of this state or of the United States.

Must erect mile stones and put up rates of toll.

15. *And be it enacted*, That before 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 on the said road, and on each stone or post shall be fairly and legibly marked the distance the said stone is from the beginning point of said road at Great Pond Bridge, and shall cause to be fixed and always to be kept up at the gates or turnpikes aforesaid, in a 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 mile stones or posts &c., and for forcibly passing toll gates.

16. *And be it enacted*, That if any person shall wilfully break down, throw down or deface any of the milestones or posts so erected on the said road, or wilfully tear down or deface any of the 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 gate or gates or turnpike, such person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for 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 horses, turn off 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 a penalty of five dollars, to be recovered by said company for the use thereof, in an action of debt, with costs of suit.

Penalty for hindering travel.

17. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveller passing at any of the gates or turnpikes, or shall receive more toll than is by this act established, the said company 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 neglecting to turn to the right.

18. *And be it enacted*, That all the drivers of the 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 direction, leaving the other side of the road free and clear for carriages or persons on horseback; 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 when road is not kept in repair.

19. *And be it enacted*, That if the said company shall not keep said road and bridges in repair, and complaint thereof shall be made to the judge of the court of common pleas of the said county of Monmouth, who may be disinterested, the said judge shall immediately appoint, by writing, under his hand and seal, three disinterested freeholders and residents of the county of Monmouth aforesaid, which three persons, 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 said judge shall appoint, and having taken an oath or affirmation to act impartially shall proceed to view and examine the said road so complained of, and to report to the said judge in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such state as the laws require it to be kept, and if the report be unfavorable to said road, the said judge shall immediately, in writing, under his hand and seal, order the keeper of said gate or turnpike to keep the same open until otherwise ordered; and if the keeper shall, notwithstanding the order of said judge to open said gate or turnpike, exact toll of travellers, the said company 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 whenever a report unfavorable to said road is made as aforesaid; and it shall be the duty also of the three persons appointed as aforesaid, or a majority of them, upon application to them made by the said company, again to view the said road, and report as afore-

said, 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 toll 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 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.

May erect a toll gate when two miles of road is completed.

20. *And be it enacted*, That when the said company shall have completed any two consecutive miles of said road according to the directions and true meaning of this act, it shall be lawful for said company to erect a toll gate or turnpike across said road, and demand and receive toll for travelling thereon agreeably to the foregoing rates.

21. *And be it enacted*, That said corporation shall possess general powers, and be subject to the restrictions and liabilities contained in the act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, and the supplements thereto, as far as the same are applicable.

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

Approved February 20, 1868.

CHAPTER XLIV.

An Act to incorporate "Gloucester City," Camden county, New Jersey.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the county of Camden known as Union township, shall be and is hereby incorporated into a city to be called "Gloucester City."

Officers.

2. *And be it enacted*, That for the better order and government of Gloucester city there shall be elected hereafter in said city, one mayor, who shall be keeper of the city seal, and hold his office for one year, and at the first election for city

officers, six common councilmen to serve for one year, and with the mayor shall form and be one body politic and corporate in deed, fact, name and law, known by the name, style and title of "The Mayor and Common Council of Gloucester City."

Election when held, &c.

3. *And be it enacted*, That an election by ballot shall be held on the second Tuesday of March next at the place of holding the last annual election, and annually thereafter, at such place as the common council of Gloucester city may appoint, of which place the said council shall cause public notice to be given by advertising the same two weeks in one or more newspapers published in said city, or by setting up such notice either written or printed, in five public places in said city, at least two weeks previous to the day of such election, and in default of such notice the election shall be held at the place where the common council shall appoint, at which election one mayor, six councilmen, one recorder or clerk, one or more constables, one or more assessors, one collector, who shall be ex-officio city treasurer, one chosen freeholder, one overseer of the poor, two surveyors of the highways, three commissioners of appeal, one judge of election, one poundkeeper shall be chosen and elected in said city from among the citizens residing therein, and entitled to one vote at such election, and annually thereafter, on the second Tuesday of March, but no person shall be elected or serve as mayor or common councilman of said city unless he shall have resided in said city, at least one year immediately preceeding said election.

Officers to be elected.

Meetings of common council.

4. *And be it enacted*, That the mayor and common councilmen of said city shall constitute the common council thereof, and shall hold an annual meeting therein on the fourth Tuesday of March, yearly and every year, and such other meetings as they shall by ordinance direct and appoint; the mayor shall preside at said meeting, and shall have a vote only in cases where there shall be a tie; and if the mayor be absent at any meeting, then the councilmen shall appoint one of their number to preside pro tempore, and when met, said common council shall have power to make and to adopt such rules and by-laws for their own government as they may think proper, and to pass all such ordinances, by-laws and regulations, and in general to do and perform all such other acts and things as provided for and warranted by this act, and that four members shall constitute a quorum of said council; and it shall be the duty of the mayor, when necessary, to call

special meetings of said common council, and in case of his neglect or refusal, then it shall be lawful for any four members of said common council, at such time and place as they may designate, to call any special meeting or meetings, by written or printed notices, and in all cases of special meetings notice shall be given to all the members of said board of common council, in person or left at their places of residence.

Elections, how conducted.

5. *And be it enacted*, That the polls of all elections under this act shall be opened at (8) eight o'clock in the forenoon, and close at (7) seven o'clock in the evening; and the same qualification shall be required to entitle persons to vote as are or may be required at the township elections in this state; and the name of each elector voting at such election shall be written on the poll list by the city clerk; and after the poll shall be closed, the election board shall count the votes given for the several candidates, and certify the results under their hands and seals, and deliver such certificate to the clerk of said city, who shall file and preserve the same in his office; and the persons having the greatest number of votes shall be deemed to be elected to the offices for which they shall be voted for respectively, and shall hold their offices for one year and until others are elected in their stead and sworn into office; and the first election which shall be held under this act, shall be held by the officers of election, chosen at their last annual election for officers of the township of Union, who shall give due notice of the same in the manner now prescribed by law, and any vacancy in said board of election shall be filled as provided for hereafter.

Vacancies to be filled by common council.

6. *And be it enacted*, That in case a vacancy shall occur in any of the offices to be elected, mentioned in the preceeding section, by refusal to serve, by death, or for any other cause whatever, it shall and may be lawful for the common council to fill said vacancies until the next annual election; and the person or persons appointed to fill such vacancies, shall be entitled to the like compensation, and be subject to the same responsibilities and penalties, as if elected at the annual election as aforesaid.

7. *And be it enacted*, That all officers appointed under this act shall, before they enter upon the execution of their several offices, take and subscribe an oath, or affirmation, before the common council of said city (who are hereby authorized to administer the same) faithfully and impartially to perform their several duties according to the best of their abilities

and understandings; and that a like oath or affirmation be taken by the mayor and common councilmen first elected under this act, before any justice of the peace or judge, within six days after such election, such oaths or affirmations in all cases to be filed by the city clerk.

Powers of common council.

8. *And be it enacted*, That it shall and may be lawful for the common council of said city, or a quorum thereof, in council convened, to pass all ordinances for regulating, levelling, grading, paving, flagging, gravelling, improving, cleaning and repairing the streets, sidewalks and alleys therein; for regulating the planting and protecting of shade trees, and for compelling the owners and occupants of lots to grade,

Proviso.

curb and pave the sidewalks in front thereof; *provided*, that no owner or occupant of property shall be compelled to pave more than forty feet in length, on any one lot or lots, in any

Proviso.

one year; *provided*, that the paving of the sidewalks and streets shall not be done until two-thirds of the property owners on said streets petition the common council, when it may be done as provided for in said act; and to keep their pavements and gutters clean and free from snow, ice and other impediments; for preventing persons from riding, driving or passing over or upon the same with horses, wagons, carts or carriages of any description; for ascertaining and establishing the boundaries of all streets and alleys in said city, and preventing and removing all encroachments in and upon said streets or alleys; for preventing or regulating the running at large of cattle, horses, goats, geese, dogs and swine; for imposing a reasonable tax on the owners or possessors of dogs; for preventing the immoderate driving or riding through or in any street or alley of said city; for abating or removing any nuisance in any street or wharf, or on any lot or lots or enclosure, or other place in said city; for causing common sewers or drains to be made, and granting permission to construct vaults in any part thereof; for lighting the streets of the same; for preventing or restraining riots, routs, disturbances or disorderly assemblages in any street, alley, house or place in said city; for regulating, protecting, improving and reclaiming the public grounds or walks therein, and sinking and regulating pumps, wells and cisterns in the streets thereof; for the maintenance of fire engines and hose companies, and for the prevention or suppression of fires; for compelling the cleaning of chimneys; for appointing watchmen, constables, and an additional police; and pre-

scribing their powers and duties; for regulating the vending of meats, fish and vegetables; for regulating butchers, hawkers, peddlers and petty chapmen within said city; for restraining vagrants, mendicants and street beggars; for erecting and maintaining a city hall, with such other public buildings as may be necessary in said city; for regulating the public docks and wharves therein, and the rates of wharfage; for the more effectual suppression of vice and immorality; for preserving peace and good order; for suppressing and restraining disorderly and gaming houses; for prescribing and defining the duties of the several officers elected therein, and such other by-laws and ordinances for the peace, good order and prosperity of said city as they may deem expedient, not repugnant to the constitution and laws of this state or of the United States, and to enforce the observance of all such laws by exacting penalties for the violation thereof, either by imprisonment in the county jail, not exceeding seven days, or by a fine not exceeding fifty dollars, recoverable with costs in an action of debt, in the name of the treasurer of said city, before any justice of the peace, or the mayor thereof, for the use of the incorporation thereof; and further, it shall be lawful for any justice of the peace, or the mayor of said city, before whom judgment of imprisonment may be given, to carry such judgment into effect by warrant of commitment, under their hand and seal, directed to the keeper of the county prison; *provided always*, each and every ordinance so passed, shall be published in the papers of Camden county and by handbills in five of the most public places in said city, by the clerk of said city, for twenty days before said ordinance shall go into effect; *and provided also*, that no ordinance or by-law shall be enacted or passed by said common council, unless the same shall have been introduced before the said common council at a previous meeting.

Proviso.

Proviso.

9. *And be it enacted*, That it shall and may be lawful for the common council to cause to be raised by tax, from year to year, such sum or sums of money as may be necessary for carrying into effect the laws and ordinances from time to time enacted by them, and for defraying all other necessary expenses of said city, and from time to time borrow money on the faith and in the name of the said city, on bond, note or other sufficient security; *provided*, that the sum so borrowed shall never amount in all, to more than two-thirds of the estimated tax to be levied and assessed, in any one year,

May raise money by tax and borrow the same.

Proviso.

nor be made payable at any later period than thirty days, after the time fixed by law for the collection of taxes; and it is further provided, that the owners of all lands within the limits of said city, held as farm lands, and not for building purposes, shall not be required to curb and pave in front thereof, unless the same shall consist of a lot or lots lying between other lots used for building purposes.

Assessment of taxes.

10. *And be it enacted*, That the assessor of said city shall make out lists of all the persons, lands, chattels, effects, and estates in said city, within the time now required by law for the assessment of taxes in the county of Camden, and shall value all said lands, chattels, effects and estates whether owned by individuals or corporations, according to the true and intrinsic value thereof, and shall assess all taxes and moneys required to be raised in said city, upon the said persons, lands, chattels, effects and estates in said city, according to the valuation thereof to be made as aforesaid, and said assessor shall deliver a duplicate of said assessment to the collector of said city, within the time now required by law for the delivery of the same in the county of Camden.

Powers of the mayor.

11. *And be it enacted*, That the mayor of the said city, for the time being, shall have all the powers and authority of a justice of the peace of the state of New Jersey; he shall take cognizance of all fines, forfeitures, and penalties to be laid by the laws or ordinances of the common council of said city; he shall have power to cause any or all persons to be brought before him, who may be charged with violating the public peace, or disturbing the public tranquility, or for a breach of any of the ordinances thereof; he shall have power to impose fines or penalties upon all persons so offending, and to cause them to be imprisoned in the county jail; and shall be during the time for which he is elected, vested with all the powers and functions, and be bound by the same rules in criminal cases as justices of the peace; and all officers and persons shall respect him as such; he shall have authority to take acknowledgment and proof of deeds; and it shall be his duty to see that all ordinances enacted by the common council of said city are duly published and enforced; and that no shows or exhibitions of any kind whatever shall be allowed in said city, without his express consent, and license being first obtained in writing.

Treasurer, &c., must give bonds.

12. *And be it enacted*, That the treasurer of said city, and the collector, and one or more constables, before they

enter upon the execution or duties of their respective offices, or be qualified to serve, shall repair to the common council and enter into bonds, with such freehold security as the said council may approve, conditioned for the faithful performance of the duties of their respective offices, which said bonds, after the approval of the said common council shall be endorsed thereon, shall be delivered to the city clerk, who is hereby directed and required to file the same in his office, and may be sued and prosecuted as the bonds of like officers in this state are or may be sued and prosecuted.

Prisoners committed to county jail.

13. *And be it enacted*, That the jailor of the county of Camden for the time being shall receive and keep all such offenders as shall be committed to the jail of said county by the mayor of said city as aforesaid for the term of his, her or their imprisonment, as expressed in the warrant of commitment, and all the expenses of keeping said offenders in said jail shall be borne and paid by the said county of Camden.

Power of granting licenses.

14. *And be it enacted*, That the said mayor and common council, or a majority thereof in council convened, shall have the sole, only and exclusive right and power of granting license under the common seal of said city to all and every inn-keeper and retailer of spirituous liquors residing in said city, in the like manner and on the same terms or conditions as may now be done by the court of common pleas in this state, except only that they may grant such license for any term not exceeding one year, as they may deem best; and they shall also have the sole, only and exclusive right and power of licensing such and so many keepers of oyster-houses and cellars, and places for the sale of fermented liquors within said city, upon such terms and conditions, and subject to such rules and regulations as they may deem most conducive to the public good thereof, and the amount of license fees levied and assessed shall be paid to the treasurer for the use of the city; that it shall not be lawful for any person or persons to sell within the corporate limits of Gloucester City any spirituous liquors in quantities less than five gallons, without first having obtained a license therefor from the mayor and common council, or a majority thereof, in council convened of said city, in whom shall be vested the exclusive right and power of granting such licenses, and who may exact such restrictions and penalties as they deem necessary in relation thereto.

15. *And be it enacted*, That the mayor of the said city

Compensation of city officers.

shall not be entitled to receive any compensation for the performance of his official duties other than the fees which pertain to his office as a justice of the peace and a commissioner for taking the acknowledgment and proof of deeds; neither shall the members of common council be paid any compensation whatever for the performance of their official duties; the city clerk shall be paid fifty cents for each meeting of council he may attend, and six cents per folio of one hundred words each for recording the ordinances thereof.

Treasurer to make annual statement.

16. *And be it enacted*, That it shall be the duty of the city treasurer, once at least in each year, and as often as the mayor and common council shall require, to make a statement of all moneys received and paid out by him, showing the source from whence received, and to what applied, the amount of the indebtedness of the city, and the balance of funds in his hands, which, when approved by the common council, shall be filed in the office of the city clerk at least twenty days before the next annual election for city officers, and the city council shall cause the same to be set up in five of the most public places in said city at least two weeks previous to the said annual election; and the treasurer shall be allowed for making out such statement six cents per folio of one hundred words.

Commissioners of appeal in cases of taxation.

17. *And be it enacted*, That the commissioners of appeal in cases of taxation shall convene annually on the second Monday of September, at the hour of ten o'clock in the forenoon, for the purpose of discharging the duties of their office; it shall be the duty of the collector to give notice of the time and place of the meeting of the commissioners of appeal, by putting up notices in five of the most public places in said city, in writing or printed, at least two weeks before the meeting of said board.

Further proceedings in cases of taxation.

18. *And be it enacted*, That the collector shall at least one week before the day of appeal in cases of taxation, demand of all persons taxed, the amount of their tax, by notice to them personally given, if to be found in the city, or left at their residence, if within the city; and in case of non-payment of any taxes by the twentieth day of October, the collector shall make out a list of the names of delinquents, with the sums due from each, and deliver the same to the mayor or a resident justice of the peace.

Proceedings in case of non-payment of taxes.

19. *And be it enacted*, That it shall be the duty of said mayor or justice of the peace, on receipt of the list of delinquents as aforesaid, to administer an oath or affirmation to

the said collector, that the moneys on said list had been duly demanded in the manner hereinbefore directed, and thereupon to give said collector a receipt of such list, certifying therein the names of such delinquents, and the sum due from each respectively; and it shall be the duty of the mayor or justice, within five days after the receipt of said list, to deliver to a constable or constables of said city a warrant or warrants, requiring him or them to levy the tax so in arrears in the manner prescribed by the laws of the state of New Jersey relative to collection of taxes; and the said constable or constables shall, in the collection thereof, be governed by the laws of this state regulating the same in the several townships thereof; *provided always*, that said constable or constables shall not be entitled to charge fees on account of any name mentioned on said warrant, unless the tax due from said delinquent be actually collected. Proviso.

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

21. *And be it enacted*, That the mayor and common council of said city, upon petition of not less than twenty freeholders of said city, shall by ordinance select three persons to act as commissioners to lay out, open, widen, alter or vacate any street, road, lane or alley in said city; said commissioners shall be discreet, impartial and disinterested persons, residents in said city, and shall take and subscribe an oath or affirmation to act faithfully and impartially in the premises; they shall cause ten days' notice of their meeting, together with a general description of the improvement applied for, to be set up in three of the most public places in said city, and shall cause one insertion to be made in each of the papers published in the county of Camden at the time appointed, view the premises and hear objections, if any shall be offered, after which, if they or a majority of them shall adjudge the improvement or alteration applied for proper and necessary, they shall establish it and appraise the actual damage incurred by the respective owners of property along the line thereof, and such assessment shall be deemed the just compensation to be made for private property taken for public Proceedings for laying out, opening and altering streets.

use, as prescribed by the constitution of this state, and make return in writing under their hands, together with a map containing a particular description, by survey, of such improvement, and appoint a time for opening, or closing in case of vacating the same, which map and return shall be deposited in the office of the recorder of said city for the inspection of parties interested; and in case said return shall be confirmed by the mayor and common council, the same shall be endorsed "confirmed," and being subscribed by the mayor and sealed with the city seal, shall, together with said map, be filed in the clerk's office of Camden county, and the return recorded by the clerk in the county road book, who shall be entitled to the same fees as for recording the return of the laying out of a public highway; *provided, however*, that no return shall be confirmed until ten days after notice shall have been given by two insertions in each of the papers published in said city, or of such return made to the mayor and common council, and to whom any person feeling aggrieved may appeal for relief; *provided, further*, that if any person or persons shall be dissatisfied with the award of damages made by the aforesaid commissioners, he, she or they may apply in writing to the court of common pleas of Camden county, who shall, at their next ensuing session, appoint six of the chosen freeholders of the county, not interested in the said improvement, and not of Gloucester City, whom, or a majority of whom, shall, upon ten days' notice given by the applicant or applicants, and within twenty days of their appointment, proceed to view the premises, having been personally sworn or affirmed faithfully or impartially to execute the duties appertaining to their appointment, and make such award in writing of the actual damages as shall seem to them, or a majority of them, proper and just, which award shall be final and conclusive upon all parties concerned, and shall be filed in the county clerk's office, together with the return and map aforesaid; the chosen freeholders aforesaid shall be entitled to two dollars each per day for their services, and said compensation shall be paid by the applicant or applicants for their appointment; that the commissioners provided for as aforesaid shall be entitled to two dollars each for their services per day, which sum shall be paid by the applicants; that the mayor and common council may, by ordinance, cause any street, road, lane or alley in said city, under this act, to be opened at the time specified by the commissioners for opening the

Proviso.

Proviso.

same, and all buildings or other obstructions removed therefrom; and said street, road, lane or alley shall thereupon be a public highway; *provided, however*, that it shall not be lawful for the mayor and common council of said city to enter upon any lands to open, or widen, or alter any highway, until the damages assessed thereon shall have been paid or legally tendered by the said city of Gloucester; that if any owner or owners of real estate in the said city of Gloucester shall neglect or refuse to comply with any ordinance of the city council, passed under authority of the eighth section of the city charter for grading, paving, curbing, cleaning and repairing the sidewalks of the streets of said city for the space of thirty days after the said ordinance shall have been passed and become operative as herein provided, it shall and may be lawful for the city council to cause the said work to be done, and pay for the same out of any money in the city treasury not otherwise appropriated, a particular statement whereof shall be filed in the office of the city recorder, and such cost shall remain a lien upon the said real estate until paid; and the city council may either sue and recover the amount so paid as aforesaid from the owner or owners of such real estate, or their legal representatives with interest and cost of suit, in any court having cognizance thereof, in an action on the case, in the name of the treasurer of the said city of Gloucester, for so much money by them paid out and expended to and for the use of such owner or owners, and the statement of the expenses filed with the recorder, with proof of the amount paid, shall be conclusive evidence for the plaintiff; or the said city council may cause the said real estate, or such part thereof as they may think proper, to be advertised for four weeks in the newspapers of the county, and in handbills, to be put up in five of the most public places in the said city, and then proceed to sell at public outcry the said real estate, for the shortest period of time any person or persons will purchase the same and pay the amount against it, together with the cost and expenses attending the sale thereof, and when so sold may execute, under the seal of the city, a deed for the same; *provided, always*, in the case of non-residents it shall be the duty of the city council to cause a notice describing the property and the nature of the improvement required to be done, to be inserted in the newspapers of the county for two weeks, setting forth that unless the owner or owners appear and comply with the ordinance, the council

Proviso.

Costs to remain a lien on real estate.

City council may cause real estate to be sold.

Proviso.

will cause the same to be done at the expense of such owner or owners, the cost of which advertisement shall be borne by said owner or owners; that proceedings made contrary to law or the provisions of this act may be reviewed and set aside by the circuit court of Camden county, or the supreme court of the state of New Jersey upon certiorari; *provided*, that the provisions of this section shall not extend or apply to the altering or changing of the lines or courses of the streets or alleys as laid out on the plan of lots and streets of the "Gloucester Land Company," as recorded in the clerk's office of Camden county.

Proviso.

Power to make summary arrests, and proceedings thereon.

22. *And be it enacted*, That the police officers and constables of the said city of Gloucester, are hereby empowered to arrest and to take into custody without warrant, any offender or offenders against the laws and ordinances of the said city, any person or persons disturbing the peace or quiet of the said city, and to carry such offender or offenders immediately before the mayor, or one of the justices of the peace resident in the city, who are hereby empowered and authorized to hold courts and take cognizance of all such offences, which said courts so held, shall be courts of record, or in case the said arrest shall be made in or during the night, or the Sabbath day, or when the mayor, justices of the peace, or either of them, cannot hear the same or hold such courts, to confine such offender or offenders in the common jail of the county of Camden, or in some other safe and convenient place in said city, until the day following, or until such time as the same can be heard, and then without unnecessary delay carry such offender or offenders before the mayor or any justice of the peace aforesaid; or the mayor or any one of the said justices of the peace aforesaid, may arrest and apprehend any such offender for offences committed in their presence, or upon complaint made in writing, under oath or affirmation, the said mayor or justice may issue a warrant, directed to the constable or police officers of said city, or any or either of them, commanding such officer to take such offender or offenders, and bring him, her or them forthwith before such person issuing the warrant; or the said mayor or justices of the peace aforesaid, or either of them, at his discretion, may isssue a summons commanding the said offender or offenders to be and appear before the said mayor or justice, as the case may be, at a fixed time therein mentioned, in the name of "Gloucester City," and when any such offender or

offenders shall be arrested or brought, or appear before any such mayor or justice of the peace, as the case may be, to proceed in a summary manner to hear and determine the same, and punish the offender or offenders, and if he, she, or they, as the case may be, shall be sentenced to be imprisoned, then the said magistrate shall make out a warrant commanding the officers aforesaid, or one of them, to convey such offender or offenders, as the case may be, to the common jail of the county of Camden, there to remain until the term of his, her or their imprisonment shall have expired, and the costs of the conviction be paid, and in case the said offender or offenders shall be sentenced to pay a fine therefor, the said mayor or justice of the peace, as the case may be, either to order the offender or offenders to be committed to the jail aforesaid until the fine and costs are paid, or to issue a warrant directed to one of the constables or police officers of said city, to any or either of them, commanding said officers to levy and make such fine and costs of the goods and chattels of such offender or offenders, and for want of sufficient goods and chattels of such offender or offenders, to take and convey such offender or offenders to the jail aforesaid, there to remain until such fine and costs be paid or satisfied, which said fine when paid or collected, shall be paid over unto the treasurer of the said city, unless otherwise directed by the city council; *provided always*, that any such offender or offenders convicted as aforesaid, may appeal to the city council upon such terms and conditions as the city council may, by ordinance, prescribe and impose; but such appeal shall be made within twenty days from such conviction. Proviso.

23. *And be it enacted*, That the common council of said city shall have full power to pass such ordinances as they shall judge proper for regulating and preventing the running at large of dogs and bitches in the said city, and to enforce the same, either by fine or by causing the said dogs or bitches found running at large to be impounded or summarily destroyed.

24. *And be it enacted*, That books of record of the ordinances and by-laws of the said common council shall be taken and received as evidence of the due passage by common council of all ordinances and by-laws recorded thereon; and further, that the publication by authority, of the city ordinances and by-laws, in a volume or pamphlet form, shall in like manner be taken and received as evidence of the due Books of record to be kept.

passage thereof, and that the publication of the said ordinances and by-laws according to law shall in all cases, be presumed until the contrary be made to appear.

Duties of city clerk.

25. *And be it enacted*, That the city clerk shall keep, file, and when necessary, record all official papers belonging to the same; he shall attend all meetings of common council, and keep accurate minutes of the proceedings thereof; he shall give lawful notice of such meetings, and of all annual and special elections; he shall record in a proper book to be provided for that purpose, all ordinances passed by the common council, and duly certify the same, and publish the same as herein required, and shall perform such other duties as the said common council may from time to time prescribe.

Board of election, how constituted.

26. *And be it enacted*, That the judge of the election, the assessor and collector of taxes of said city shall constitute the board of election of said city, and shall take the like oaths or affirmations, and conduct all elections in the same manner as township elections are or may be by law required to do; shall be vested with the same powers and authority, entitled to the same compensation, perform the like duties, and be subject to the same penalties as the like officers of this state; and in case of the absence, death, incompetency, or refusal to serve of any of the said officers of election, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies; and the clerk of said city shall procure ballot-boxes for the use of said city, of such description as are required to be procured by the township clerks of this state, and be subject to the same penalties for a failure to procure said boxes or to keep the same in repair.

27. *And be it enacted*, That in the trial of any issue, or in the judicial investigation of any case, to which issue or investigation the mayor and common council of said city are a party, or in which the said city is interested, no person shall be deemed an incompetent witness or juror by reason of his or her being an inhabitant or freeholder in said city; and if any person shall be sued or impleaded by reason of anything done by this act, it shall be lawful for such person to plead the general issue, and to give this act and the matter in evidence at the trial.

28. *And be it enacted*, That the chosen freeholder, the assessor, and surveyors of the highways of the said city of Gloucester shall perform all the duties, and exercise all the

power in the county organization which said officers of the township of Union now exercise and perform therein.

29. *And be it enacted*, That the mayor and members of common council to be elected by virtue of this act, shall take the oath or affirmation prescribed on or before the fourth Tuesday in March next after their election. Oaths required.

30. *And be it enacted*, That all the property now vested in the township of Union, shall be and is hereby vested in the corporation of Gloucester city, and the said city shall be and become responsible for the payment of all the debts and liabilities of said township of Union.

31. *And be it enacted*, That all laws of this state inconsistent with the provisions of this act are hereby repealed.

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

Approved February 25, 1868.

CHAPTER XLV.

A Supplement to "An act to incorporate the Maurice River Bridge Company," approved March twenty-ninth, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said Maurice River Bridge Company to erect a toll house at or near the foot of High street, in the village of Mauricetown, for the more convenient collection of the tolls, and transaction of the business of said company. Power to erect a toll house.

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

Approved February 25, 1868.

CHAPTER XLVI.

An act to amend the act entitled "A supplement to the act entitled 'An Act constituting courts for the trial of small causes.'"

Continuing supplement in force.

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 constituting courts for the trial of small causes,'" approved April fifth, eighteen hundred and sixty-five, shall continue in force for three years from and after the fifth day of April eighteen hundred and sixty-eight.

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

Approved February 25, 1868.

CHAPTER XLVII.

An Act to repeal an act entitled "An Act to annex the township of Pittsgrove, in the county of Salem, to the county of Cumberland," approved April tenth, eighteen hundred and sixty-seven, and the supplement thereto, approved April twelfth, eighteen hundred and sixty seven, and to put back the said township to the county of Salem.

Repealer, and setting back township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to annex the township of Pittsgrove, in the county of Salem, to the county of Cumberland," approved April tenth, eighteen hundred and sixty-seven, and the supplement thereto, approved April twelfth, eighteen hundred and sixty-seven, be and is hereby repealed, and that the township of Pittsgrove is put back to the county of Salem, to all intents and purposes as if the above recited act and the supplement thereto had not been passed.

Changing corporate name.

2. *And be it enacted*, That the corporate name of the said township of Pittsgrove shall be as heretofore, viz: that of

"the inhabitants of the township of Pittsgrove, in the County of Salem," and it shall enjoy all the rights and privileges and be subject to all the duties of the other townships in the county of Salem.

Continuing officers in their appointments

3. *And be it enacted*, That the justices of the peace and other officers within the limits of the territory hereby attached to the county of Salem shall continue to hold, exercise and enjoy their several respective offices and appointments, with the powers and privileges thereto belonging, within the limits of said county of Cumberland, until the first day of March, anno domini eighteen hundred and sixty-eight, unless the term of their office shall sooner expire, and all courts at the time of the passing of this act, existing and being within the aforesaid limits of the said county of Cumberland, shall continue to have and exercise jurisdiction within the same, until the first day of March, eighteen hundred and sixty-eight, in the same manner as if this act had not been passed, and on and after said date and until their respective terms of office in the county of Cumberland shall expire, all persons in office at the time of the passing of this act, resident within the township of Pittsgrove and all and every of them shall hold, exercise and enjoy their respective offices with all the powers, privileges and emoluments thereto belonging, within the limits of the county of Salem, as officers of said county, as fully to all intents and purposes as if they had been elected and appointed to their said offices respectively within the said county of Salem; *provided*, that all justices of the peace shall take and subscribe the official oaths or affirmations required by law within the said county of Salem, on or before the said first day of March and before they act in their offices as officers of the said county of Salem.

Proviso.

Proceedings in case of actions, suits, &c

4. *And be it enacted*, That all actions, suits, appeals, prosecutions and other legal proceedings commenced or depending in the supreme court, or in any other court, or before any justice of the peace within the county of Cumberland, as the same stood before the passing of this act, shall in nowise be affected by this act, but the same may and shall be prosecuted in said county, and before said courts, in the same manner as if this act had not been passed; *provided*, that in all such cases pending in the supreme court where the defendant in any transitory action shall at any time, when this act takes effect, reside within the limits of the township of Pittsgrove, or where in any local action the cause of action arose within that town-

Proviso.

ship, either party may at his election, on application to said court for that purpose, have the venire in said action changed to the said county of Salem.

Liabilities on judgments writs of execution.

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

Annexed to first legislative district of Salem.

6. *And be it enacted*, That the township of Pittsgrove hereby set back from the county of Cumberland to the county of Salem, is hereby annexed to the first legislative district in the county of Salem.

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

Approved February 25, 1868.

CHAPTER XLVIII.

An Act to incorporate the Rahway Academical Institute.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John J. High, Thomas E. Garson, William E. Bloodgood, DeWitt C. Hough, Joseph W. Martin, Francis LaBaw, Joseph T. Crowell, Henry L. Stephens, Willett Denike, Henry Spear, Thomas H. Shafer, John R. Chapin, W. Irving Brown, and such other persons as

shall hereafter become their associates, are hereby created and constituted a body politic and corporate, in fact and in law, by the name and style of "The Rahway Academical Institute," and by that name shall possess all the powers and privileges of a corporation. Name.

2. *And be it enacted*, That the object of said corporation shall be to establish, maintain and conduct an institution for educational purposes; they shall possess the powers and privileges, and be subject to the restrictions of the act entitled "An Act to incorporate Societies for the Promotion of Learning," approved April sixteenth, eighteen hundred and forty-six, except as otherwise granted in and by this act. Object.

3. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of thirty thousand dollars, and shall be divided into shares of ten dollars each, which shall be transferable in the manner prescribed by the by-laws of said corporation; and the said corporation may commence its operations as soon as the sum of three thousand dollars of its capital stock shall be subscribed. Capital stock.

4. *And be it enacted*, That the affairs of said corporation shall be managed by a board of trustees, thirteen in number, and the persons named in the first section of this act shall be the first trustees of said corporation until the first Monday in June, eighteen hundred and sixty-eight, or until new trustees shall be elected in their place, at which election each stockholder shall be entitled to one vote, in person or by proxy, for each share of stock by him or her held. Trustees, and how appointed.

5. *And be it enacted*, That the said corporation, at a general meeting of its members, shall have power to make and enact such constitution, by-laws, rules and regulations for the government and management of its affairs, and the carrying into complete effect its objects, as shall not be contrary to the laws of this state, and from time to time alter, modify and repeal the same, and by said constitution, by-laws, rules and regulations, may determine what officers shall be elected and appointed, the mode and manner of the election, and appointment of its officers and trustees. Powers of corporation.

6. *And be it enacted*, That the said corporation may take and receive by gift, demise and bequest, any money and property whatever in addition to the property the said corporation is entitled to have and to hold by virtue of this act, which, and the proceeds of which, shall at all times be kept securely invested in such manner as the said constitution and May receive property by gift, demise or bequest.

by-laws shall prescribe, and the principal of which shall not be used, alienated or disposed of, and the interest of which, or the income therefrom, shall be used and applied in and about the purposes of education as the said board of trustees shall from time to time direct.

Trustees to receive no compensation.

7. *And be it enacted*, That no trustee of the said corporation shall receive any compensation whatever for his services as such trustee, or as an officer of such corporation.

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

Approved February 25, 1868.

CHAPTER XLIX.

A Supplement to an act entitled "An Act respecting the Estates of Non-Resident Wards," approved March second, eighteen hundred and forty-seven.

Extending original act.

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, shall extend to all cases of funds belonging to non-resident wards, deposited in the court of chancery or under the control and direction of the chancellor, arising from the sale of the property of such wards in this state or otherwise.

Chancellor may require further security.

2. *And be it enacted*, That the chancellor, in case of not being satisfied with the proof of security given by any non-resident guardian, in respect of the property of any non-resident ward, may require additional security to be given in this state, and make such order in respect thereof as may to him seem meet and right.

Repealer.

3. *And be it enacted*, That the first proviso in the second section of said act be, and the same is hereby repealed.

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

Approved February 25, 1868.

CHAPTER L.

An Act relating to the Board of Education in the City of Newark.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the census of children in the city of Newark, required to be made by the thirty-sixth section of an act entitled "An Act to establish a system of public instruction," approved March twenty-first, eighteen hundred and sixty-seven, shall be made by the board of assessment and revision of taxes in the city of Newark, at the time of assessing taxes in said city, which census shall be by said board immediately certified and returned to the secretary of the board of education of said city, and by him transmitted to the county superintendent under oath or affirmation to the best of his knowledge and belief, in the manner required by the said thirty-sixth section, which shall be held and taken to be a compliance with the requirements of the eleventh section of said act as to said census in said city. Census of children under school law how taken.

2. *And be it enacted*, That so much of the sixty-second section of the act incorporating said city of Newark as requires a report to the common council from said board of education of the number of schools under their charge, the grades, numbers and names of teachers, and the number of pupils and average attendance in each school, is hereby repealed. Repealer.

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

Approved February 25, 1868.

CHAPTER LI.

An Act to renew the charter of the Hardwick Mutual Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to Continue and extend original charter.

incorporate the Hardwick, Knowlton and Independence Mutual Insurance Company, in the county of Warren," passed ninth day of November, eighteen hundred and forty-one, together with the supplement thereto, changing the name to the Hardwick Mutual Company, be and they are hereby continued and extended for and during the term of thirty years from and after the time by the first mentioned act limited for its continuance.

When to take effect.

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

Approved February 25, 1868.

CHAPTER LII.

A Further Supplement to the act entitled "An Act to revise and amend the charter of the city of New Brunswick," approved March eighteenth, eighteen hundred and sixty-three.

Change of time of holding city election.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time of holding the election for city officers for the said city of New Brunswick, as prescribed by the sixth section of the charter of said city, approved March eighteenth, eighteen hundred and sixty-three, be changed from the second Tuesday in April in each year to the Tuesday after the first Monday in March in each and every year hereafter.

Duty of common council in relation to moneys received or collected.

2. *And be it enacted*, That the fifty-sixth section of the said charter be amended so as to read as follows: It shall be the duty of the common council of the city of New Brunswick to cause to be published in the newspapers of said city, at least six days before each annual election for city officers, a statement of all moneys received or collected for the use of the city, or for city purposes during the past year, the sources thereof, how applied, the amount of the then indebtedness of the city, and the balance of funds, if any, in their hands,

and also the amount in their opinion necessary to be raised by tax for the ensuing year for the use of the city, under appropriate heads and sums thereto; and the officers of election appointed by law in each district and polling place in said city shall receive and deposit in boxes provided for that purpose the ballot of each legal voter who may present his vote, having on it, either printed or written, the word "yes" or "no" opposite each item of expenditure for the ensuing year, as proposed by the common council; and the said officers of election, after they have estimated and canvassed the votes for the several officers voted for, in the manner and form prescribed by law, shall immediately proceed to estimate and canvass the votes cast on the appropriations recommended by common council, and shall make a statement of the result thereof according to the votes cast for each purpose named in the estimate presented by common council, which statement, certified by them, shall be filed with the city clerk without delay; and the common council of said city when met for the purpose of canvassing the votes given at such election for city officers shall proceed to canvass the votes cast on the appropriations recommended by common council, and shall make a written statement thereof, and shall thereupon determine and declare according to the result of the votes cast, what moneys shall be raised and applied for the ensuing year; and the statement and determination of the common council shall be certified by the presiding officer and the clerk, and shall be published in the newspapers of the city, and such sums of money so determined and declared by common council shall be assessed and collected by the assessors and collectors, or other qualified persons, in like manner and at the same time as the state and county taxes shall be assessed and collected.

Expenditures voted on.

3. *And be it enacted*, That all acts and parts of acts inconsistent with or repugnant to this further supplement to the act to revise and amend the charter of the city of New Brunswick, passed March eighteenth, eighteen hundred and sixty-three, be and they are hereby repealed.

Repealer.

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

Approved February 26, 1868.

CHAPTER LIII.

An Act to authorize the construction of Sewers and Drains in the city of Paterson.

Authorizing construction of sewers and drains.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and aldermen of the city of Paterson be and are hereby authorized in the manner and subject to the restrictions hereinafter provided, to construct in said city such sewers and drains as may be necessary for draining streets, houses, yards, markets, and all other places therein requiring to be drained.

How constructed.

2. *And be it enacted*, That all such sewers and drains shall be constructed in conformity with the plans thereof adopted or which shall be adopted by said mayor and aldermen, pursuant to the seventeenth section of the act approved April fourth, eighteen hundred and sixty-seven, entitled "A Further Supplement to the act entitled 'An Act revising and amending the act to incorporate the city of Paterson.'"

May appoint engineers, &c.

3. *And be it enacted*, That the said mayor and aldermen, in pursuance of the authority hereby conferred, may appoint and employ all proper engineers, surveyors, agents, men and assistants necessary for accomplishing the purposes contemplated by this act, and provide by ordinance suitable compensation therefor, and may enter upon any lands for the purpose of making surveys and examinations for the same.

Right to use the ground.

4. *And be it enacted*, That the said mayor and aldermen, and all persons acting under their authority shall have the right to use the ground or soil under any street, highway, railroad, lane, alley or court within the city for the purpose of constructing the works contemplated by this act, on condition that they shall cause the surface of said street, highway, railroad, lane, alley or court to be restored as nearly as may be on the surface to its original state.

Proposals for constructing the same.

5. *And be it enacted*, That when the said mayor and aldermen shall determine to construct any sewer or sewers, drain or drains, by authority of this act, they shall give public notice of the time and place at which sealed proposals will be received for constructing the same and providing the materials therefor, by publications in the newspapers of said city, and in such other manner as they may direct, which notice shall

contain a particular description of the work proposed to be done, and of the materials to be supplied therefor; and every person proposing shall accompany such proposition with a bond to be approved by the said mayor and aldermen, conditioned faithfully to carry into effect his or their proposition if accepted, but said mayor and aldermen may, if they deem it to be for the interests of the city, reject any or all such propositions; and all contracts for work and materials for the construction of such sewers or drains shall be in writing, and one copy thereof shall be deposited with the comptroller of said city.

Costs and expenses to be assessed and collected by tax.

6. *And be it enacted*, That the said mayor and aldermen for the purpose of paying all the costs and expenses of constructing such sewers and drains, and all other expenses incident thereto, shall and they are hereby authorized and required, to order and cause to be assessed and collected by tax at the time and in the manner as other taxes in said city are assessed and collected, a sum sufficient to pay the costs and expenses incurred or to be incurred in that year, in the construction of such sewers and drains; *provided however*, that such assessment shall not exceed one-half of one per cent. on the assessed valuation of the real and personal property in said city as returned by the assessors thereof.

Proviso.

May obtain temporary loans.

7. *And be it enacted*, That the said mayor and aldermen may and they are hereby empowered for the better accomplishment of the purposes contemplated by this act to obtain temporary loans in anticipation of the collection of the tax hereby authorized to be assessed and collected.

Shall keep books of accounts and make full annual statement.

8. *And be it enacted*, That the mayor and aldermen of said city shall keep proper books of accounts, and books for the recording of the whole of their official proceedings in reference to said constructions, and all agents employed in the same under the provisions of this act, shall be sworn to the faithful performance of their duties; and the said mayor and aldermen shall in each year, in which any such improvements shall have been made, at least fifteen days before the charter election, make a full report of the condition and progress of the same, with a full statement of the costs and expenditures on account thereof, and which shall be published in two newspapers in said city in the same manner as the city treasurer's report.

May pass ordinances for regulating use of sewers and drains.

9. *And be it enacted*, That the said mayor and aldermen are hereby authorized und empowered to pass and adopt such ordinances, rules and regulations, as they may deem proper

for regulating, controlling and prescribing the manner in which the sewers and drains, or any of them constructed under the provisions of this act shall be used; and the manner in which connections therewith from any house, building or other place shall be made, and for the keeping of the same in proper repair, and providing for the costs thereof, and for the imposition of penalties for the violation of any such act, ordinance, rule or regulation.

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

Approved February 26, 1868.

CHAPTER LIV.

An Act to incorporate the Robbins Wood-Preserving Company of New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel B. Garrison, John M. Fielder, George W. N. Custis, Thomas Whitney, William F. Reeve, Charles C. Lathrop, James M. Quimby, William James, William M. Force, R. S. Swords, William Shove, George H. Renton, George H. Cook, Jonathan Ingham and Imlah Moore, and their associates, be and they are hereby created a body politic and corporate, in fact and in law, by the

Name.

name and style of "The Robbins Wood-Preserving Company of New Jersey," for the purpose of seasoning and preserving wood and textile fabrics from mould and decay under the "Robbins Patent," and also for the purpose of leasing, selling and granting such right to others, and also such other privileges as are necessarily incident thereto; and for such purpose the said company shall or may raise by subscription,

Capital stock.

by opening the books therefor, or otherwise, a capital stock of one hundred and twenty thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same from time to time to any sum not exceeding three hundred thousand dollars; and it shall be lawful for said company to issue certificates of stock, in whole or in part

payment, for any real or personal property purchased or leased by said company for the purpose of their business aforesaid.

2. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease, or otherwise dispose of the same at pleasure, and may borrow money and issue bonds therefor to an amount not exceeding at any one time one-half of their paid up capital stock, and may sue and be sued in all courts of law or equity, and may have and use a common seal, and may change and alter the same at pleasure, and may make such by-laws for their regulation and government as they may see proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state. May hold real estate. Proviso.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than five nor more than thirteen directors, who shall elect one of their number president; and said directors shall be stockholders in said corporation, and shall hold their office for one year, and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders, to be held on such day, at such hour of the day, and at such place as the by-laws of the said corporation shall direct; a majority of the directors shall on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business, and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholders. Powers of directors.

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved; but the stockholders may proceed to hold an election for directors on any other day, ten days' notice being given of the time and place of such election. Failure to elect officers not to dissolve

5. *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written state- Annual statement.

ment of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained.

Principal office in Mercer county.

6. *And be it enacted*, That the principal office of said company shall be in the county of Mercer, where regular books of account shall be kept, to which any stockholder shall have free access at all reasonable times for the purpose of inspection, and that books of transfer of the stock shall also be kept, and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.

How dissolved.

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

Proviso.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the general restrictions set forth in an act entitled "An Act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same may be applicable.

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

Approved February 26, 1868.

CHAPTER LV.

A Further Supplement to the act entitled "An Act to incorporate the Newark and Irvington Horse Car Railroad Company," approved March seventh, eighteen hundred and sixty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time limited for the completion and use of the railroad by the act to which this is a further supplement authorized, be and the same is hereby extended to one year from and after the date of the passage of this act. Time for completion extended.

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

Approved February 26, 1868.

CHAPTER LVI.

An Act to incorporate the Princeton Lumber and Improvement Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Martin Voorhies, John M. Fielder, Samuel M. Updike and Thomas A. Segur, and their associates, be and they are hereby created a body politic and corporate, in fact and in law, by the name and style of "The Princeton Lumber and Improvement Company," for the purpose of manufacturing and selling lumber and building materials, and building houses, and selling the same, and carrying on the business incident thereto; and for such purpose the said company shall or may raise by subscription by opening the books therefor, or otherwise, a capital stock of forty thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same from time to time, with the consent of a majority of the stock- Corporators. Name. Capital stock

holders, to any amount not exceeding one hundred and fifty thousand dollars; and it shall be lawful for said company to issue certificates of stock, in whole or in part payment for any real or personal property purchased or leased by said company, for the purpose of their business aforesaid.

May purchase and hold real estate and issue bonds.

2. *And be it enacted*, That the said corporation may purchase, use, hold, possess, and enjoy such real estate as may be necessary or expedient for the purposes of said corporation and may sell, mortgage, lease, or otherwise dispose of the same at pleasure, and may borrow money and issue bonds therefor, not exceeding at any one time one-half of their paid up capital stock, and may sue or be sued in all courts of law or equity, and may have and use a common seal, and may change and alter the same at pleasure; and may make such by-laws for their regulation and government as they may see proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state.

Proviso.

Directors, and how elected.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less (than) three nor more than five directors, who shall elect one of their number president, and said directors shall be stockholders in said corporation, and shall hold their office for one year, and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders, to be held on such day, at such hour of the day, and at such place as the by-laws of the said corporation shall direct; and until such annual election shall take place, Martin Voorhies, John M. Fielder, Samuel M. Updike and Thomas A. Segur, being stockholders, shall be directors of said corporation; a majority of the directors shall on all occasions when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business, and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors, by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

Not dissolved by failure to elect directors

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to

hold an election for directors on any other day, ten days' notice being given of the time and place of such election.

5. *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation as nearly as the same can be ascertained. Annual statement.

6. *And be it enacted*, That the principal office of the said company shall be in the county of Mercer, and that regular books of account shall be kept in the said office, to which books of account any stockholder may have free access at all reasonable times for the purpose of inspection; and that books of transfer of the stock shall also be kept, and shall be evidence of the ownership of said stock, in all elections and other matters submitted to the decision of the stockholders of said corporation. Principal office in Mercer county.

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

8. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the general restrictions set forth in an act entitled "An Act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same may be applicable.

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

Approved February 26, 1868.

CHAPTER LVII.

An Act repealing "A Supplement to an act entitled 'An Act to incorporate Jersey City,'" which supplement was approved April twelfth, eighteen hundred and sixty-seven.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "A Supplement to an act entitled 'An Act to incorporate Jersey City,'" which supplement was approved April twelfth, eighteen hundred and sixty-seven, be and the same is hereby repealed.

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

Approved February 26, 1868.

CHAPTER LVIII.

An Act to incorporate the Judson Steel and Iron Works at Rockaway, Morris county.

Corporate powers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons who shall become subscribers to the capital stock hereafter mentioned, their successors and assigns, shall be and they are hereby created and made a corporation and body politic in fact and in law by

Name.

the name of "The Judson Steel and Iron Works."

Capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall consist of five thousand shares of the par value of one hundred dollars per share, with liberty to increase the same to ten thousand shares of the same par value, which shall be transferred in such manner as the said corporation shall direct.

Commissioners to open books of subscription.

3. *And be it enacted*, That Adrian B. Judson, James L. Baldwin and George Neimus, be and they hereby are appointed commissioners to receive subscriptions to the capital stock of such corporation, and they, or a majority of them, shall

open books of subscription to such stock, at the town of Rockaway, Morris county, New Jersey, at such time and place as they, or a majority of them, shall appoint, and shall attend and receive subscription.

Directors, how elected.

4. *And be it enacted*, That whenever the capital stock of said corporation to the amount of two hundred thousand dollars par value shall be subscribed, and two per centum paid in, the said commissioners shall close the books, and hold an election for directors of said corporation, first giving notice thereof, one week previously, and in a newspaper published in Morris county, that five directors shall be elected by ballot at such election by the stockholders, each of whom shall have at such election, and all subsequent elections, one vote for every share of stock owned by him; that said five directors shall constitute the first board of directors, and the same number, or such number as the corporation may by its by-laws appoint shall constitute all subsequent boards, and in case of a vacancy occuring in the board between the elections, the remaining directors shall have power to fill the vacancy; that said directors so elected shall hold their offices for one year, and until their successors shall be elected.

President.

5. *And be it enacted*, That the directors shall have power to elect, out of their body, a president, for such term and in such manner as they shall appoint.

Failure to elect directors not to dissolve

6. *And be it enacted*, That said commissioners shall deliver to the said board of directors, when elected, the subscription books of said corporation, and all moneys received by them for such subscriptions; and said directors shall by their laws appoint an annual election for directors, but in case of failure to hold such election upon the appointed day, said corporation shall not thereby be dissolved, but the said election shall be on some subsequent day, and the directors in office shall continue until such election.

Capital, how paid in, and forfeited for non-payment.

7. *And be it enacted*, That the said board of directors shall have power to demand from the subscribers to the capital stock of said corporation the money for such subscriptions, and for any increase of the capital, or any assessment thereupon; and in case of the failure to pay such subscription, calls or assessments, at such times as they may appoint, the said board may, after four weeks notice in a newspaper published in the county of Morris, declare the said stock, and all previous payments thereupon, forfeited to the corporation, *provided*, it does not interfere with miners, and such stock and

Proviso.

all previous payments thereon, and all right to the same, shall be forfeited and belong to the said corporation.

How dissolved

8. *And be it enacted*, That this corporation may be dissolved at any time by a vote of three-fourths of its stockholders in interest, at a meeting called for that express purpose, by a notice printed once a week, for four successive weeks, in a newspaper published in Morris county, and upon such dissolution the directors, or such persons as the stockholders shall appoint, and their successors, shall be trustees, and as such shall have full powers to realize, sell, and convey and collect the assets of said corporation, real and personal, and pay its debts, and divide the surplus among its stockholders pro rata.

May purchase and hold real estate.

9. *And be it enacted*, That the said corporation shall have power to carry on the business of mining, manufacturing and dealing in iron and other metals, in the counties of Morris and Sussex, in this state, and for such purposes may buy, hold, sell and convey, lease and mortgage the necessary real and personal property, and by water, steam and such other power as they may employ, may carry on mining, manufacturing and milling operations.

10. *And be it enacted*, That the said corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same is applicable.

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

Approved February 26, 1868.

CHAPTER LIX.

An Act to incorporate the Workingmen's Hall Association, of Paterson.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Crooks, Alfred N. Horton, John V. E. Fredericks, and their associates, and all other persons who shall become subscribers and owners of the capital stock hereby created, shall be, and they and their

successors are hereby made and declared to be a corporation and body politic, in fact and in law, by the name of the "Workingmen's Hall Association of Paterson," and by that name shall have power to lease or to purchase and hold real estate in the city of Paterson, in the county of Passaic, and to erect or maintain thereon a hall and other improvements for the use of societies, lyceums, public meetings, concerts and exhibitions, subject to the by-laws and regulations of said corporation. Name.

2. *And be it enacted*, That it shall be lawful for said corporation to use, or to lease and permit to be used, such parts of the hall, or building or buildings, to be purchased or erected by them, as shall not be necessary for holding public meetings for the purpose of carrying on any trade or business therein, not inconsistent with the laws of this state or the provisions of this charter. Powers of corporation.

3. *And be it enacted*, That the capital stock of said association shall be fifty thousand dollars, with the liberty to increase the same hereafter, whenever a majority of the directors of the said corporation shall so determine, to any amount not exceeding one hundred thousand dollars, which stock shall be divided into shares of twenty-five dollars each, said shares to be deemed personal property, transferable in such manner as the by-laws of said coropration shall direct. Capital stock.

4. *And be it enacted*, That the government of the said incorporation, and the management and disposition of its stock, property and concerns, shall be vested in not less than three nor more than seven directors, chosen from among the stockholders in the manner hereinafter directed, who shall hold their office for the term of one year, and until others are elected; and in all cases the directors chosen at one election shall be capable of serving, by virtue thereof, until another election shall have been held; and should any vacancy or vacancies occur during the interval between the annual elections by reason of death, resignation or otherwise, in such case the remaining directors, or a majority of them, may proceed to choose persons to fill such vacancy or vacancies; the said directors shall appoint from among themselves a president, secretary and treasurer. Directors, how appointed, &c.

5. *And be it enacted*, That the election for directors aforesaid shall be held annually, on the second Tuesday of April, at such place in the city of Paterson as shall be directed by the by-laws of said incorporation, and public notice of said Annual election.

election shall be given, not less than ten days previous thereto, and each stockholder shall be entitled to as many votes, in person or by proxy, as he, she or they shall hold shares of the capital stock of the said corporation.

Not dissolved by failure to elect directors

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, it ought to be held, the said corporation shall not for that cause be deemed dissolved, but it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the laws of said corporation; and the said James Crooks, Alfred N. Horton, and John V. E. Fredericks, shall be commissioners to open books and receive subscriptions for the capital stock of said corporation, and to call the first meeting of the stockholders for the election of directors.

Books of account to be kept.

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

Capital, how paid in, and forfeited for non-payment.

8. *And be it enacted*, That whenever the sum of ten thousand dollars of the said capital stock as aforesaid is subscribed, and ten dollars on each share paid in, or secured to be paid in, it shall and may be lawful for said corporation to proceed to carry into effect the objects of said corporation; and that installments of the shares subscribed may be called in as the wants of the association may require; and any stockholder refusing or neglecting to pay the installments as required by the directors, after thirty days' notice, his, her or their installments paid in may be forfeited to the association, by order of the directors.

9. *And be it enacted*, That this act shall take effect immediately, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, and the supplements thereto, as far as the same are applicable.

Approved February 26, 1868.

CHAPTER LX.

A Supplement to "An Act to incorporate the Morris County Mutual Life and Fire Insurance Company," approved February twenty-eighth, eighteen hundred and forty-nine.

Act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said act shall continue in force twenty years from and after the expiration of the time fixed in section tenth of said act.

Approved February 26, 1868.

CHAPTER LXI.

A Supplement to "An Act to incorporate the Burlington County Agricultural Society."

Preamble.

WHEREAS, the Burlington County Agricultural Society by its act of incorporation, approved March fourth, eighteen hundred and fifty-two, was empowered to purchase and hold real estate, and erect buildings thereon for the purposes of the society; and whereas, in order to raise the funds for that purpose, life member tickets have been sold to divers persons for ten dollars each, the holders of which tickets constitute the actual members of said society, and who in case said society should cease to exist should be entitled to the assets of said society in equal shares; and whereas, the property now held by said society is valuable, and it is deemed advisable to place the same on a more permanent basis, and definitely define the ownership; therefore,

Capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said society shall, and they are hereby authorized to issue one thousand shares of stock, to be called the capital stock of said company, of the par value of ten dollars each, with the privilege of increasing the number of shares as the society may hereafter deem advisable.

Certificates of stock issued to life members.

2. *And be it enacted*, That a certificate for one share of said stock shall be issued to each person holding a life member's ticket in lieu thereof, and the balance of said stock shall be sold to such persons as shall desire to purchase the same at ten dollars per share; *provided*, that no person shall at any time be allowed to hold more than one share of said capital stock.

Proviso.

3. *And be it enacted*, That such share of stock shall entitle the holders thereof to one vote at all elections held for officers of said society or other business, and also to all the privileges which are now enjoyed by life members under the constitution and by-laws of said society; *provided, however*, that no person shall be entitled or allowed to vote by proxy.

Proviso.

Dividends.

4. *And be it enacted*, That said stock shall be deemed and taken as personal property, and transferable on the books of said society, and whenever the receipts shall exceed the expenses, the officers of the society shall have power to declare a dividend upon the capital stock, if deemed advisable, to be paid to the stockholders.

Taxes.

5. *And be it enacted*, That the capital stock of said society, to the amount of ten thousand dollars, shall not be liable to have any tax or taxes assessed and levied upon it for any purpose whatsoever, so long as, and no longer than the said society declares and pays no dividend on its capital stock.

Acts declared unlawful.

6. *And be it enacted*, That from and after the passage of this act it shall not be lawful for any person or persons to erect, place or have any booth, stall, tent, carriage, boat, building of any description, or other place for the purpose or use of selling, giving or otherwise disposing of any kind of articles of traffic, spirituous liquors, wine, porter, beer, cider, or any other fermented, mixed or strong drink, or for the purpose of holding, having or making any show, exhibition, concert, or any other show or amusement of any kind whatsoever, for gain or pleasure, within half a mile of the boundaries of the grounds of said society during the time of any exhibition of said society; *provided*, that nothing in this act contained shall be taken or construed so as to effect any licensed tavern-keepers in his or her ordinary and lawful business at his or her usual place of residence specified in his or her license; nor shall it be so construed as to effect any merchant, shop-keeper, farmer, mechanic or other person in the usual and lawful transaction of his, her or their ordinary concerns and business in their usual places of doing such business.

Proviso.

7. *And be it enacted*, That if any person or persons shall or do violate the preceding section of this act, he, she or they shall be liable to the same penalties or forfeitures which shall be enforced in the same manner as is prescribed against offenders under an act of this state, entitled "An Act to prevent the disturbance of meetings held for the purpose of religious worship," passed February second, eighteen hundred and twenty. Penalties.

8. *And be it enacted*, That so much of the original act as is inconsistent herewith, be and the same is hereby repealed, and this act shall be deemed a public act and take effect immediately. Repealer.

Approved February 26, 1868.

CHAPTER LXII.

An Act to incorporate the Trenton Fire Insurance Company of Trenton.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders of the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and declared to be a body corporate, by the name and style of "The Trenton Fire Insurance Company," to be located in the city of Trenton, in the county of Mercer, and state of New Jersey. Name.

2. *And be it enacted*, That the capital stock of said company shall not exceed two hundred thousand dollars, and shall be divided into shares of fifty dollars each; and there shall be paid into the treasury of said corporation by each subscriber of the capital stock, at the time of subscribing, an installment of twenty-five per centum in cash on the capital stock by him subscribed for, the remainder to be paid in such installments, at such time and upon such notice, as the board of directors of said corporation may determine; and the said company shall not commence the business of insurance hereby Capital stock

authorized until fifty thousand dollars of the capital herein authorized is actually paid into the treasury thereof.

Non-payment of installments incur a forfeiture.

3. *And be it enacted*, That in case any stockholder in the Trenton Fire Insurance Company shall fail or refuse to pay any installment on his or her stock when called in by the directors, and required to be paid in accordance with the second section of this act, it shall be lawful for the directors of said company, and they are hereby authorized, to forfeit the share of each and every person so failing to pay such installments, or any of them, to and for the use of the company, or at their option, to sue for and recover the installment or installments so remaining unpaid of the person or persons in whose name such stock shall stand on the books of the company at the time of calling in the said installments respectively.

Directors and officers, and their terms.

4. *And be it enacted*, That the stock, property and affairs of said corporation shall be managed and conducted by fifteen directors, all of whom shall be stockholders and residents of this state; they shall continue in office for the term of one year, or until others shall be chosen in their place; they shall choose out of their body a president, vice president and treasurer; all vacancies may be filled for the remainder of the year by such person or persons as a majority of the board of directors for the time being may appoint, a majority of whom shall form a quorum for the transaction of business.

Election of directors.

5. *And be it enacted*, That the annual election for directors shall be held on the second Tuesday in May in every year, at the office of the company, or such other place as a majority of the directors may previously designate, of which said election a public notice shall be given by the secretary in the newspapers printed in the city of Trenton, at least two weeks previous to the time of holding the election, such election to be held in such manner as may be prescribed by the rules and regulations of said company; and in case it should happen that an election for directors should not be held on the day when, pursuant to this act, it ought to have been held, the said corporation shall not for that cause be dissolved, but it shall and may be lawful on any other day to hold such election.

Powers of directors.

6. *And be it enacted*, That the said board of directors shall have power to establish and ordain such by-laws and regulations as they or a majority of them shall deem proper, and to alter or change the same at pleasure; to elect a secretary and fix the compensation of the same, to adopt a com-

mon seal for the corporation, and all other acts necessary for the transacting, managing and conducting of the affairs of the said corporation; *provided*, such rules and by-laws be not contrary to the constitution or laws of this state, or of the United States. Proviso.

7. *And be it enacted*, That in case of the absence, death, or inability to act of the president or secretary of said company, all policies of insurance, and other contracts made by the company, and signed, executed and attested by the vice president or secretary pro tempore, shall be valid and as binding upon the company as if signed and attested by the president and secretary. Policies of insurance.

8. *And be it enacted*, That William H. Potts, Charles Carr, Charles Swan, Henry Speeler, Watson F. Van Camp, Peter C. Onderdonk, Charles B. Van Syckel, John L. Murphy, Thomas J. Corson, Theodore W. Hill, Jonathan Cook, Baltes Pickel, and Jacob R. Freese, shall be commissioners to receive subscriptions to the capital stock of said company; and when the said stock shall be subscribed for and paid in, as mentioned in the second section of this act, the commissioners shall call a meeting of the stockholders by an advertisement, published at least ten days previously, in the newspapers published and circulated in the city of Trenton, stating the time and place at which such meeting of the stockholders shall be held, and they shall by ballot elect the first directors of said company; said commissioners shall appoint three inspectors, being stockholders, of said election; and should there be any deaths or resignations among the commissioners above appointed, then the remainder shall elect others to supply the vacancy or vacancies so occasioned. Commissioners to receive subscriptions.

9. *And be it enacted*, That the said company shall have power, first, to make insurance upon dwelling houses, stores, and all kind of buildings, and upon household furniture, merchandise, and all personal and other property against loss or damage by fire, and generally to insure against all losses pertaining to fire risks; second, to cause themselves to be reinsured when deemed expedient. Upon what insurance may be effected.

10. *And be it enacted*, That all policies of insurance, or other contracts authorized by this act, may be made with or without the seal of said company, and shall be subscribed by the president and attested by the secretary, and, being so signed, executed and attested, shall be binding upon the said corporation, and all such policies and contracts may be so

made, signed, executed and attested without the presence of the board of directors.

May hold real estate.

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

Proviso.

Assignment of policy.

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

Payment of losses.

13. *And be it enacted*, That any person or persons insured by said corporation may maintain an action at law against the same for losses or damages due him, her or them from said corporation, if payment is withheld more than ninety days after the amount and due proofs of such losses shall have been ascertained and made, and the said corporation notified thereof; *provided*, that if the directors agree to rebuild or replace the property lost or damaged, in such case a reasonable time shall be allowed them.

Proviso.

14. *And be it enacted*, That this act shall continue in force until it shall be altered, amended, modified or repealed by the legislature at any time hereafter, when in their opinion the public good may require it.

Approved February 26, 1868.

CHAPTER LXIII.

An Act to change the name of the Bergen Neck Methodist Episcopal Church of Bayonne.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the Bergen Neck Episcopal Church of Bayonne, be and the same is hereby changed to the Mattison Methodist Episcopal Church of Bayonne. Change of name.

2. *And be it enacted*, That all the legal rights and liabilities of said corporation shall remain the same as if this act had not been passed, and that this act shall be deemed a public act and shall take effect immediately.

Approved February 26, 1868.

CHAPTER LXIV.

An Act to incorporate the Hudson City Stock Yard and Market Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Garret D. Van Reipen, John Hedden, Marcus Beach, Thomas E. Bray, C. W. Congor, Sylvanus Judd, Elam Hurd, Daniel Toffy, John R. McPherson, and their associates, and all persons who are or may be holders of the stock hereafter mentioned, are constituted a body corporate by the name and style of "The Hudson City Stock Yard and Market Company," and by that name and style may contract and be contracted with, sue and be sued, have a common seal, and may have and exercise all the rights, privileges and immunities which are or may be necessary to carry into effect the purposes of this act. Corporators. Name.

2. *And be it enacted*, That said company shall have power to locate, contract and maintain upon any land which they may purchase or lease for such purposes within the limits of the city of Hudson, at some point between Tonnele avenue Location of yards, &c., and general powers.

and the Hackensack river, all the necessary yards, inclosures, buildings, structures, aqueducts and railway tracks, switches and turnouts for the reception, safe keeping, feeding, watering, marketing, killing and packing, and for the weighing, delivery and transfer of cattle and live stock of every description, and also dead and undressed animals that may be at or passing through the county of Hudson, and for the accommodation and transaction of the business of a general stock yard and market establishment for cattle and live stock, including the erection and establishment of one or more hotel buildings, and the right to use, keep, manage or lease the same for the accommodation of the public doing business at the said yards and otherwise, and shall have power to enlarge, re-locate within the limits aforesaid, sell or lease the said yards, structures and buildings, or any of them as shall become necessary or expedient from time to time, subject, nevertheless, to the restrictions above mentioned as to the location of the same, and shall have the right and power to purchase and sell and make advances of money upon such cattle and live stock for freight and other purposes, and for the care, subsistence and handling and for advances made upon stock, and for killing, packing and rendering the same, the said company may require to be paid compensation therefor; the said company shall also have power to manipulate and dispose of the offal or manufactured products therefrom.

May purchase, hold and convey real estate

3. *And be it enacted*, That the said company shall have power and authority for carrying out the purposes of said incorporation, to procure, hold, and use such personal property, and also to purchase, lease, hold, sell and convey so much real estate as may be necessary for the proper transactions of their business.

Capital stock.

4. *And be it enacted*, That the capital stock of said company shall be three hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, which stock shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable on the books of the said corporation; the said company may commence operations when fifty thousand dollars shall have been paid in, in cash; the board of directors shall have power to require the payment for the stock subscribed, in the manner, at the time, and in such sums as they may direct, and to declare dividends upon profits earned by the said company; on the refusal or neglect of any stock-

holder to make payment of any installment on the requisition of the board of directors, the share or shares of such delinquent, with all installments paid, may be forfeited, or may, after thirty days' public notice in the newspapers of Hudson county, be sold at public auction under such rules as the directors may adopt; or said company may issue and use their stock as full paid, in the purchase of real estate or other property, or for other purposes, on such terms as the respective parties may agree upon.

5. *And be it enacted*, That the said corporate powers of said company shall be vested in and exercised by a board of directors, to consist of seven in number, who shall be stockholders, holding not less than fifty shares of stock, and such other officers, agents, and servants as they shall appoint; the first board of directors shall consist of John Hedden, Marcus Beach, Thomas E. Bray, Sylvanus Judd, Daniel Toffey, Elam Hurd and John R. McPherson, who shall hold their office until the first Tuesday of January, anno domini eighteen hundred and seventy, and until their successors are elected and qualified; vacancies in said board may be filled by a vote of two-thirds of the directors remaining; an annual election for directors shall be held on the first Tuesday in January of each year, at such place and in such manner as may be provided by the by-laws of said company. First directors

6. *And be it enacted*, That at any election of directors, each share of stock shall be entitled to one vote, to be given either in person or by proxy, and the seven persons receiving the largest number of votes shall be elected, and hold their office until the next annual election, and until their successors shall be duly qualified; and if, for any cause, the annual election shall fail, the company shall not be dissolved, but the directors in office shall continue to hold their places as directors until an election shall be had and their successors duly elected and qualified. Directors, and how elected.

7. *And be it enacted*, That the directors herein named shall organize by electing one of their number president, and by appointing a secretary and treasurer; the said company shall have power to make, ordain and establish by-laws, rules, and regulations necessary to fulfil the purposes and carry into effect the provisions of this act, and for the well ordering and securing the affairs, business, and interest of the company. Officers.

8. *And be it enacted*, That the said company is hereby authorized, from time to time, to borrow such sums of money May borrow money and issue bonds.

as may be necessary, and to issue and dispose of their bonds therefor, in denominations of not less than five hundred dollars each, and to an amount which in the aggregate shall not exceed two hundred thousand dollars, bearing interest at the rate of seven per centum, and to secure the payment of the same may execute a mortgage or mortgages, or deed of trust, of all or any part of its property, real and personal.

9. *And be it enacted*, That the said corporation shall continue in existence for thirty years, and that this act shall take effect immediately, and the legislature may at any time alter, repeal, or amend the same.

Approved February 27, 1868.

CHAPTER LXV.

An Act to incorporate the Reese, Staats and Melick Manufacturing Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Adam R. Reese, Peter V. Staats, George Sweeny, John W. Dean, Christopher S. Melick, Rufus Sliker, Andrew P. Kinney, John G. Hillegass, Andrew J. Farrand, and the survivors of them, and all such persons as may hereafter be associated with them or the said surviviors, 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 "Reese, Staats and Melick Manufacturing Company," for the purpose of carrying on the foundry and machine business, and the manufacture of agricultural implements in the town of Phillipsburg, in the county of Warren, and in the village of Raritan, in the county of Somerset.

May purchase and hold real estate.

2. *And be it enacted*, That the said corporation may purchase, hold, sell, convey, mortgage, lease and dispose of such real and personal property as may be needful and proper for use in carrying on said business, or may accrue to them in the course thereof.

Directors, and how elected.

3. *And be it enacted*, That the stock, property and concerns of said corporation shall be managed and conducted by five or more directors, as the by-laws may designate, of whom

a majority shall be residents of the 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 first Monday in November in every year, at such time and place as shall be directed by the 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 one or more newspapers published in each of the said counties of Warren and Somerset, or upon such notice as the by-laws of the said corporation shall direct, 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 in the capital stock of the said company; 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 Adam R. Reese, Peter V. Staats, George Sweeny, John W. Dean, Christopher S. Melick, Rufus Sliker, Andrew P. Kinney, John G. Hillegass, Andrew J. Farrand, and the survivor or survivors of them, who shall hold their office until the first Monday in November, anno domini eighteen hundred and sixty-eight, or until others are legally chosen.

Capital stock.

4. *And be it enacted*, That the capital stock of said company shall be two hundred thousand dollars, and may be increased to two hundred and twenty-five thousand dollars, divided into shares of one hundred dollars each; and as soon as a transfer and conveyance shall be made to the "Reese, Staats and Melick Manufacturing Company" by the said persons above named, of the property, effects, assets and buildings now owned, occupied and used by them in the foundry and machine business and manufacture of agricultural implements

in Phillipsburg and Raritan, which together represents their said capital of two hundred thousand dollars, it shall be lawful for the said company to commence their business, and with that capital, conduct and carry it on until they shall deem it necessary to extend their operations and increase their capital for that purpose, which a majority of the directors are authorized to do, to the amount hereinbefore mentioned; and it shall be lawful for the directors, or a majority of them, to call and demand from the stockholders respectively, all sums of money by them subscribed of the said capital stock or of the increased capital above the said sum of two hundred thousand dollars, at such time and in such proportions as they shall think proper, under pain of forfeiting the shares subscribed, and all previous payments thereon, if such payments shall not be made in thirty days after a notice shall have been published for the space of fifteen days in one or more newspapers published in said counties of Warren and Somerset.

Stock personal property.

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

Proviso.

no dividends shall be made to and among the stockholders, except from out of the net profits of the said corporation, except as is hereinafter provided in case the capital stock of said corporation shall be reduced.

Not dissolved for failure to elect officers.

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.

Powers of directors.

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 and disposition of the stock effects, profits and concerns of the said corporation; *provided*,

Proviso.

that the same are not contrary to the constitution and the laws of the United States, or of this state.

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

9. *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of capital stock paid in, the amount of property held, and the amount of money due unto or by the said corporation, as nearly as the same may be ascertained, and when desired by one or more of the stockholders, shall be accompanied by an oath or affirmation, of an officer or one of the board of directors, stating the same to be correct to the best of their knowledge and belief. Annual statement.

10. *And be it enacted*, That in case the business of the said corporation, shall, in the opinion of the directors, require the capital stock to be reduced, they are hereby empowered to reduce the same to any amount not less than one hundred thousand dollars, after having first obtained the consent of two-thirds of the stockholders, at a meeting called for that purpose, upon such notice as the by-laws of said corporation may prescribe, and by paying to each stockholder the amount due him by said reduction; *provided*, the liabilities of the said corporation does not exceed thirty thousand dollars. May reduce stock. Proviso.

11. *And be it enacted*, That this act shall continue in force for thirty years, and take effect immediately.

Approved February 27, 1868.

CHAPTER LXVI.

An Act to facilitate Judicial Proceedings in the county of Middlesex.

Clerk of grand juries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the presiding judge of the court of oyer and terminer and general jail delivery of the county of Middlesex, shall nominate and appoint, under his hand and seal of the said court, an officer who shall be called the clerk of grand juries, who shall hold his office for the term of one year, unless sooner removed by said judge, which he is empowered to do at his pleasure.

2. *And be it enacted*, That such clerk of the grand juries shall, at each term of the courts of said county, and before entering upon the duties of his office, be duly sworn, in open court, well and faithfully to execute the duties of his said office, and to keep secret the counsel of the state, the grand jury, and his own, as such clerk thereof.

Duties of the clerk.

3. *And be it enacted*, That the duties of the said clerk of the grand juries shall be as follows: to obtain and receive from the justices of the peace and coroners of the said county, on behalf of such grand jury, at least six days before the session thereof, all complaints, informations, examinations, inquisitions, recognizances, and articles of evidence before them had, taken and received from time to time, and still remaining; to arrange such complaints, informations and inquisitions, so as to expedite the examination thereof by the grand jury, separating such of them as shall relate to persons then confined in the jail of said county from those which relate to persons at large, to cause subpœnas to be issued, under the direction of the prosecutor of the pleas of the said county, by the clerk of the courts for said county, to persons having knowledge concerning alleged offenders then in said jail, to appear before the grand jury immediately upon their sessions; and during the session of the grand jury to issue subpœnas in like manner from time to time; to aid the grand jury in forwarding their business, and in the examination of witnesses sworn, and generally to aid and assist the grand jury, according to his discretion and ability, in the discharge of their duties.

4. *And be it enacted*, That the said clerk of the grand juries shall receive the sum of fifty dollars for each regular term of said court, to be paid by the collector of the said county, after each term of said courts. Compensation

5. *And be it enacted*, That it shall be the duty of the justices of the peace of the said county to deliver to the said clerk of the grand juries, at least seven days before each of the courts of said county, all complaints, examinations, informations and recognizances before them heard or taken, or articles of evidence by them received and then remaining; and if any justice of the peace shall neglect or refuse so to do, he shall, for every such neglect or refusal, forfeit and pay to and for the use of said county, one hundred dollars, to be sued for in an action of debt by the chosen freeeholders of the said county. Duties of justices of the peace.

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

Approved February 27, 1868.

CHAPTER LXVII.

A Further Supplement to an act entitled "An Act to incorporate the Hudson County Mutual Insurance Company," approved February eleventh, eighteen hundred and forty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said act and all supplements thereto which are now in force, shall continue in force for thirty years from the expiration of the time fixed in section thirteen of said act. Extending charter of company.

Approved February 27, 1868.

CHAPTER LXVIII.

A Supplement to an act entitled "An Act to incorporate the Paterson Co-operative Association," approved March fourteenth, eighteen hundred and sixty-seven.

When empowered to go into operation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Paterson Co-operative Association, incorporated by the said act to which this is a supplement, shall be and is hereby empowered to organize and go into operation whenever fifteen hundred dollars of the capital stock authorized by said act shall have been subscribed and paid.

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

Approved February 27, 1868.

CHAPTER LXIX.

An Act to incorporate the Andover Iron Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ario Pardee, J. Gillingham Fell, Edward Roberts, William Firmstone, Franklin A. Comly, Thomas J. Stryker, George Richards, Joseph C. Kent and William A. Ingham, and their associates, be and they are hereby created a body politic and corporate, in fact and in law, by the name and style of "The Andover Iron Company," for the purpose of mining and selling iron ores and other minerals, and smelting, manufacturing and selling the same, and carrying on the business incident thereto; and for such purposes the said company shall or may raise by subscription, by opening the books therefor, or otherwise, a capital stock of six hundred thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same from time to time to any sum not exceeding one million

Name.

of dollars; and it shall be lawful for said company to issue certificates of stock, in whole or in part payment, for any real or personal property purchased or leased by said company for the purpose of their business aforesaid.

2. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease, or otherwise dispose of the same at pleasure, and may borrow money, and issue bonds therefor, to an amount not exceeding at any one time one-half of their paid up capital stock, and may sue and be sued in all courts of law or equity, and may have and use a common seal, and may change and alter the same at pleasure, and may make such by-laws for their regulation and government as they may see proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state. May purchase hold and convey real estate. Proviso.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than five nor more than seven directors, who shall elect one of their number president, and said directors shall be stockholders in said corporation, and shall hold their office for one year, and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders, to be held on such day, at such hour of the day, and at such place as the by-laws of the said corporation shall direct; and until such annual election shall take place, Ario Pardee, J. Gillingham Fell, Edward Roberts, William Firmstone, William A. Ingham, Thomas J. Stryker and Franklin A. Comly, being stockholders, shall be directors of said corporation; a majority of the directors shall on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business, and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholders. Directors, and how elected.

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be Not dissolved by failure to elect directors

deemed to be dissolved; but the stockholders may proceed to hold an election for directors on any other day, ten days' notice being given of the time and place of such election.

Upon purchasing may use rail and tramways.

5. *And be it enacted*, That if said company, when duly organized shall become the owners or proprietors of the mine known as the Andover mine, in the county of Sussex, and the mine known as the Dell mine, in the county of Morris, with the private rail and tramways now connecting said mines with other lines of transportation, that it shall be lawful for said company to use said private rail and tramways in connection with the working of said mines.

Annual statement.

6. *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained.

Meetings of directors.

7. *And be it enacted*, That the meetings of the directors shall be held at such time and place as the board of directors or their by-laws shall from time to time designate; but the corporation shall keep an office in the county of Warren, and shall there have such books of account as may be necessary to afford full information of its transactions, which shall always be open at reasonable hours for the inspection of the stockholders, and that books of transfer of stock shall also be kept, and shall be evidence of the ownership of stock in all elections and other meetings submitted to the decision of the stockholders of said corporation; and that the said company may, in addition to their office in the county of Warren, have and maintain an office in the city of Philadelphia for the transaction of business, the transfer of stock, and the meeting of directors and stockholders of the said company.

How dissolved.

8. *And be it enacted*, That the said corporation hereby created may be dissolved by a general meeting of the stockholders of the same, specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being, and the survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for the settling all the affairs of the company, collecting and disposing of all its property and assets, paying its debts, and

Proviso.

dividing its surplus among the stockholders in proportion to their respective interests in the stock.

9. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the general restrictions set forth in an act entitled "An Act concerning Corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same may be applicable.

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

Approved February 27, 1868.

CHAPTER LXX.

Supplement to an act entitled "An Act to regulate elections," approved April sixteenth, eighteen hundred and forty-six.

Penalty for violation of law.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the penalties provided by the one hundred and ninth section of the act to which this is a supplement, and by the supplement thereto, approved March twenty-seventh, eighteen hundred and sixty-six, every person offending against the provisions of the one hundred and eighth section of the said act, or against the said supplement thereto, shall for every offence forfeit and pay the sum of one hundred dollars, to be sued for and recovered in an action of debt in any court having jurisdiction of that amount, by any citizen of this state resident in the county where such offence shall be committed, one-half of which penalty shall, when collected, be paid to the county collector, for the benefit of said county, and the other half to the person who shall prosecute for the same.

Duty of judge or justice.

2. *And be it enacted*, That it shall be the duty of the judge or justice before whom such prosecution may be had, to send a certified copy of all papers and proceedings relating thereto, as the same appear before him, to the grand jury of the county in which such prosecution shall be had at its next session thereafter.

Prosecutor exempted from punishment, &c.

3. *And be it enacted*, That any and every person who shall prosecute for the penalty provided in the first section of this act shall be exempt from all prosecution, indictment, or punishment, by reason of any previous violation of the one hundred and eighth section of the act to which this is a supplement, or of the supplement thereto, approved March twenty-seventh, eighteen hundred and sixty-six, and all proceedings against him thereunder shall be null and void.

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

Approved February 27, 1868.

CHAPTER LXXI.

A Further Supplement to the act entitled "An Act respecting conveyances," approved April fifteenth, eighteen hundred and forty-six.

Proofs and acknowledgments valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all proofs and acknowledgments of the execution by any person or persons, married or single, whether residing in this state or not, or by any corporation created under the laws of this state, of any deed or other instrument the execution whereof is or shall be by the laws of this state authorized or required to be proved or acknowledged, which have been or shall be made out of this state before any officer at the time of such acknowledgment empowered by law to take and certify such proof or acknowledgment in cases where the grantor or person making the same resides in the state, territory, colony, kingdom or nation where such proof or acknowledgment is made, and duly certified by such officer in the manner now required by law, shall be and are hereby declared to be and to have been as valid and effectual in law, although the grantor or person making such proof or acknowledgment did not or shall not at the date thereof reside in the state, territory, colony, kingdom or nation where the same was or shall be made, as if such grantor or person did or should then reside in such state, territory, colony, kingdom or nation.

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

Approved February 27, 1868.

CHAPTER LXXII.

A Supplement to an act entitled "An Act to incorporate the Bridgeton and Port Norris Railroad Company," approved March twenty-seventh, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the persons named as commissioners of the Bridgeton and Port Norris railroad, in the first section of the act entitled "An act to incorporate the Bridgeton and Port Norris Railroad Company," approved March twenty-seventh, eighteen hundred and sixty-six, Franklin F. Westcott, Ebenezer Westcott and Edmund M. Bonham, be and they are hereby ordained, constituted and declared commissioners of the said Bridgeton and Port Norris railroad, and invested with all the powers and privileges conferred in and by said act upon the persons named in the first section thereof. Additional names of commissioners.

2. *And be it enacted*, That as soon as fifty thousand dollars of the capital stock of said railroad shall be subscribed, the commissioners named in the first section of said act, and in the first section of this supplement, shall give the notice for a meeting of the stockholders to choose nine directors, and shall do other acts and things specified in the third section of said act. Directors, how chosen.

3. *And be it enacted*, That all parts of said act 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 February 27, 1868.

CHAPTER LXXIII.

An Act to incorporate the Union Cranberry Company.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas C. T. Buckley, James W. Gerard, Jr., Henry M. Alexander, and all such persons as may hereafter be associated with them, their successors and assigns, be and they are hereby constituted a body politic and Name. corporate, in fact and in law, by the name of the Union Cranberry Company, for the purpose of buying, holding, cultivating and improving lands in the counties of Ocean and Burlington, and for raising and selling cranberries and other fruit and other produce of said lands, and carrying on the business connected therewith, and erecting such buildings and holding such personal property as may be necessary therefor, and that they and their successors, by the same name may sell, grant, alien, mortgage and dispose of the said lands, tenements and hereditaments, cranberries, produce, fruits, goods and chattels, or any part thereof.

Capital stock. 2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and that subscriptions to the capital stock may be paid in real and personal estate, in a valuation to be agreed upon by a majority of the directors, and the said corporation may issue stock in payment therefor; and that the subscriptions for stock shall be opened in the town of Manchester, in Ocean county, at such time as the directors may designate, under their direction or that of such persons as a majority of them may select.

Directors how elected. 3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of five directors, one of whom shall be president, and a majority of whom shall have all the powers of the board, and they shall hold their office for one year, and until others are elected in their stead, and shall have power to make by-laws for the government and management of said corporation, and shall hold their meetings at such times and places in this state or elsewhere, as the by-laws may provide; and that until an election for directors shall be held, the persons named in the first section of this act shall be directors.

4. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and shall be transferable in such manner as the by-laws may prescribe.

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

Approved Fberuary 27, 1868.

CHAPTER LXXIV.

Supplement to an act entitled "An Act to incorporate the Phillipsburg Horse Car Railroad Company," approved April ninth, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case it shall happen that an election of a president and directors shall not be made during the day when, pursuant to the by-laws of said company 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 giving at least twenty days' notice in one of the newspapers published in the county of Warren, and the directors for the time being shall continue to hold their offices until others have been chosen in their places. Not dissolved by failure to elect directors

2. *And be it enacted*, That a majority of the directors of said company shall be competent to transact all business of said corporation; and shall have power to call in the remaining stock of said company by such installments and at such times as they may direct, by giving twenty days' previous notice in one newspaper published in the county of Warren; *provided*, that no installment shall exceed ten dollars on each share, and that no two installments shall be required to be paid within thirty days of each other; and in case of the non-payment of said installments, or any one of them, they shall have power to forfeit the share or shares upon which said default shall arise to said corporation; and said directors shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear useful and proper touching the management and regulation of the stock, property, estate, Powers of directors. Proviso. Failure to pay installments to work forfeiture.

effects, business 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 to the president as to the said directors shall seem proper.

May lay out and construct a railroad, with branches

3. *And be it enacted*, That the said corporation shall have power and authority to construct a railroad, with necessary turnouts, through Main street, in the town of Phillipsburg, in the county of Warren, in this state, from the west end thereof to a point at or near lock number one of the Morris Canal Company, with a branch or branches to the railroad depots as the same now or hereafter may be, and such other branches in the streets of said town as may be deemed necessary;

Proviso.

provided, the said railroad shall not be constructed through any of said streets without the consent of the common council of the town of Phillipsburg being first had and obtained by an ordinance of the common council, and that the rails used by the said company shall be of the pattern and shape now used by the Fifth and Sixth Street Passenger Railroad Company of the city of Philadelphia, that the track shall be of the same width as the wagon track now established by law; and said track and rails shall in all cases be laid level with the surface or face of the streets through which the same may pass, and in conformity with the grades of said streets, as the same now are or hereafter may be established by the common council, so that said railroad shall not present any obstruction to or in any way interfere with wagons or vehicles turning in or crossing said street, and that no damages or other compensation shall be demanded or recovered from said company for the use of said streets, or the right of way through the same, either by the town or the land owners along said streets; *provided*, that the said company shall be liable as in other cases, for all damages done by them to private property.

Proviso.

May purchase and hold real estate.

4. *And be it enacted*, That the said company may purchase and hold, have, use and occupy such real estate at or near the commencement and termination of the road, and at such points along the line of the road as may be necessary for the convenient transaction of their business, not exceeding two acres in each place, and may erect and build thereon, depots, warehouses and such other buildings and improvements as they may deem expedient for the safety of their property, and the necessary uses appertaining to their business.

5. *And be it enacted*, That in case the said railroad is

located on or across any road, highway, or on any street or streets in the said town, the said company shall restore such road, highway, street or streets, to such state or condition as not to impair its usefulness.

Penalty for injuring road, &c.

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

Must file statement of cost, &c., with secretary of state.

7. *And be it enacted*, That as soon as the railroad is finished, the president of the 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 the state, of the proceeds and expenses of the said road, and as soon as said company shall declare to their stockholders dividends, equal to eight per centum per annum from and after the commencement of the building of said road, and so long as said company pay dividends of eight per centum per annum, the said company shall pay to the treasurer of this state a tax of one-half of one per centum on the cost of the said road, to be paid annually on the first Monday in January; *provided*, that no other tax or impost shall be levied or raised from said incorporation by virtue of any law of this state.

Taxes.

Proviso.

Subject to the charter of Phillipsburg.

8. *And be it enacted*, That said company shall within the limits of the said town of Phillipsburg, in all things be subject to the provisions of the charter and ordinances of said town now or hereafter to be in force; whenever any street or road in said town, occupied by said company with their tracks or turnouts, shall be paved by order of the town council, the said company shall pay the cost and expense of keeping the paving between the rails of their tracks and turnouts in repair.

May connect with other horse railroads

9. *And be it enacted*, That said company shall have power to connect with any other horse railroad now built or that may hereafter be built and established by any company or incorporation, and to make contracts and engagements with them or with individuals, for operating such railroad, upon such terms and conditions as shall be agreed between them, and not inconsistent with their respective charters, and that

all acts or parts of acts, contrary to the provisions of this act, or inconsistent with the same, are hereby repealed.

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

Approved February 27, 1868.

CHAPTER LXXV.

A Supplement to to the act entitled "An Act to incorporate the Franklin Agricultural Society of Somerset county," approved March thirteenth, eighteen hundred and fifty-seven.

caler.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proviso to the third section of the act entitled "A Supplement to the act entitled 'An Act to incorporate the Franklin Agricultural Society of Somerset county,'" approved March seventeenth, eighteen hundred and sixty-four, be and the same is hereby repealed.

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

Approved February 27, 1868.

CHAPTER LXXVI.

An Act to incorporate the Standard Fire Insurance Company of Trenton, in this State.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John C. Cook, William Boswell, Charles Bechtel, Robert C. Belville, John O. Raum, Benjamin O. Tyler, Daniel Peters, Henry Denison, W. D. Oliphant, and others, their associates, successors and assigns, shall be and are hereby ordained, constituted and appointed

a body politic and corporate, by the name and style of the "Standard Fire Insurance Company of New Jersey," and by the same name have perpetual succession. Name.

2. *And be it enacted*, That the capital stock shall be fifty thousand dollars, with the privilege of increasing the same to one hundred thousand dollars, the said stock to be divided into shares of fifty dollars each; and there shall be paid into the treasury of said company by each subscriber, the sum and installment of ten dollars on each share of stock by him or her subscribed for at the time of subscribing, and a further installment of fifteen dollars within three months after the organization of the company, and the remainder of said shares shall be paid in such installments as the directors may determine; and if any subscriber of any share or shares of said stock, shall neglect or refuse to pay the installments as aforesaid, for the space of sixty days after the same shall become due or required, and after thirty days' notice shall have been given to such stockholders, the stock of such negligent stockholder shall be sold by the directors in such manner as they may provide in the by-laws; and the proceeds of said sales shall be first applied in payment of the installment called for and the expenses of attending the sale, and the balance, if any, shall be refunded to the owner of said stock; and such sale in all respects, shall entitle the purchaser to all the rights of a stockholder to the extent of the share so bought. Capital stock, and how paid in. Stock forfeited if installments are unpaid.

3. *And be it enacted*, That the said company shall have full power and authority to insure dwelling houses, merchandise personal and all kinds of property for any person or persons, against loss or damage by fire on the mutual plan or otherwise, by perpetual policies or otherwise, on such terms, at such rates of premium as may be agreed upon, and generally to make and execute such contracts, agreements, policies and other instruments as shall or may be necessary, and as the nature of the case may require. Insurance powers.

4. *And be it enacted*, That all the corporate powers and the property and affairs of the said corporation shall be conducted and managed by nine directors, a majority of whom shall be citizens of this state, and shall hold their offices for one year and until others are chosen; the said directors shall elect from their own number a president and vice president, who shall hold their offices for one year and until others are chosen; and they shall also elect a secretary and treasurer, both of whom shall be stockholders in their own right; and they may appoint Directors and officers.

such agents, officers and attorneys, as may be found necessary for the promotion of the business of the company; shall make all necessary by-laws, rules and regulations, and may fill vacancies in their board until the next election.

First directors

5. *And be it enacted*, That the nine persons named in the first section of this act shall constitute the first board of directors, and their first meeting shall be held as soon as practicable after the passage of this act, and they are authorized to open the books and receive subscriptions to the capital stock of said company.

Policies.

6. *And be it enacted*, That all policies or other contracts may be with or without the seal of the company, and shall be signed by the president and secretary, and being so signed and executed shall be binding and obligatory upon the company.

Rates of insurance.

7. *And be it enacted*, That the rates of insurance shall be from time to time fixed and regulated by the directors, and premium notes may be received from the insured, which shall be paid at such time or times, and in such sum or sums as the company shall require; and any person applying for insurance shall pay a cash premium in addition to a premium note, or a definite sum of money to be fixed by said company, in full for said insurance, and in lieu of a premium note.

8. *And be it enacted*, That each person or persons shall be bound to pay for losses and such necessary expenses accruing in and to said company in proportion to the amount of his or their premium notes, and suits at law may be maintained by said company against any of its members or persons insured, for the collection of its premium notes, or any assessments thereon.

Meetings of stockholders.

9. *And be it enacted*, That the meeting for the election of directors shall be held on the first Monday of February in each and every year, at such hour of the day, and at such place in the city of Trenton, as the board of directors shall direct, and each share of stock shall entitle its owner to one vote at each election, to be given either in person or by proxy; and that the office and records of the company shall be kept in said city of Trenton.

10. *And be it enacted*, That the capital stock of said company shall be deemed personal property, and the shares transferable on the books of the company in such manner as they may prescribe.

11. *And be it enacted*, That the said company shall pos-

sess 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, and the acts supplementary thereto and amendatory thereof, so far as the same are applicable.

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

Approved February 27, 1868.

CHAPTER LXXVII.

An Act to change the name of "St. John's Church," (Episcopal) at Paterson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of "St. John's Church," (Episcopal) of Paterson, be and the same is hereby changed to that of the "Church of the Holy Communion," and by the latter name shall have, hold and receive all real and personal estate, and enjoy all rights, powers, privileges and immunities, the same as though the name of said church had not been changed. Change of name.

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

Approved February 27, 1868.

CHAPTER LXXVIII.

An Act relative to the Public Printing.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the laws enacted at each session of the legislature, the journals of the senate and the minutes of the joint meeting, the minutes of the house of as- Printing regulated.

sembly and legislative documents, shall be printed hereafter in accordance with the style in which the work was done in the year eighteen hundred and sixty-seven, at the following prices, to wit: for printing three thousand copies of session laws, the sum of forty dollars per sheet of sixteen pages; for printing one thousand copies of the journal of the senate, with the minutes of the joint meeting, and one thousand copies of the minutes of the house of assembly, the sum of thirty dollars per sheet of sixteen pages; for printing one thousand copies of the legislative documents, at the rate of one dollar per thousand ems for composition, and one dollar per token of two hundred and fifty impressions of sixteen pages for the press work; for printing one hundred and fifty copies of the public bills ordered by either branch of the legislature at the rate of six dollars per sheet of four foolscap pages, on good writing paper, with pica type, each page to contain thirty-one lines; for printing the pamphlets and other papers ordered by the legislature at the rate of one dollar per thousand ems for composition, and one dollar per token of two hundred and fifty impressions of sixteen pages for the press work; *provided*, that in all cases where rule and figure work is required, the price for composition shall be double the rate above stated; *and provided further*, that one dollar extra shall be paid per page for all indices and tables of contents, set in bourgeois type, in the session laws, journals of senate and minutes of house of assembly.

Proviso.

Proviso.

What prices to include.

2. *And be it enacted*, That the above prices shall include all the expenses incident to the printing and delivery to the state treasurer of all documents ordered except folding and stitching, which shall be charged at the current prices for such work, and the paper, which shall be of good quality, white, calendered printing paper for the documents in octavo form, weighing not less than forty-four pounds to the ream of four hundred and eighty sheets, twenty-four by thirty-eight inches in size; the bills to be on good foolscap paper, weighing fourteen pounds to the ream; the price to be allowed for such paper shall be at the lowest rate per pound at which the same is sold by paper dealers in New York or Philadelphia during the first week in February; for the paper used in the pamphlets and legislative documents and current work ordered by the legislature at the lowest rates at which the same is sold by paper dealers in either of said cities during the last week in January, and for the other work at the lowest

rates aforesaid at which such paper is sold in either of said cities during the last week in March of this year, and satisfactory evidence of the price of such papers within the said period shall be submitted to the comptroller before the allowance by him for any bill for paper on which any public printing has been executed.

Legislative documents.

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

Number of copies to be printed.

Copy to be delivered within thirty days.

4. *And be it enacted*, That in conformity with the act approved April sixteenth, eigtheen hundred and forty-six, it shall be the duty of the clerk of the general assembly and the secretary of the senate to deliver copies completed of the journals of their respective houses to the persons appointed to print the same withih thirty days after the close of the session of the legislature; and in the event of the clerk of the general assembly and secretary of the senate failing to deliver such copies as provided for in this section, they shall forfeit to the treasurer, for the use of the state, one hundred dollars of their salary.

Indices.

Proviso.

5. *And be it enacted*, That the indices to the journal of the senate and minutes of the house of assembly, the legislative documents shall hereafter be made out by the person or persons respectively who may be employed to execute said printing, and the sum of fifty dollars each shall be allowed the said printers for compiling such indices; *provided*, that such indices shall be printed solid in bourgeois type, and be made out alphabetically under one heading, in the style of

the index to the journal of the senate of New Jersey for the year eighteen hundred and sixty-seven.

Auditing bills.

6. *And be it enacted*, That the journal of the senate and minutes of the house of assembly shall hereafter be printed in the same compact form and style as the journal of the senate for the year eighteen hundred and sixty-seven, and the comptroller shall audit no bills for printing not executed in accordance with this law.

Current printers.

7. *And be it enacted*, That Naar, Day & Naar, of Trenton, be employed to print the bills, pamphlets, and such other matters as may be ordered by the senate and house of assembly.

Printer of legislative documents.

8. *And be it enacted*, That John H. Lyon, of Jersey City, be appointed to print one thousand copies of the legislative documents for the current year.

Printer of assembly minutes.

9. *And be it enacted*, That Christopher S. Magrath, of Cape Island, be employed to print one thousand copies of the minutes of the house of assembly for the current year.

Printer of laws

10. *And be it enacted*, That A. R. Speer, of New Brunswick, be employed to print three thousand copies of the laws enacted at the present session of the legislature, which copies shall be delivered to the state treasurer within two months after the said A. R. Speer shall have received the copy thereof; and on failure thereof, the said A. R. Speer shall forfeit the sum of five hundred dollars, which sum the said treasurer is authorized to withhold and deduct from the amount due him for printing said copies.

Must deliver within two months after receiving copy

Secretary of state must deliver copy within thirty days.

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

Printer of senate journal.

12. *And be it enacted*, That Charles Wills, of Mount Holly, be employed to print one thousand copies of the journal of the senate for the current year.

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

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

Approved February 27, 1868.

CHAPTER LXXIX.

An Act to incorporate the New Brunswick Club.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Amos Robins, A. R. Speer, George C. Ludlow, P. Vanderbilt Spader, William V. S. Annin, James V. Spader, J. Elmer Stout, Henry Towle, Andrew K. Cogswell and Andrew Kirkpatrick, and such other persons as now are or hereafter may be associated with them, and their successors, are hereby constituted a body corporate, by the name of "The New Brunswick Club," to be located in the city of New Brunswick, for the purpose of mental and physical improvement, by establishing a library and reading room, and by such other means as shall be expedient and proper for such purpose.

Name.

Powers of corporation.

2. *And be it enacted*, That said corporation shall have the power to make and adopt a constitution and by-laws and regulations for the admission, suspension and expulsion of its members, and their government, the collection of fees and dues, the election of its officers, and to define their duties, and for the safe keeping of its property and funds, and from time to time to alter and repeal such constitution and by-laws and regulations; and in the meantime the present constitution and by-laws and regulations of the said club shall be and continue in force, and the present officers shall hold their respective offices until others are elected in their place.

May hold real estate.

Proviso.

3. *And be it enacted*, That said corporation shall have power to sue, and may be sued by their corporate name, and shall have power to take by purchase, lease, gift, grant, devise and bequest any real or personal estate, and hold, convey and transfer the same; *provided*, that it does not hold at any one time real property, the net income of which shall exceed five thousand dollars a year.

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

Approved February 28, 1868.

CHAPTER LXXX.

An Act to incorporate the Woodstown and Mantua Railroad Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph K. Riley, Nathan T. Stratton, Abraham Macaltioner, Isaac C. Dilkes, John W. Hazelton, Samuel H. Weatherby, George Horner, Jonathan Colson, Isaac H. Lippincott, Lewis V. Atkinson, Isaac H. Diament, William Moore, William Howey, Isaac V. Dickinson and Benjamin L. Tyler, and such other persons as may be hereafter associated with them, shall be and are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in name, by the name of "The Woodstown and Mantua Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the object of this corporation.

Name.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be two hundred and fifty thousand dollars, with liberty to increase the same from time to time to any sum not exceeding five hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

Commissioners to open books of subscription.

3. *And be it enacted*, That the before-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, or place or places, as they or a majority of them may think proper, giving at least ten days notice of the same in two of the newspapers published in this state, and that at the time of subscribing, ten per centum shall be paid on each share subscribed to the commissioners, or some one

of them, and as soon as seventy-five thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice for a meeting of the stockholders to choose eleven 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 persons before-named, 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 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 by a majority of them, and the directors at such meeting, or at the annual meeting 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 of the directors, 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 may appoint a president pro tempore, who shall have such power and functions as the by-laws of said corporation shall provide.

Directors, and how elected.

President.

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 corporation shall not for that cause be deemed to be dissolved, but such election may be had at any other time in the manner provided by law in such cases, and the directors for the time being shall continue to hold their office until others shall have been chosen in their places.

Failure to elect directors not to work a dissolution.

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 said company, by such installments and at such times as they may direct, and to collect the same; and in case of the non-payment of the said installments, or any one of them, at their option 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

Powers of directors.

touching the management and regulation of the stock, property, estate and effects of the said corporation, and also shall have power to appoint such officers, clerks and assistants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

May survey, lay out, and construct a railroad.

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 a point at or near Woodstown, in the county of Salem, to connect with the West Jersey Railroad, at some point at or near Barnsboro' station,

Proviso.

or between said station and Woodbury; *provided always*, that said road shall not exceed one hundred feet in width, except in places where from the depth of the excavation or the height of the embankment, it is necessary to take more land for the scope and protection of the side banks of said railroad, in which case so much land as will be necessary for the purp se, and no more, shall be taken, with as many sets of tracks and rails as the company may deem necessary; and it shall and may be lawful for 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, leveling or laying out the said route or routes of said railroad, and of locating the same, and to make and to erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of said 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 others in their employ, to enter upon, take possession, hold, use, occupy and excavate any such lands, and to erect embankments, bridges and all other works, 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 herein-

Proviso.

after provided; *provided, always*, that the payment or tender of the payment of all damages for the occupancy of lands through which the said railroads may be laid out, shall be made before the said company or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying or laying out

said road, unless the consent of the owner or owners of said land be first had and obtained; *and also further provided*, that in case of an appeal from the decision of any commissioners, who may be appointed to estimate or appraise the value of any land or material taken for the construction of said railroad, and the damages which the owner or owners will sustain thereby, brought by such owner or owners, it shall be lawful for said company to proceed with the construction of their railroad, and to take said land and materials by depositing the sum awarded by said commissioners, with the costs, with the clerk of the circuit court to which said appeal may be made, to be applied to the payment of any judgment that may be obtained upon such appeal in said circuit court, or to the payment of such owner or owners in case the said appeal should be withdrawn, abandoned or otherwise discharged. Proviso.

Proceedings when the company and owners of property cannot agree.

7. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when by legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of said company in the construction of said road, shall be given in writing, under 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 judges of the court of common pleas where such land and materials are situated, 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 the state, to make publication thereof, as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the county where such land and material are, 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 judge making such appointment, to be expressed therein, not less than ten days; and it

shall be the duty of said commissioners (having first taken an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding), to meet at the time and place, and proceed to view and examine the said land or materials, 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 make a just and equitable estimate or appraisement of the same, the assessment of damages to 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 and materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the lands or materials are situate, to remain of record therein, which report, or a copy thereof, certified by the clerk of said county, shall, at all times, be considered as plenary 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 said company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien on the property of the company, in the nature of a mortgage; and the said judge of the court of common pleas shall, upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses of the said court, commissioners, clerks and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the company; *provided, always,* that should the said company, or the owner or owners of any land or materials, feel himself, herself, or themselves aggrieved by the decision aforesaid, he, she, or they may appeal to the next circuit court in the county wherein the said land or materials may lie.

Proviso.

Further proceedings upon an appeal to circuit court.

8. *And be it enacted,* That every appeal from the decision of commissioners appointed under the preceding section shall be made in writing, in the form of petition, to said court, and

filed with the clerk of the said circuit court of the county wherein the lands or materials appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy, to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next term of said court, to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess of the said land or materials and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and find a less sum than the company shall have offered, or the said commissioners shall have awarded, then the said costs to be paid by 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 or materials upon the filing of the aforesaid report, the value or damages being first paid, or, upon a refusal to receive the same, upon a tender thereof, or (the owner or owners thereof being under any legal disability) the sum being first paid into the court of chancery.

Must construct bridges and wagon ways.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges, or passages, over and under the said railroad, where any public road shall intersect or cross the same, so that the passage of horses, carriages and cattle along the said road shall not be obstructed, and likewise where the said railroad shall intersect any farm or lands of any person to provide and keep in repair suitable and convenient wagon ways over or under the said road.

May hold real estate.

10. *And be it enacted*, That the said company may purchase, have and hold real estate at the commercement and terminus of their railroad, and along the line thereof, or at any intermediate station on the line of the same, and may erect and build thereon houses, warehouses, stables, machine

shops, and such other buildings and improvements as they may deem expedient for the convenience and use of said road or the interest of said corporation, the safety of property, the construction of engines and carriages, and other purposes, and to 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.

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

12. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or purchase with the funds of the company, all machines, engines, wagons, carriages or other vehicles for the transportation of persons or any species of property on the railroad, as they may think fit, reasonable, expedient or right; *provided*, that they shall not charge more than at the rate of four cents per mile for carrying each passenger on said railway, but no charge shall be required to be less in the aggregate than ten cents, nor shall said corporation charge more than eight cents per ton per mile for the transportation of any description of merchandise, produce, property or freight; and the said railroad with its appendages and the lands over which it shall pass, and all the works, improvements, and all other property or land whatsoever belonging to the corporation are hereby vested in the said corporation and their successors, for and during the continuance of their charter.

Rate of transportation of property.

May make contracts with other companies.

13. *And be it enacted*, That it shall be lawful for the said company, at any time during its charter, to make contracts and engagements with any other railroad company, corporation or with individuals, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts.

Penalty for injuring road or its appurtenances.

14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of the railroad enjoyed under the provisions of this act, or any of the works, wharves, bridges, carriages or machines, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court

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

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

Shall file a statement of cost with secretary of state

16. *And be it enacted*, That as soon as the railroad or any part thereof, with its appendages, shall be finished so as to be used, the president of said company shall file, under oath or affirmation, on the first Monday in January of every year, a statement of the amount of the cost of said road, including all expenses, and the amount of all purchases made by virtue of this act, in the office of the secretary of this state; after the railroad or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other tax as may be assessed from time to time by a general law, applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such laws; *provided*, that no other tax or impost shall be levied or assessed upon said company.

Annual tax to be paid to the state.

Proviso

May borrow money on bond and mortgage, or otherwise.

17. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money from time to time as shall be necessary to build, construct or repair said road and furnish the said corporation with all necessary engines and machinery for the uses and objects of said company, and to secure the payment thereof by bond or mortgage or otherwise on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful to plead any statute or statutes of this state against usury in any suit in law or equity instituted to enforce the payment of any bond or mortgage executed under this section.

Proviso.

Certain companies may endorse their bonds.

18. *And be it enacted*, That the Camden and Amboy Railroad Company and the West Jersey Railroad Company, or either of them, be and they are hereby authorized and empowered, if they desire to do so, to endorse the bonds of the said company, and to subscribe and take any amount of the capital stock to be issued by said company, and to be entitled

to all the powers and privileges of stockholders of said company.

Limitation. 19. *And be it enacted*, That if said railroad shall not be commenced within five years, and be completed in ten years from the fourth day of July next ensuing, that then and in that case this act shall be void.

State officers to pass free. 20. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors of this state, the state superintendent of public schools, and the principal of the normal school, while travelling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, during the annual or other sessions, shall pass and repass on the railroad of said company in their cars free of charge.

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

Approved February 28, 1868.

CHAPTER LXXXI.

An Act to repeal an act entitled "An Act to authorize the township committee of the township of Acquackanock, in the county of Passaic, to open, work and repair the public roads of said township," approved April fourth, eighteen hundred and sixty seven.

Repealer. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the above entitled act be, and the same is hereby repealed.

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

Approved February 28, 1868.

CHAPTER LXXXII.

An Act to regulate the election of Overseers of Highways in the township of Atlantic in the county of Monmouth.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "An act to regulate the election of overseers of highways in the township of Greenwich, in the county of Warren, and the township of Princeton, in the county of Mercer," approved March eighteenth, eighteen hundred and sixty-three, be and the same are hereby extended to the township of Atlantic, in the county of Monmouth. Provisions of act extended.

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

Approved February 28, 1868.

CHAPTER LXXXIII.

A Supplement to "An Act to incorporate Bordentown Lodge, Number Sixteen, Independent Order of Odd Fellows, of the state of New Jersey," approved February twenty-third, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the amount of property, real, personal and mixed, which may be held and possessed at any one time by "Bordentown Lodge, Number Sixteen, of the Independent Order of Odd Fellows," may be increased to the value of forty thousand dollars. Amount of property that may be held.

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

Approved February 28, 1868.

CHAPTER LXXXIV.

An Act to incorporate the Mount Laurel and Fellowship Stage Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Emmor Roberts, Francis J. Rue, Josiah Roberts, David Darnell, Charles F. Wells, and their associates, shall be and they are hereby declared to be a body corporate, in fact and in law, by the name of "The Mount Laurel and Fellowship Stage Company," for the purpose of carrying passengers, mails and light merchandise, between Mount Laurel and Philadelphia or between any points on said route; and that they and their successors and assigns in their corporate name, shall be able and capable to acquire, purchase, receive, have, hold and enjoy all lands, tenements and hereditaments, goods and chattels of what kind or quality soever necessary or useful for the said corporation to carry on the operations above mentioned.

Name.

Capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be one thousand dollars, with the privilege of increasing the same from time to time to any sum not exceeding five thousand dollars, divided into shares of twenty-five dollars each, and that as soon as three-fourths of said capital stock shall have been subscribed and paid in cash, it shall be lawful for the said company to proceed to carry into effect the object of said corporation, and it shall be lawful for the directors of said company to call and demand from the stockholders thereof respectively, such installments and at such times and at such notice, as they shall deem proper; and in case of failure by any stockholder to pay his or her installment or installments as the case may be, at any time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and of all previous payments made thereon, for the use of said company.

Forfeiture for non-payment of installments.

Directors and officers.

3. *And be it enacted*, That the affairs of the said company shall be managed by a board of five directors, one of whom shall be president, who shall hold their offices for one year and until others are elected, and the said directors shall be chosen on the first Monday in February of every year, at

such time and place, and upon such notice as the by laws may appoint; and the persons mentioned by name in the first section of this act, shall be the first directors of said company, and shall hold their offices until the first Monday of February next, or until others are legally chosen.

Stock personal estate.

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

Powers of directors.

5. *And be it enacted*, That the directors of said company shall have power to make by-laws for its government, and appoint such subordinate officers as the business of the company may require.

How dissolved.

Proviso.

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

7. *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 fourteenth, eighteen hundred and forty-six, so far as applicable.

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

Approved February 28, 1868.

CHAPTER LXXXV.

A Supplement to "An Act to prevent depredations by excursion parties," approved April ninth, eighteen hundred and sixty seven.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of said act as relates to Riverside, in the township of Cinnaminson, Burlington county, be and the same is hereby repealed.

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

Approved February 28, 1868.

CHAPTER LXXXVI.

An Act to amend "An Act to incorporate the town of Union, in the township of Union, in the county of Hudson," approved March twenty-ninth, eighteen hundred and sixty-four.

WHEREAS, the council of the town of Union, upon petition, passed "An ordinance to provide for the improvement of Gardner and Durham streets, town of Union, Hudson county, state of New Jersey," and under said ordinance entered into a contract with John Gardner and George Heck, who have already completed a large portion of the work under said contract; and whereas, said ordinance and all proceedings thereunder were set aside on account of certain defects therein; and whereas, it is proper that said work should be completed and the property benefitted thereby pay the expense thereof; and whereas, James Pope alleges that certain lots belonging to him are damaged by said proposed improvement, and that the street was originally fifty feet wide, and that the council only desire to have it forty feet wide: therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said contract between John Gardner and George Heck and the town of Union in reference to said improvement of Gardner and Durham streets, is hereby ratified and confirmed and made as valid and effectual in law as if all the proceedings of said council and the commissioners appointed by them in reference to said improvement had been in accordance with all the provisions of the town charter; and the said parties are hereby authorized to finish and complete the improvement set forth in said contract, and the said council upon completion of said improvement shall by resolution appoint three commissioners, who shall determine what lands are injured or damaged by said improvement, and the amount of said damage or injury, and assess said amount of damages and the entire cost and expenses of said improvement upon the lands and real estate benefitted by said improvement, in proportion to the benefit received by said lands and real estate; they shall take the same oath as other commissioners appointed by the council, and shall make and file the like map and report, except that said map and report shall also show the several lots of lands, if any, injured by said improvement, the names of the owners as far as known, and the amount of damage each lot has sustained, if any; the council shall notify parties in relation to filing objections thereto, and have the same powers and duties thereafter as in the case of any improvement authorized by the town charter, all the provisions of which as far as applicable to this case, and when not otherwise provided for in this act, shall be complied with; and when the report of the commissioners has been confirmed by the council, their said assessment shall constitute a lien on the property assessed for the amount of such assessment; the council shall from the moneys collected pay the owners of all real estate injured by said improvement, as shown in the report of said commissioners.

Ratifying and confirming contract.

Authorized to finish the work.

Assessment.

2. *And be it enacted*, That Durham street shall hereafter be forty feet wide, and the five feet on each side thereof being now a part of the public street known as Durham avenue as the same was dedicated to the public, shall no longer be a part of said public street, but shall revert to and become the private property of the owners of the lots on said street, each lot owner taking that portion immediately in front of his ot.

Width of street.

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

Repealer.

this act shall be deemed a public act, and take effect immediately.

Approved February 28, 1868.

CHAPTER LXXXVII.

A Further Supplement to "An Act to incorporate the town of Guttenberg, in the county of Hudson," approved March ninth, eighteen hundred and fifty-nine.

Power to raise money for improvement of road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the councilmen of said town of Guttenberg shall have power and authority, and they are hereby authorized to raise by ordinance the sum of seven thousand dollars for the improvement of that part of the ferry road from the westerly line of the Bull's Ferry road leading down the hill, to a point where said ferry road, when continued, will intersect the Hoboken and Hudson river turnpike; and said sum shall be assessed, collected and raised in the same manner as taxes for town purposes are assessed, collected and raised; *provided however*, that said sum of money shall be assessed upon all the real estate in said town, and not on goods and chattels.

Proviso.

Amendment.

2. *And be it enacted*, That section seven of the act to which this is a supplement, be and it is hereby amended, by striking out the words "two hundred dollars," and inserting in lieu thereof the words "six hundred dollars."

Repealer.

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

Approved February 28, 1868.

CHAPTER LXXXVIII.

A Supplement to an act entitled "An Act to incorporate the Firemen of the city of Elizabeth," approved March twenty-fifth, eighteen hundred and sixty-three.

Representatives.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the representatives allowed by the second section of the act to which this is a supplement, there shall be elected annually, on or before the first day of May, three representatives from the exempt firemen's association, who shall hold office for one year, or until their successors are elected, and that Joseph L. D. Lyon, Chancey Harris and Michael Kreig, shall be the first representatives from said exempt firemen's association.

Payments to treasurer by agents of foreign fire insurance companies.

2. *And be it enacted*, That there shall be paid to the treasurer of the fire department of the city of Elizabeth, for the use and benefit of said fire department, on the first Monday in April in each year, by every person who shall act in the city of Elizabeth as agent for or on behalf of any individual or association of individuals not incorporated by the laws of this state, to effect insurances against losses or injuries by fire in the city of Elizabeth, although such individuals or associations may be incorporated for that purpose by any state or county, the sum of two dollars upon the one hundred dollars, and at that rate upon the amount of all premiums which during the year or part of the year ending on the next preceding thirty-first day of December shall have been received by such agent or person, or received by any other person for him, or shall have been agreed to be paid for any insurance effected or agreed to be effected or promised by him as such agent or otherwise against loss or injury by fire in the city of Elizabeth.

Agent must give bond.

3. *And be it enacted*, That no person shall in the city of Elizabeth, as agent or otherwise, for any individual or individuals or association, effect or agree to effect any insurance upon which the duty above mentioned is required to be paid, or as agent or otherwise, procure such insurance to be effected, until he shall have executed and delivered to the said treasurer a bond to the fire department of the city of Elizabeth, in the penal sum of one thousand dollars, with such sure-

ties as the said treasurer shall approve, with a condition that he will annually render to the said treasurer on the first Monday in April in each year, a just and true account, verified by his oath that the same is just and true, of all premiums which, during the year ending on the thirty-first day of December preceding such report shall have been received by him, or by any other person for him, or agreed to be paid for any insurance against loss or injury by fire in the city of Elizabeth, which shall have been effected or promised by him to be effected from any individual or individuals or association not incorporated by the laws of this state as aforesaid; and he will annually, on the first Monday in April in each year, pay to the said treasurer two dollars upon every hundred, and at that rate upon the amount of any premiums.

Penalty.

4. *And be it enacted*, That every person who shall effect, agree to effect, promise or procure any insurance specified in the preceding sections of this act without having executed and delivered the bond required by the preceding section, shall for each offence forfeit five hundred dollars for the use of said fire department, and it shall be the duty of the counsel of the said fire department to sue for and collect the said penalty of five hundred dollars in the name of the fire department of the city of Elizabeth.

5. *And be it enacted*, That a quorum of the said board of representatives of the fire department of the city of Elizabeth, shall consist of a representation from the majority of the fire companies of the said city.

Fines.

6. *And be it enacted*, That all chimney fines and fines for violation of the building laws of the said city of Elizabeth, shall be sued for and recovered in the name of the fire department of the city of Elizabeth.

Firemen exempt from poll tax.

7. *And be it enacted*, That all active firemen in the said city of Elizabeth, shall be exempted from all poll tax, and that the polls thus exempted shall not be counted in the apportionment of the quota of tax in the county of Union.

8. *And be it enacted*, That every firemen's certificate shall be dated at the time of paying for the same to the chief engineer, who shall enter the name and time of payment in a book kept by him for that purpose, and the time of service of every fireman shall commence with the date of said certificate; *provided*, that no certificate as aforesaid shall bear date previous to the approval of said firemen by the city council of the city of Elizabeth.

9. *And be it enacted*, That exempt firemen of the city of Elizabeth shall not be entitled to the exemption of three dollars from their tax now allowed by law, unless in possession of an exempt certificate signed by the chief engineer, for which they shall pay one dollar to the said chief engineer for the fire department fund.

10. *And be it enacted*, That all acts or parts of acts, whether general, special or local, inconsistent with the provisions of this act, so far as they relate to the said city of Elizabeth, be and the same are hereby repealed.

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

Approved February 28, 1868.

CHAPTER LXXXIX.

An Act to incorporate the Newark Building Material Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edwin Hedden, David W. Crane, Robert Y. Chedister, Aaron O. Mains, Moses T. Baker, Jonas C. Reeve, George B. Guerin, Sylvanus H. Quimby, Abraham Smith, and their associates and successors, be and they are hereby created a body politic and corporate by the name of "The Newark Building Material Association," for the purpose of buying, selling and dealing in brick, stone, lime, lath, cement, plaster, and all other masons' and builders' materials, and for that purpose may purchase, hold, sell, convey, mortgage, lease, or otherwise dispose of such real and personal property as may be needful and proper for carrying on said business, or may accrue to them in the course thereof. Corporators. Name.

2. *And be it enacted*, That the said company may carry on their business at any place in the county of Essex, and may establish their principal office at such point in this state as they shall deem proper, and may change the location of their office from time to time as the said company, or the Place of business.

directors thereof, may deem best for the interest of said company.

Capital stock.

3. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, divided into shares of one hundred dollars each, and said shares and all other shares of stock issued by said company shall be deemed to be personal property, and be transferable in such manner as shall be prescribed from time to time by the by-laws of the company; and that the said company may increase their capital stock from time to time, and may issue shares accordingly, but such stock shall at no time exceed in amount the sum of two hundred thousand dollars.

Books of subscription to be opened.

4. *And be it enacted*, That it shall be lawful for said company to grant and issue certificates of shares in part or in full payment for any real or personal or household property, that may be purchased or leased by them; that books of subscription to said capital stock may be opened under the direction of the board of directors herein named, or some one of them, to be designated for that purpose by said board, and at such time and place as the board may appoint, and shares may be issued accordingly to the subscribers when paid for in full; and when ten thousand dollars shall have been paid in cash, in accordance with the provisions of this act, then it shall be lawful for said company to commence and carry on their business.

Directors, and their powers.

5. *And be it enacted*, That the property and affairs of said company shall be managed by a board of directors, not less than five nor more than nine in number, as said by-laws shall from time to time establish, of whom a majority shall be residents of this state; that said board shall organize by appointing one of their number to be president, and a suitable person to be secretary; and may afterwards appoint such officers and agents as they may deem necessary, and may by their by-laws, fix their duties and compensation; and that the persons named in the first section of this act shall be the first directors to organize and manage the affairs of said company, and shall continue in office until the second Tuesday in June next, and until others are elected in their stead.

Election of directors.

6. *And be it enacted*, That the directors of said company shall be chosen annually on the second Tuesday of January, at such time and place and on such notice as said by-laws may fix, that all elections shall be by ballot and that each share of stock shall be entitled to one vote, which may be given in

person or by proxy, and if at any time for any cause it shall happen that no election shall be held or made at the time herein appointed, the directors for the time being shall continue in office until an election be regularly held according to the requirements of the by-laws in that behalf or of this act; and that any vacancy in the board hereby appointed either before or after they are organized, or in any succeeding board, may be filled for the unexpired term by the remainder of such board, or by the majority of the same; and that in any election of directors the persons having or receiving the greatest number of votes shall be directors and shall continue in office until their successors are elected.

Stock forfeited for non-payment of installments.

7. *And be it enacted*, That it shall be lawful for the board of directors, or a majority of them, from time to time, to demand from the stockholders or others subscribing for the stock, all sums of money subscribed to said capital stock, and to any increase of the same under this act, in such proportions and at such times as they may deem proper, and if such payments shall not be made within thirty days after the day fixed for that purpose, fifteen days notice of the time and place of such payment being first published in the newspapers published in the county where said company's principal office is located, designating the amount of such payment per share, and the time when, place where, and the person to whom the same may be paid, such board may declare forfeited, and forfeit to said company all installments paid on such subscriptions and all right to the shares so subscribed for.

8. *And be it enacted*, That a majority of the directors from time to time shall form a board for transacting the business of the company, and may make such by-laws, rules and regulations as they may deem expedient for the government, management and disposition of the stock, goods, property, profits and concerns of said company, not contrary to the laws and constitution of this state or of the United States; but no dividends shall be declared or paid except from actual net profits of said corporation, and no transfer of stock shall be valid until the same be entered in the book or books kept by said company for that purpose.

How dissolved.

9. *And be it enacted*, That this corporation may be dissolved at any time by a general meeting of stockholders summoned specially for that purpose by the board of directors, or a majority of them, giving thirty days notice of such meeting in the newspapers published in said county, at least

Proviso. three times in each week during said period; *provided*, three-fourths in value of the stockholders be present or represented therein; and upon such dissolution the directors for the time being, or the survivor or survivors of them, or such other person or persons as the board shall appoint for that purpose, shall be trustee or trustees for settling the affairs of the company and paying its debts, and dividing the surplus among the stockholders according to their respective interests therein.

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

Approved February 28, 1868.

CHAPTER XC.

An Act to incorporate the Methodist Episcopal District Parsonage Association of Northern New Jersey.

Preamble. WHEREAS, The District Stewards of the Newton District of the Newark Annual Conference of the Methodist Episcopal Church did, at their last annual meeting, elect Timothy E. Shay, Sanford S. Lowery, Samuel S. Smith, Hiram C. Clark, Joseph Ayers, Smith M. Fisher, Albert Puder, Abram Brands and Frank M. Hough, trustees to receive, hold and convey property for the use of the presiding elder of said district; therefore,

Names of trustees. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the above mentioned Timothy E. Shay, Sanford S. Lowery, Samuel S. Smith, Hiram C. Clark, Joseph Ayers, Smith M. Fisher, Albert Puder, Abram Brands, and Frank M. Hough, so elected trustees as aforesaid be and hereby are created a body politic and corporate by

Name. the name of "The Methodist Episcopal District Parsonage Association of Northern New Jersey."

May receive property by gift, demise or bequest. 2. *And be it enacted*, That the above named persons and their successors, who shall be elected as hereinafter prescribed shall as such corporators or trustees, be and hereby are, empowered to receive, either by gift, grant or bequest, to buy, hold, lease, mortgage, sell and convey real and personal estate, in the counties of Sussex, Warren and Morris, or either of them, the annual income from which shall not exceed the

sum of five thousand dollars, for the use of Rev. Charles S. Coit, presiding elder of the district aforesaid, and his successors in office.

3. *And be it enacted*, That said corporators or trustees, shall within thirty days after the passage of this act, proceed to elect from their own number a president, secretary and treasurer, and within ten days after such election, shall signify the same, together with the adoption of their corporate title, to the clerks of the counties aforesaid. Officers.

4. *And be it enacted*, That the body hereby created shall possess the same general rights as other corporations.

5. *And be it enacted*, That at the first meeting of the district stewards of the ecclesiastical district of said conference extending farthest north in New Jersey, and now known as the Newton district, held after the passage of this act, nine trustees shall be elected to succeed those above mentioned; three of whom shall be elected for one year, three for two years, and three for three years; and that at the first meeting of said district stewards in each succeeding conference year, three trustees shall be elected to fill the places of those whose terms shall have expired; and in case of failure at any time so to elect, the trustees in office shall be continued until their successors shall be chosen; said district stewards shall also have the power to fill at any time, such vacancies as may occur in said board of trustees. Election of trustees.

6. *And be it enacted*, That said trustees shall, at the first meeting of said district stewards in each conference year, present a written report, to be filed as said stewards shall direct, of all their transactions for the year preceding, and of the state, condition and value of the property then held. Reports.

7. *And be it enacted*, That said trustees shall obey the orders of, and be amenable to, the body by which they are or shall be elected, which body may for cause deemed by itself to be sufficient, remove from office any or all of said trustees, and elect another, or others to fill the place or places, so made vacant.

8. *And be it enacted*, That no person shall be eligible to the office of trustee as aforesaid, who shall not be a member in good standing, of the methodist episcopal church. Eligibility of trustees.

9. *And be it enacted*, That if the said trustees, or any of them, shall in any way abuse their or his trust, to the injury of the estate held in trust, as aforesaid, it shall be lawful for the district stewards aforesaid to order an action against them

or him, in any court of competent jurisdiction; said action to be brought in the name of the person who may be presiding elder of the district at the time of the ordering of such action; and all moneys so recovered shall be paid over to the trustees to be applied as the other property he d by them.

Boundaries.

10. *And be it enacted*, That if at any time, or from time to time, the boundaries of said annual conference, or the district lines within the same, should be changed, this act shall apply to such district as shall comprise the northernmost part of the state of New Jersey lying within the bounds of said conference, after such change.

11. *And be it enacted*, That all property held by the trustees aforesaid, for the use aforesaid, shall be exempt from taxation.

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

Approved February 28, 1868.

CHAPTER XCI.

An Act to incorporate the Paterson Fire Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders in the capital stock hereinafter mentioned, their successors and assigns, are hereby constituted and made a body politic and corporate by the name of "The Paterson Fire Insurance Company," and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended in all courts, whether in law or equity, and by that name may also have, purchase, possess and enjoy, and to them and their successors, lands, tenements, hereditaments, goods, chattels, property and effects of any kind, and the same to grant, demise, alien, and dispose of at pleasure, for the benefit of the said company, and may also have a common seal, and alter and renew the same at pleasure, and also to create and establish such by-laws and regulations as

Name.

shall seem necessary and expedient for the government of said corporation, and to put the same in execution.

2. *And be it enacted*, That the capital stock of said company shall be three hundred thousand dollars, divided into shares of one hundred dollars each, with the privilege to increase the same to one million of dollars; and so soon as fifty thousand dollars shall be actually paid in, or secured to be paid, it shall be lawful for said company to commence the business of said company. Capital stock.

3. *And be it enacted*, That the business, property and affairs of said company shall be managed and conducted by such directors, not less than seven nor more than twenty-five in number, as may be elected for that purpose, a majority of whom shall form a quorum, which directors shall hold their offices for one year, and until others shall be chosen, and they shall at all times during their continuance in office be stockholders in their own right, and a majority of them shall be citizens of this state; said directors shall be elected on the first Monday in June in each and every year, at such hour of the day, and at such place in the city of Paterson, as the board of directors for the time being shall direct, of which election two weeks' public notice shall be given in a newspaper printed in said city of Paterson, and each share of stock shall entitle its owner to one vote at each election, to be given either in person or by proxy; and that the office and records of said company shall be kept in said city of Paterson, in the county of Passaic. Election of directors.

4. *And be it enacted*, That the board of directors shall have power to appoint a president, secretary and treasurer, and such other officers and agents as they may deem necessary for carrying on the business of the company, and to allow them respectively such compensation for their services as may in their judgment be deemed reasonable. Officers.

5. *And be it enacted*, That James Crooks, Albert A. Hopper and Absalom B. Woodruff are hereby appointed commissioners to open books for subscription to the capital stock of said company in said city of Paterson, upon two weeks' notice published in one or more newspapers printed in said city, and as soon as one thousand shares are subscribed the said commissioners shall, by like notice, appoint the hour and place for holding the first election for directors. Commissioners to open books of subscription.

6. *And be it enacted*, That it shall and may be lawful for said company to insure houses, buildings and other property Upon what insurance may be effected.

against loss or damage by fire, upon such rates and conditions as shall be contained in the policy of insurance.

Policies of insurance.

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

May hold real estate.

8. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold real estate for the transaction of their business, and also to take and hold real estate, personal property, or securities of any description, mortgaged, transferred, or pledged to said company, to secure the payment of any debts which may be contracted with them, and also to proceed on said mortgage or other securities for the recovery of the moneys thereby secured, either at law or in equity, and to purchase on sales made under such proceedings, or otherwise to take and receive any real estate in payment or toward satisfaction of any debt previously contracted with or due to said company, and the said real estate to mortgage, sell, exchange or otherwise dispose of, and said company may invest their capital and accumulating premiums from time to time in public stocks, bonds and mortgages, notes and other securities.

Stock personal property.

9. *And be it enacted*, The the stock of said company shall be deemed to be personal property, and shall be assignable and transferable in such manner as the by-laws of said company may direct.

Dividends.

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

11. *And be it enacted*, That this act shall continue in force fifty years, and shall take effect immediately.

Approved February 28, 1868.

CHAPTER XCII.

An Act to incorporate the Vineland Floral Society.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charity L. Mabbett, C. M. Cook, Carrie E. Tyler, Lizzie C. House, Jane K. Reed, Jennie B. Lyford and Florence C. Glantz, and such other persons as now are or may become members of the society hereby incorporated, their successors and assigns, shall be, and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name, style and title of "The Vineland Floral Society," and by that name they and their successors shall have perpetual succession, with power to have, use and adopt a common seal, and to alter and change the same at any time, to sue and be sued, to defend and be defended in all courts of law and equity; and said society shall be capable of purchasing, holding, leasing, selling and conveying, or receiving by donation, devise or bequest, any lands, tenements or personal estate whatsoever, and to raise loans upon the same by mortgage or otherwise, and that the office of said company shall be in the county of Cumberland.

Name.

Objects.

2. *And be it enacted*, That the object of this society shall be to encourage the cultivation of flowers, to obtain and disseminate a knowledge of the successful cultivation of the same, and for the mutual improvement of the members in the study of botany.

3. *And be it enacted*, That the act or acts of all married women, who now are or who may hereafter become members of this society, pertaining to the business thereof, shall have the same force and effect as if such married women were single females.

Powers.

4. *And be it enacted*, That said corporation shall have power to make and establish, from time to time, such constitution, by-laws, rules and regulations, as they shall judge proper for the admission and expulsion of its members; for the election, time of service and duties of its officers, and for the collection of admission fees, fines or assessments from the members thereof.

Officers.

5. *And be it enacted*, That the officers of said society shall consist of a president, vice president, recording and corres-

ponding secretary and treasurer, and such other officers as said corporation, or the members thereof, may think proper from time to time to appoint; the said president, vice president, secretaries and treasurer for the time being, shall be the trustees of the said corporation, and shall continue in office for one year from the time of their election, and until others are chosen in their stead.

When elected. 6. *And be it enacted*, That the officers of said society shall be elected at the annual meeting of said society, which shall be held on the first regular day of meeting in January of each and every year hereafter.

Not dissolved by failure to elect officers. 7. *And be it enacted*, That in case an election for officers shall not take place upon the day herein designated for that purpose, the corporation shall not be deemed dissolved, but the members of said society may proceed to hold an election on any other day, ten days' previous notice of the time and place of said election having been first given.

Vacancies, how filled. 8. *And be it enacted*, That in case of the death, resignation, neglect or refusal to act, of any of said officers, the members of said corporation may elect any other officer or officers in their stead, who shall hold their offices until the next annual meeting, and until others shall be chosen in their places.

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

Approved February 28, 1868.

CHAPTER XCIII.

An Act to incorporate the Paterson and Passaic Horse Railroad Company.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That H. A. Williams, C. M. K. Paulison, W. J. Boggs, Adam Carr, James Crooks, E. M. Sherwood, Joseph R. Baldwin, Albert A. Van Voorhies, George J. A. Coulson, and such other persons as may hereafter be associated with them, shall be, and are hereby made,

constituted and declared a body politic and corporate, in fact and in law, by the name of "The Paterson and Passaic Horse Railroad Company," and by that name shall be capable of purchasing, holding and conveying any lands, tenements, real estate, goods and chattels, necessary or proper for the purposes of said corporation. Name.

2. *And be it enacted*, That the amount of the capital stock of said corporation shall be one hundred thousand dollars with the privilege of increasing the same to 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. Capital stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places in the city of Paterson and elsewhere, at their discretion, as they or a majority of them think proper, giving at least twenty days' notice of the same in the newspapers published in the city of Paterson; and at subscribing, ten per centum shall be paid for each share subscribed for to the commissioners, or some one of them, and as soon as ten thousand dollars of the capital stock shall be subscribed, said commissioners shall give like notice for a meeting of the stockholders to choose not less than seven nor more than nine directors, a majority of whom shall be residents of this state and citizens thereof, and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote, and the above named persons, or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands, the names of the persons duly elected, and deliver over the subscription books and all moneys paid in (after deducting all expenses previously incurred) to such directors so elected, and 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 Corporators commissioners to open books of subscription. Election of directors.

the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the said board of directors, or a majority of them, and in case of the absence of the president the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Failure to elect not to work a dissolution.

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

General powers of directors.

5. *And be it enacted*, That a majority of the directors of said corporation shall be competent to transact all business of the said corporation and shall have power to call in the capital stock of said company by such installments and at such times as they may direct, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation, and shall also have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix such salaries to them and also to the president, as to the said board shall appear proper.

May lay down and construct a railroad and route.

6. *And be it enacted*, That the said corporation shall have power and authority to lay down and construct a railroad, with the necessary turnouts and switches, beginning at a point on Willis street, in the city of Paterson, at or near the present line of the Erie railway; thence along said Willis street, Vreeland avenue, Market street, and the Weasel road to the Cedar Lawn Cemetery, with the privilege of continuing the same along said Weasel road to the village of Passaic, terminating at or near the depot of the Erie railway, returning by the said Weasel road, Market and Straight streets, to the point of beginning.

Track, how made.

7. *And be it enacted*, That the track laid by the said corporation shall be of the same width as the wagon track now established by law, and the same shall in all cases be laid level with the surface of the streets through which the same may

pass, and in conformity with the grades of such streets as now or hereafter may be established in the city of Paterson, and so as to present no unnecessary obstructions to or in any way interfere with the wagons or other vehicles turning in or crossing said street or roads through which said road or its turnouts or switches may be laid.

May purchase and hold real estate, &c.

8. *And be it enacted*, That the said corporation may purchase, have and hold, real estate at each terminus of said road and at such places not exceeding two, along the line of said road as they may desire, not however exceeding three acres at each place, or twelve acres in the aggregate, and may erect and build thereon, houses, depots, warehouses, stables, machine shops and such other buildings and improvements as may be necessary for carrying out the objects of the said corporation.

Dividends.

9. *And be it enacted*, That the president and directors of said corporation shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the net profits of the said railroad.

Power to purchase cars, &c.

10. *And be it enacted*, That the president and directors of said corporation shall have power to purchase, or to have constructed, with the funds of said corporation, all such machinery, cars, wagons, carriages, or other vehicles for the transportation of persons or property on their railroad as they may think fit, expedient or right, and also to purchase such horses or mules as they shall deem fit for the purpose of said corporation; *provided however*, that no steam power shall be used as a motive power upon said railroad except that known as the dummy engine; and that they are hereby authorized to demand and receive such sum or sums of money for the transfer of persons or property upon said railroad as they shall think reasonable and proper.

Proviso.

Penalty for injury to road, &c.

11. *And be it enacted*, That if any person or persons shall wilfully or maliciously impair, injure, destroy or obstruct said railroad or any of its works, turnouts, switches, carriages, animals or machines, such person or persons shall forfeit and pay therefor to said corporation three times the amount of damage sustained by means of such injury, to be recovered in the name of said corporation, with costs of suit, in any court having cognizance of the same.

May borrow money on bond and mortgage.

12. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct, repair or equip said road, and to secure the payment thereof by bond and

mortgage, or otherwise, on the said railroad, lands, privileges, franchises and appurtenances of the said corporation, at a rate of interest not exceeding seven per centum per annum.

Limitation. 13. *And be it enacted*, That if the said railroad shall not be completed by the fourth of July, eighteen hundred and seventy, then and in that case so much of the railroad as remains unbuilt shall not come under the provisions of this act.

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

Approved February 28, 1868.

CHAPTER XCIV.

An Act to incorporate the Consumers' Ice Company, of Paterson.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John I. Goetschius, James Crooks, Orrin Vanderhoven, David Henry, Joseph R. Baldwin, Garret A. Hopper, Richard Baldwin, A. A. Hopper, Daniel McGrogan, Robert Bridge, Andrew Moser, Daniel Miller and George Oates, and all and every person and persons who may become associated with them in the mode hereinafter prescribed and provided, and their successors, are hereby made, constituted, and declared to be a body corporate and politic, in fact and in law, by the name, style and title of

Name. the "Consumers' Ice Company, of Paterson," and by that name they and their successors shall have full power and authority to make and use a common seal, and alter and renew the same at pleasure, and by their said corporate name shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts of judicature of this state.

Objects. 2. *And be it enacted*, That the objects, business and purposes of the said corporation hereby created shall be the gathering, procuring, storing, purchasing, buying, selling and vending ice as an article of merchandise, and for that purpose they and their successors are hereby invested with full

power and authority to build, erect, keep and maintain all necessary storehouses, warehouses, sheds, buildings, boats, floats, and other things which they may deem proper or requisite in the carrying on or management of their said business.

Capital stock.

3. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of one hundred thousand dollars, to be divided into shares of twenty-five dollars each, and the said capital stock shall be considered as personal property, and shall be transferable on the books of the corporation in such manner as may be prescribed in the by-laws; and the stock and transfer books, as well as the books of account of the said corporation shall be open at all times, but at reasonable hours, to the inspection of the stockholders.

Commissioners to open books of subscription.

4. *And be it enacted*, That the persons named in the first section of this act be and they are hereby appointed commissioners to open books and receive subscriptions to the capital stock of the said company, and they, or a majority of them, shall open books for that purpose, at such time and in such place as they shall designate by previous advertisement, at least three weeks, in a public newspaper printed in Paterson, and shall keep the same open as long as they may deem proper, and may close the same at their own pleasure, and open the same from time to time upon like notice, and may require each subscriber to pay to them at the time of subscribing, not exceeding twenty per centum of his subscription, which shall be paid over to the directors of the corporation to be appointed as hereinafter prescribed, and all the powers of said commissioners shall cease upon the appointment of the directors; and the board of directors when appointed shall have full power and authority from time to time, to open the books for further subscriptions until the whole capital stock is taken; and said directors may call on the subscribers for the payment of installments in such sums, and at such times, and under such forfeitures as they may deem expedient.

General powers.

5. *And be it enacted*, That the said corporation hereby created shall from time to time have power and authority to make, ordain and establish such constitution and by-laws and regulations, as they or a majority of them shall deem proper; and to alter and change the same at pleasure, for the designation of the officers of the said corporation hereby created, and for the transacting, managing and conducting the affairs of

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

Directors, and how elected. 6. *And be it enacted*, That the management of the concerns of the said corporation shall be vested in not less than seven nor more than thirteen directors, to be selected from the stockholders of said company; a majority of said directors to be citizens of the state of New Jersey; and as soon as may be after the sum of ten thousand dollars shall have been subscribed and paid in cash, or secured to be paid, the said commissioners above mentioned, or a majority of them, shall convene the then stockholders, who shall have subscribed to the capital stock as aforesaid, by public notice inserted and published in a newspaper published and circulated in said county of Passaic, where its principal office shall be located, at such time and place in the said county as they may designate in such notice, for the purpose of electing and choosing the first board of directors of said company, who shall hold their office until other directors shall be elected and chosen in their stead; and all subsequent election of directors and vacancies in the board of directors, shall be held and filled at such time and in such manner as may be prescribed in the constitution, rules, regulations and by-laws of the said corporation, and that a majority of the said board of directors shall form a quorum for the transaction of business.

Penalty for injuring boats, &c. 7. *And be it enacted*, That if any person or persons shall wilfully or maliciously break, cut, destroy, injure or damage any boat, float, vessel, store or warehouse, or other appendage used or employed by the said corporation in the transaction of its business, or wilfully or maliciously obstruct, hinder or delay any of the officers, agents, servants or managers of the said company in the legitimate transaction of their business, such person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine, not exceeding two hundred and fifty dollars, or imprisonment at hard labor in the state prison for two years, or both; *provided however*, that no such criminal prosecution shall take away or in any way impair the right of the said company to an action of damages by a civil suit.

Proviso.

Limitation. 8. *And be it enacted*, That the corporation hereby established shall continue in force for thirty years, and shall possess all the powers in addition to those herein granted, and be subject to the same restrictions and liabilities, except as other-

wise in this act provided, as are granted and imposed by the "Act concerning corporations," approved February fourteenth eighteen hundred and forty-six, so far as applicable hereto.

9. *And be it enacted*, That the said company shall have power to borrow money to an amount not exceeding one-half of its capital stock paid in, and to mortgage their property and franchises to secure the payment thereof, and to execute all and necessary securities for securing, with interest thereon, not exceeding seven per centum per annum, and it shall be lawful for the said company, and they are hereby authorized to sell and dispose of any bonds, obligations or assurances which they may issue to secure the payment of the money so borrowed as aforesaid, to any person or persons, or corporation, at any rate of price they may be able to realize or obtain for the same, without the same being in any way invalidated thereby, or any person or persons or corporations being liable to any penalty or forfeiture therefor. May borrow money, issue bonds, and execute mortgage.

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

Approved February 28, 1868.

CHAPTER XCV.

An Act to authorize the Boards of Chosen Freeholders of Bergen and Passaic counties to build a bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boards of chosen freeholders of the counties of Bergen and Passaic are hereby authorized and empowered to erect, construct and maintain a bridge over the Passaic river, at the foot of Passaic street, in the village of Passaic, in the county of Passaic, of such material, of such form, and in such mode or manner as they, or a majority of the joint boards, may deem proper. Power to erect bridge.

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

Approved February 28, 1868.

CHAPTER XCVI.

An Act for the establishment and government of the Police of Jersey City.

Territory subject to police government.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of Hudson county now known as the city of Jersey City, and all such portions as may hereafter be annexed to said city, is hereby constituted and set apart for the purposes of police government and discipline therein, and shall be known and designated as "The Jersey City Police."

Number of patrolmen not to exceed fifty

2. *And be it enacted*, That the powers and duties connected with and incident to the police government and discipline of said city, shall be as hereinafter specially provided, vested in and exercised by a board of police commissioners, a chief of police, and such number of patrolmen, not exceeding fifty, as the said commissioners may appoint.

Names of first police commissioners.

3. *And be it enacted*, That Thomas Gafney, Salmon W. Hoyt and Ephraim Pray, be and they are hereby constituted a "Board of Police Commissioners of Jersey City, in the County of Hudson," and that they, as soon as practicable, proceed to determine by lot their respective terms of office, one, two and three years, the result of which allotment shall be filed in the office of the city clerk, and that the commissioners so constituted shall continue to serve in said board until their successors are duly elected and qualified.

Election of police commissioners to be annual.

4. *And be it enacted*, That at the annual charter election in eighteen hundred and sixty-nine, the qualified voters of Jersey City shall elect one commissioner to serve in said board of police commissioners for the term of three years from the first Monday in May, eighteen hundred and sixty-nine, and they shall at each charter election thereafter elect one person as police commissioner to serve in said board for the term of three years next succeeding the first Monday of May next after his election, and the said police commissioners so constituted and qualified, and the two ex-officio members hereinafter named, shall have the sole power of the government, appointment and dismissal of the police force of Jersey City.

Ex officio members of the board of commissioners.

5. *And be it enacted*, That the mayor and recorder of Jersey City be, and they are hereby constituted ex-officio members of said board of police commissioners.

Vacancies, how filled.

6. *And be it enacted*, That said board shall annually, or whenever a vacancy occurs, select one of their own number to act as president, who shall preside at their meetings, which shall be held at least twice in every month, and in case of a vacancy in the office of chief of police by removal, disability or otherwise, the president shall perform all the duties and possess all the powers of said chief during the continuance of said vacancy.

Compensation

7. *And be it enacted*, That the said board of police commissioners shall have power to fix and regulate the compensation of the chief and subordinate officers under him of said police force, but said compensation shall not exceed the following amounts, viz: to the chief of police the sum of one thousand eight hundred dollars per annum, and to each of the members of the police force the sum of one thousand dollars per annum, and said police commissioners may appoint, from among the force, four men to act as aids to the chief, and two men to act as detectives, at a salary not to exceed twelve hundred dollars per annum.

Commissioners to make rules and regulations.

8. *And be it enacted*, That said board of police commissioners shall have power to make such rules and regulations as to them may seem proper; *provided*, they do not conflict with the provisions of this act, or of the constitution or laws of this state or of the United States.

Commissioners may issue subpœnas and administer oaths.

9. *And be it enacted*, That said board of police commissioners shall have power to issue subpœnas in the name of the president and compel the attendance of witnesses upon any proceedings by virtue of its rules and regulations, and each commissioner of police is hereby authorized to administer oaths to any person in any matter of proceeding as aforesaid, and any wilful or corrupt false swearing by any person before said board, shall be deemed perjury, and punished in the same manner as is now prescribed by the statutes of this state in cases of perjury.

Vacancies in board of commissioners how filled.

10. *And be it enacted*, That in case of vacancy in said board by death, resignation or otherwise, the board of police commissioners, or a majority of them, shall elect a citizen of Jersey City to fill said vacancy until the next charter election of said city, when the qualified electors at said charter

election, shall elect a citizen thereof to fill the unexpired term of said vacancy.

Books and papers to be delivered to the commissioners created by this act.

11. *And be it enacted*, That the present police organization and the government thereof, and the office of the present police commissioners and chief of police, shall terminate on the second Monday in March next, and the board of police commissioners created by this act shall, on or before said date, have made all and every necessary arrangement for the organization of the new board and police force, but no person shall be appointed upon said force except by at least three affirmative votes, and all books, papers and property now belonging to and used by the present board of police commissioners and the present police department (except real estate belonging to the city) shall, on that date be delivered up to the board of police commissioners created by this act.

Record of proceedings to be kept.

12. *And be it enacted*, That said board of police commissioners shall keep a complete record of all their proceedings in a book or books provided for the purpose, and they shall annually, on the first Monday in May, submit a full report of their transactions, together with a financial statement, to the common council of Jersey City, which report shall be published in the same manner as the mayor's message and other public documents, and a copy shall be filed in the office of the city clerk.

Orders to be made known through the chief of police.

13. *And be it enacted*, That the board of commissioners shall promulgate all orders through the chief of police, who shall be the executive head of the whole police force of the city, subject to the rules and regulations of the board.

Duties of the commissioners.

14. *And be it enacted*, That said board of police commissioners shall at all times aid and assist the mayor and common council of Jersey City in the execution of all laws and ordinances in force in said city.

Estimate of expenses to be made.

15. *And be it enacted*, That in the month of May in each year, the said board of police commissioners shall estimate in detail the expenses of the police department for the ensuing year, and transmit the same to the common council, which body shall make provision for the assessment for the same in the tax ordinance.

Pay-roll to be made out.

16. *And be it enacted*, That in paying salaries, a pay-roll shall be made out by said board of police commissioners, and submitted to the common council, who shall order a warrant drawn on the city treasurer therefor, to the order of the

president of said board of police commissioners, whose duty it shall be to pay the men according to said pay-roll.

Moneys to be drawn on warrant.

17. *And be it enacted*, That no moneys shall be drawn from the city treasury for the said board of police commissioners, except by warrant ordered by the common council, in pursuance of a requisition by said board of police commissioners.

Temporary police may be employed.

18. *And be it enacted*, That said board of police commissioners may employ temporarily any or all of the present police force until they shall have completed the organization of the department according to the provisions of this act.

Compensation to extra policemen.

19. *And be it enacted*, That in cases of riot or other necessity, the said board of police commissioners are hereby empowered to employ, temporarily, any number of extra policemen, at a compensation not to exceed three dollars per diem.

Compensation of clerk.

20. *And be it enacted*, That said board of police commissioners shall be entitled to a clerk of their own selection, whose pay shall not exceed the sum of five hundred dollars annually.

Proceedings in case of removal from police force.

21. *And be it enacted*, That each member of the Jersey City police force shall hold office during good behavior, and shall be liable to removal from the force only after written charges shall have been preferred against him according to the regulations of said board and he shall have had an opportunity to be heard in defence, but no person shall ever be appointed to membership to said force who has not been a citizen of the United States one year prior to his appointment, and a resident of Jersey City one year prior to the same, or who has been convicted of crime, or who cannot read and write the English language.

Powers of the police.

22. *And be it enacted*, That the members of the force are hereby invested with all the powers applicable to sheriffs or constables in the state (except to serve civil processes); they shall be also exempt from duty as jurymen and from military service during the time they shall remain members of said force.

Commissioners may make arrests.

23. *And be it enacted*, That each of the said police commissioners shall have full power to arrest without warrant for breaches of the peace committed in their presence, and in every such case of arrest the person arrested shall be forthwith taken before the recorder of said city, or a justice of the peace, to be dealt with according to law.

Commissioners not to hold any other office.

24. *And be it enacted*, That any one of said commissioners who shall during his term of office accept or hold any other place of public trust or emolument within the elective franchise of the county of Hudson or city of Jersey City, or who shall be publicly nominated for any such office, and does not decline such nomination within five days succeeding the [illegible] shall in either case be deemed to have resigned his office of commissioner.

Repealer.

25. *And be it enacted*, That the act entitled "An act to establish a police district in the county of Hudson, and to provide for the government thereof," approved March twenty-third, eighteen hundred and sixty-six, and the supplement thereto, approved March twentieth, eighteen hundred and sixty-seven, and all other acts and parts of acts inconsistent with this act be and they are hereby repealed, and this act shall take effect immediately.

Approved March 3, 1868.

CHAPTER XCVII.

A Further Supplement to "An Act for the Preservation of Sheep," approved April fourteenth, eighteen hundred and forty-six.

Provisions of act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "A Supplement to an act for the preservation of sheep," approved March twenty-fourth, eighteen hundred and fifty-two, be and the same are hereby extended and applied to the township of Franklin, in the county of Hunterdon.

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

Approved March 3, 1868.

CHAPTER XCVIII.

A Supplement to an act entitled "An Act to create from part of the town of Orange, in the county of Essex, a new township to be called the township of East Orange," approved March fourth, eighteen hundred and sixty-three.

Township committee may have power to contract for laying of gas pipe on application of land owners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon the application of two-thirds of the number of land owners upon any street, or part thereof, in the township of East Orange, made in writing over the hands of said land owners, the township committee of said township shall have power to make a contract with any person or corporation for the laying of pipes and erection of lamp posts, and for the supply of gas for the lighting of such street or part of street, and to assess the expense of such pipes, lamps, and supply of gas, upon all the land owners along such street or so much thereof as may be so supplied with gas and gas fixtures as aforesaid.

Expense to be assessed on property owners.

Proceedings thereon.

2. *And be it enacted*, That when all such pipes, lamps and fixtures as may be necessary to the lighting of such street or part thereof shall have been laid and erected, and the entire expense thereof ascertained by said committee, they shall proceed to assess such expense upon the owners of the lands upon such street, or that part thereof which may be supplied with gas and gas fixtures as aforesaid, as nearly as may be in proportion to the benefits derived by them respectively therefrom, and they shall reduce said assessment to writing, and sign the same, and shall thereupon cause notice to be served upon the several land owners mentioned in said assessment in substance as follows: "You are hereby notified that the town committee have assessed against you the sum of ——— as your share of the expense of laying pipes and erecting lamps upon ——— street, and that said committee will meet at ———, on ———, for the purpose of reviewing and revising said assessment, at which time and place you are invited to be present.

——— ———, Town Clerk;"

which notice shall be served six days at least before the time mentioned therein for the meeting of the township committee; at the meeting of said committee they shall hear the allegations of the land owners who may be present, and shall review

the assessment and revise the same in case they shall deem it advisable, and the assessment so revised shall be final and conclusive upon the parties, and the sums assessed may be collected at the same time and in the same manner with the township taxes.

Annual expense, how assessed

3. *And be it enacted*, That after said pipes shall have been laid and lamps erected, the annual expense of supplying the same with gas and lighting the same may be assessed upon the owners of land along the line of the streets so lighted, each and every year in the month of May, in the manner provided in section second of this act for the assessment named therein.

Repealer.

4. *And be it enacted*, That all acts and parts of acts by virtue whereof has been imposed any tax, known as a military tax, or a tax upon persons liable to do military duty, shall be and the same are hereby repealed, so far as the same relate to the imposition of any such tax upon persons residing in the said township of East Orange.

Compensation to assessor and collector.

5. *And be it enacted*, That the township committee of said township shall have authority to pay out of the fund raised for incidental expenses in said township such compensation to the assessor and collector of said township as in the judgment of said committee be a fair remuneration for the services to be performed by said officers.

Township committee may appoint commissioners to drain low lands.

6. *And be it enacted*, That whenever, in the judgment of the township committee, any low lands in said township are in such condition that the proper draining of the same will be of public advantage, it shall be lawful for said committee to appoint three suitable and disinterested persons, who shall thereupon take an oath faithfully to discharge the duties required of them by this act, and shall be commissioners to superintend the draining of said low lands; said commissioners shall have power by virtue of this act to enter upon such low lands, to employ all such engineers and others as may be necessary to locate the route of such ditches as may be required to effectually drain said lands and make the necessary surveys and profiles for the same; shall have the further power to contract for the digging and excavation of such ditches in such manner as may seem to them effectual, and when said work shall be so far completed that the expense thereof can be ascertained, they shall have power to assess the entire cost of said work, including their own necessary expenses and payment for their time, which shall be at the

rate of three dollars per day for every day actually spent, upon the owners of such lands as may be benefitted by said draining, as nearly as may be in proportion to the benefits deemed by said commissioners to have been derived by said land owners; and the sums so assessed may be collected by said commissioners by suit brought in their name as such commissioners, before any court of competent jurisdiction; and, in like manner, whenever it may be necessary or advisable to open and clear out any ditch in said township, commissioners may in like manner be appointed, who shall be invested with like powers, for the purpose of clearing out such ditch. Assessment of cost, how made.

7. *And be it enacted*, That whenever a petition of the owner or owners of property on the line of any road, street or avenue in the township of East Orange shall be presented to the town committee of said township of East Orange, requesting to have the sidewalks of said road, street or avenue, or any part or either side of said road, street or avenue, laid with a plank walk, it shall be the duty of said township committee to have the same done without delay, and the expense of the same to be assessed upon the land through which said road, street or avenue runs and to be paid pro rata by the owners thereof, the same to be assessed by the township assessor, and collected by the township collector in the same manner as other taxes are assessed and collected; *provided*, that in every case such petition represents a majority of the property on such road, street or avenue, and in every such petition, the same shall specify the width of walk to be made. Sidewalks and expense, how assessed. Proviso.

8. *And be it enacted*, That the town committee shall have power to borrow money (if necessary) for the purpose of carrying into effect the object and intent of this act in anticipation of the taxes to be collected for such purpose as set forth in the first section of this act. Town committee may borrow money in anticipation of taxes.

9. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and they are hereby repealed, so far as the same affect the said township of East Orange, and that this act shall be deemed a public act and shall take effect immediately.

Approved March 4, 1868.

CHAPTER XCIX.

A Supplement to an act entitled "An Act to incorporate the city of Millville," approved February twenty-sixth, eighteen hundred and sixty-six.

Commissioners to lay out streets, &c., and proceedings thereon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and common council of said city, upon petition of not less than fifteen freeholders of said city, shall appoint three persons to act as commissioners to lay out, open, widen, alter or vacate any street, road, lane or alley in said city; the said commissioners shall take and subscribe an oath or affirmation to act faithfully and impartially in the premises; they shall cause at least ten days' notice of their meeting, together with a general description of the improvement applied for, to be set up in three of the most public places in said city, and shall cause one insertion to be made in the newspapers published in said city, and at the time appointed view the premises and hear objections, if any shall be offered; after which, if the said commissioners, or any two of them, shall adjudge the improvement or alteration applied for proper and necessary, they shall establish it, and shall make an assessment of the damage, if any, the owner of any land or real estate, other than the applicant or applicants, will sustain by laying out or altering said street, over and above the advantage that will in their judgment accrue to said owner, and also shall make return in writing, under their hands, together with a map and survey, containing a particular description of such improvement, and shall appoint a time for opening or closing the same, which return and map shall be deposited in the office of the recorder of said city, and open to the inspection of all parties interested; in case said return shall be confirmed by the mayor and common council, the same shall be so endorsed under the hand of the mayor and seal of the corporation, and shall be filed together with said map, in the clerk's office of the county of Cumberland, and shall be recorded in the road book of said county by the clerk, who shall be entitled to the same fees as for recording the return of the laying out or vacating public highways; *provided however*, that no return shall be confirmed by the common council until at least ten days' public notice shall have been

Proviso.

given by two insertions in the newspapers published in said city, of such return made to the mayor and common council, and to whom any person feeling aggrieved may appeal for relief; *and provided further*, that if any person or persons shall be dissatisfied with the assessment of damages made by the said commissioners, they may, within twenty days after the said return shall be filed in the clerk's office as aforesaid, file their notice of appeal therefrom in said office; after which the said appellants may apply to the next term of the courts of common pleas of said county, and in case the next term shall begin in less than twenty days after the commissioners' return was made, they may apply to the next succeeding term, which court shall appoint three disinterested chosen freeholders of said county to review the assessment made by the said commissioners, and lessen, increase or confirm the same as to them, after taking into consideration the advantage and disadvantage that will accrue to said owner, shall seem fit and just, and the report of the said chosen freeholders, or a majority of them, made in writing under their hands, shall be filed in the office of the clerk of the said county, and shall be final and conclusive to the parties interested.

Proviso for appeal in case of dissatisfaction.

2. *And be it enacted*, That the said commissioners and the said chosen freeholders shall be entitled to have and receive two dollars each, per day, for their services aforesaid, which sum shall be paid to the commissioners by the applicants, and to the freeholders by the appellants.

Compensation of commissioners.

3. *And be it enacted*, That the mayor and common council may cause any street, road, lane or alley in said city, laid under this act, to be opened at the time named by the commissioners aforesaid for opening the same, and all buildings or other obstructions to be removed therefrom; and said street, road, lane or alley shall thereupon be a public highway; *provided*, that it shall not be lawful for the mayor and common council to open, widen or alter any street, under this act, until the damages assessed as aforesaid shall have been paid or legally tendered by said city of Millville.

May open streets and remove buildings.

Proviso.

4. *And be it enacted*, That it shall be lawful for the mayor and common council of the said city, by ordinance, to limit, fix and define the width and grade of the streets and sidewalks of the said city, as now used or hereafter laid out; and if any owner or owners of real estate in the said city shall neglect or refuse to comply with any ordinance of the city council, passed under the authority of this act, or of the tenth

General powers as to streets and assessments for work done on them.

New Jersey State Library

section of the act to which this is a supplement, for grading, paving, curbing, cleaning and repairing the streets and sidewalks of said city, for the space of thirty days after personal notice served upon such owner or owners, or left at his or their place of residence, if a resident of said city, it shall and may be lawful for the city council to cause the said work to be done, and pay for the same out of any money in the city treasury not otherwise appropriated, a particular statement whereof shall be filed in the office of the city recorder, and such cost shall remain a lien upon the said real estate until paid; and the city council may either sue and recover the amount so paid as aforesaid from the owner or owners of said real estate, or their legal representatives, with interest and costs of suit, in any court having cognizance thereof, in an action on the case, in the name of the treasurer of the city of Millville, for so much money by them paid out and expended to and for the use of such owner or owners, and the statement of the expenses filed with the recorder, with proof of the amount paid, shall be conclusive evidence for the plaintiff; or the said city council may cause the said real estate, or such part thereof as they may think proper, to be advertised for sale for four weeks in the newspapers of the city, and in handbills, to be put up in five of the most public places of said city, and proceed to sell at public outcry the said real estate for the shortest period of time any person or persons will purchase the same and pay the amount against it, together with the costs and expenses attending the sale thereof, and when so sold may execute, under the seal of the city, a deed for the same; *provided always*, in the case of non-residents it shall be the duty of the city council to first cause a notice, describing the property and the nature of the improvement required to be done, to be inserted in the newspapers of the city for two weeks, setting forth that, unless the owner or owners appear and comply with the ordinance, the council will cause the same to be done at the expense of such owner or owners, the cost of which advertisement shall be borne by the said owner or owners.

Proviso.

Limitation.

5. *And be it enacted*, That it shall not be lawful for any new street or streets to be opened within the limits of the city of Millville, except in the mode prescribed in this act, unless the applicant or applicants for said new street first secure the assent of the common council to opening the same, after ten day's notice has been given in three of the most public places

of said city, and describing in said notices the location of the street or streets to be applied for.

6. *And be it enacted*, That the common council shall have power within said city to regulate and control the manner of building dwelling houses and other buildings, and to prohibit within certain limits, to be from time to time prescribed by ordinance, the building or erection of any dwelling house, store, stable, or other building of wood or other combustible material. Power to regulate the manner of building.

7. *And be it enacted*, That there shall hereafter be elected at the annual spring election three commissioners of appeal, in cases of taxation for the said city, who shall meet annually on the fourth Tuesday of November, to hear and determine all appeals; and they shall sit from ten A. M. to six P. M., and shall have the power to adjourn from time to time if found necessary; to dispose of all cases submitted to them for consideration from any and all the wards of the said city; and all that part of the act to which this is a supplement, which provides for the election of three commissioners of appeal in cases of taxation for each ward, be and the same is hereby repealed. Election of commissioners of appeal in cases of taxation.

8. *And be it enacted*, That so much of the tenth section of the act to which this is a supplement, as provides that no owner or occupants of property shall be compelled to curb or pave more than forty feet in length on any one lot in any one year, be and the same is hereby repealed. Repealer.

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

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

Approved March 4, 1868.

CHAPTER C.

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

Changing number of freeholders in Mercer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the persons qualified to vote at town meetings, in the several townships in the county of Mercer, shall have full power and authority, and shall be required at their annual town meetings, to elect for each township in said county but one chosen freeholder, instead of two, as now authorized by law; and the inhabitants of the city of Trenton, in said county, at their annual charter election, shall elect in and for said city, five chosen freeholders.

2. *And be it enacted*, That the chosen freeholders to be elected in the said county of Mercer and city of Trenton, after this act shall take effect, shall be elected in the same manner and for the like term, and shall be invested with the same powers, enjoined to perform the same duties, and subject to the same laws as other chosen freeholders in this state.

Proceedings in erecting or repairing bridges.

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

Proviso.

incurred the director of the board of chosen freeholders shall draw upon the county collector, who is hereby empowered and required forthwith to pay the same out of any money in his hands.

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

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

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

Approved March 4, 1868.

CHAPTER CI.

An Act to incorporate the Middlesex and Monmouth 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 Middlesex and Monmouth turnpike shall be opened by Aaron Casler, Alexander Johnson, John R. Mount, John Mount, John Morrell, Daniel Prest, James Prest, William B. Mount, Alexander Hance, John Wooley, Commissioners to open books of subscription.

Samuel Lamberson and James J. R. Magee, or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and at such places as they or a majority of them may direct, giving notice at least twenty days prior to the opening of said books, by publishing the same in one of the newspapers published in the county of Monmouth.

Capital stock.

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

Name.

Capital, how paid in, and forfeited for non-payment.

3. *And be it enacted*, That at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed for to the commissioners, or any two 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 subscription shall be paid in installments, at such times and such places, and to such persons as the president and directors of the company shall from time to time direct, or give public notice thereof in the manner aforesaid, and upon failure of the payment thereof as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said installments, or any of them, to and for the use of said company; *provided*, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers in proportion to the amount or number of shares by them subscribed as aforesaid; *provided also*, that the stockholders shall, upon request, have the right to pay the stock subscribed, except the first installment, by work or labor upon said road, under such regulations, at such time, and upon such notice, by either party, as the directors may determine.

Proviso.

Proviso.

Limitation.

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 books, this act and all the subscriptions under it shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return the residue of the money paid in to their respective subscribers or their representatives, in proportion to the sum paid in by them.

Directors, and how elected.

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

President.

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

Vacancies, how filled.

7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy in the interval between the annual elections by death, resignations, removal or refusal to

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

Proviso.

Annual statement.

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

Special meetings of the stockholders.

9. *And be it enacted*, That special meetings of the stockholders may be called by order of said president or three of the 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 meetings, which said notice shall specify the particular object of the meeting, but that no business of the company shall be transacted at such special meeting unless a majority in value of the stockholders attend and concur therein, who may require the books, accounts and other papers and proceedings of the company to be exhibited to them by the said president and directors.

Not dissolved by failure to elect directors

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

May construct and make a turnpike road.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road, or

any part thereof, from a point where the highway leading from Mount Pleasant, in the county of Monmouth, intersects the highway leading from Mount's Mills to Old Bridge, and from that point along the first mentioned highway to where it intersects the public road leading from Freehold to Matawan, which said turnpike road shall be constructed on and along the said public highway, and that the width of said turnpike road shall be governed by the width of the public road upon which it may be made; *provided*, that before the said company shall construct the said turnpike road aforesaid along the highway aforesaid, they shall pay to the respective owners of lands over which the said highway selected for constructing said turnpike road now passes all damages which the said owners will sustain by reason of the construction of the said turnpike road; and in case said company and any of the owners cannot agree upon the amount of said damages, then said damages shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for, for ascertaining and determining the damage which any land owner shall sustain by the taking of stone, gravel or other materials from his or her land for the constructing or maintaining of said turnpike road; *provided also*, that the said company shall have power to take only the right of way over the lands whereon the said road is to be constructed, paying damages which the owners will sustain thereby; and the commissioners hereinafter named, if appointed, shall have power to assess damages for the right of way only. Proviso. Proviso.

12. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in breadth along the middle, as near as may be, of the said highway, and shall be sufficiently arched and drained to make and keep the same dry, and at least eighteen feet thereof shall be so graded that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon; and the said company shall make good and sufficient bridges along the line of the said road, not less than eighteen feet in breadth; and whenever the said road in passing over low ground shall be raised so much at the margin or side as to render carriages 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. Width of road, &c.

13. *And be it enacted*, That it shall be lawful for said com-

Proceedings when company and owners of property cannot agree.

pany, their officers, superintendents, engineers and workmen, with carts, wagons, and other carriages, and with beasts of burthen and draught, and all necessary materials, tools and implements to enter upon all lands contiguous or near to the route of the said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosure thereof, and to make all ditches and underdrains across and through such land necessary for properly draining said road, and that when the said company or its agents cannot agree with the owner or owners of such required land or materials for the use and 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 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 occupant or occupants, if there be any, and of the owner or owners, if known, and their residence if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause said company to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of 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 notice to be given to the person 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 said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, faithfully to examine the matter in question, and to make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands and materials, and make a just and equitable estimate or appraisement of the value of the same, and assessments of damages to be paid by the said company for such land or materials and damages aforesaid, and to make a report thereof

under the hands and seal of the said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county where the lands are situate, 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 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 thirty days after demand made of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage, and said justice or judge shall tax and allow such costs, fees and expenses to the justice, commissioners, clerks and other persons performing any of the duties prescribed in this section as he shall think equitable and right, which shall in all cases be paid by the company.

May demand and receive tolls.

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

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

and it shall and may be lawful for the toll-gatherers to stop persons riding, leading or driving any horses, cattle, mules or calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpike 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.

15

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

Must erect mile stones and put up rates of toll.

15. *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 on said road, and each stone or post shall be fairly and legibly marked the distance the said stone or post is from the commencement of the said road, and shall cause to be fixed, and always to be kept up, at the gates or turnpike aforesaid, in a 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 mile stones or posts &c., and for forcibly passing toll gates.

16. *And be it enacted*, That if any person shall wilfully break down, throw down or deface any of the mile-stones or posts so erected on the said road, or wilfully tear down and deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for 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 off 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 one dollar, to be recovered by said company for the use thereof in an action of debt, with costs of suit.

Penalty for hindering travel.

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

suit, to be prosecuted by and recovered for the sole use of the person so unreasonably detained or hindered.

Penalty for neglecting to turn to the right.

18. *And be it enacted*, That all drivers of the carriages, sleighs or sleds, of every kind and description, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs or sleds, on the right hand of said road, in the passing direction, leaving the other side of the road free and clear for carriages or persons on horseback; 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 when road is not kept in repair.

19. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any justice of the peace of the county where the same is situate, 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 the complaint arose, which three persons being disinterested in said road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine the said road so complained of, and to report to the said justice in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road, said justice shall immediately in writing, under his hand and seal, order the keeper of the said gate or turnpike to keep the same open until otherwise ordered, and if the said keeper shall, notwithstanding the order of the said justice to open the said gate or turnpike exact toll of 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 said justice shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application of said company, again to view the said road, and report as aforesaid

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

Limitation.

20. *And be it enacted*, That if the said road is not commenced within three years and completed in five years from the passage of this act, then and in that case this act shall be void; and the said corporation shall possess the several powers and be subject to the restrictions and liabilities contained in the act entitled "An Act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

When lawful to erect a toll gate.

21. *And be it enacted*, That when the said company shall have completed any one mile 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 the said road, and demand and receive toll for traveling thereon agreeably to the foregoing rates.

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

Approved March 4, 1868.

CHAPTER CII.

An Act to incorporate the Order of Saint Benedict in New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Boniface Wimmer, Roman Hill, Oswald Mossmuller and Peter Henry Lemki, and their associates, members of the society called the Order of Saint Benedict, being a society of religious men living in community and devoted to charitable works and the education of youth, be and they are hereby constituted a body politic and corporate by the name, style and title of the "Order of Saint Benedict of New Jersey," to have perpetual succession, to use a common seal, and alter and renew the same at pleasure; to take, hold, and enjoy lands, tenements and hereditaments, and to make such by-laws for their government and for the admission of members into the corporation as they shall deem necessary and proper; *provided*, that such by-laws shall not be repugnant to nor inconsistent with the constitution of the United States or of this state; *and provided also*, that the clear yearly income of the real estate to be held by said corporation, exclusive of the houses occupied by the order in this state, and grounds thereto attached, shall not exceed the sum of three thousand dollars; *and provided*, that no person shall be or remain a corporator except regular members of said religious society, living in community and governed by the laws thereof. Corporators. Name. Proviso. Proviso. Proviso.

2. *And be it enacted*, That the essential objects of said corporation shall be the education of youth and the establishment of churches and conducting of service therein. Objects.

3. *And be it enacted*, That no misnomer of the said corporation or their successors shall defeat or annul any gift, grant, devise or bequest to or for their said corporation; *provided*, that the intent of the party or parties making such gift, grant, devise or bequest, shall sufficiently appear on the face of the deed, will, grant or other writing whereby any estate or interest was intended to pass to or for the said corporation. Proviso.

4. *And be it enacted*, That any person or persons now holding or who may hereafter hold any goods, chattels or

All persons holding property in trust authorized to convey to them.

property, real or personal estate, or interest whatever in trust or for the use of the Order of Saint Benedict in this state, or any of the members thereof, are hereby authorized to convey, transfer, grant and make over the same to the corporation hereby created, freed and discharged from all such trusts; *provided*, that no private rights or vested interests shall be affected or in any way prejudiced by such conveyance to the corporation.

Proviso.

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

Approved March 5, 1868.

CHAPTER CIII.

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

Preamble.

WHEREAS, by a supplement to "An Act to alter and amend the charter of the borough (now city) of Bordentown," which supplement was approved March fifteenth, eighteen hundred and sixty-one, it is ordained among other things that the power of overseer of the highways of the township of Bordentown shall cease over the public highways, streets and alleys in said city, and that no more money should be thereafter raised by the township for road purposes in said city, nor by the city for roads in said township; and whereas, no provision was made in said act for the inhabitants of said township, irrespective of the city vote, to select their own overseers or to decide as to the amount of funds required for township roads; therefore—

Election of overseers of highways.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the overseers of the highways for any road district in the township of Bordentown, in the county of Burlington, shall be nominated and elected viva voce by a majority of the inhabitants, being legal voters assembled for that purpose in and for said road district.

2. *And be it enacted*, That the said inhabitants of each road district shall at said election also decide viva voce by a majority of the legal voters assembled as aforesaid, the amount of tax to be raised for road purposes in said district, and the same shall be assessed and collected by the township officers as other taxes are assessed and collected, and shall also be kept as a separate fund, to be used and expended only for road purposes in said road district. Amount of tax to be raised, how determined.

3. *And be it enacted*, That such election shall be held in each road district on Wednesday following the second Tuesday in March, annually, between the hours of eleven o'clock A. M. and one o'clock P. M., and at such place as the township committee shall designate by five days' notice thereof in writing, to be put up at two of the most public places in each road district. Election, when held.

4. *And be it enacted*, That at such elections a moderator and secretary shall be chosen, the said moderator to preside over said elections and to decide all questions of order, and also, in case of dispute, to determine who have and who have not a right to vote according to law at such meeting.

5. *And be it enacted*, That it shall be the duty of the said secretary to record the votes and proceedings at every such election, which record, signed by the said moderator and himself, shall, on the day of such election, be filed with and recorded by the clerk of the township. Duty of, secretary.

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

Approved March 5, 1868.

CHAPTER CIV.

An Act to authorize the inhabitants of the township of Woolwich, in the county of Gloucester, to change the present mode of holding their town meetings, and also of electing their overseers of public highways.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the town- Officers to be elected by town meeting.

ship of Woolwich, in the county of Gloucester, are hereby authorized and required to elect by ballot, and not otherwise, at their annual town meeting, the following officers, whose qualifications shall be the same as are or may be fixed by law, viz.: a township clerk, an assessor, a collector, two chosen freeholders, a township committee, consisting of five persons, three commissioners of appeal, two surveyors of highways, two overseers of the poor, three or more pound-keepers, as many justices of the peace as they may constitutionally be entitled to elect, one or more constables, as they may deem necessary; and that the inhabitants of the said township, at each and every annual town meeting, by a majority of votes, may authorize the committee of said township to order and keep in repair the public highways, or may elect five overseers to do the same; and such other officers as they are authorized to elect by law.

Town meetings.

2. *And be it enacted*, That at the hour of ten o'clock in the morning the town meeting shall be called to order by the township clerk, or, in his absence, by any one of the township committee, when a moderator shall be chosen to preside over the town meeting, when the township committee shall be required to make a report to the meeting of all the receipts and expenditures of the township, and the report of all the special or appointed committees shall be heard; the town meeting shall decide, by a majority of those voting, the amount of money to be expended on the public highways, for the support of the poor, and for all other township purposes deemed necessary by the said town meeting; the township clerk shall keep a record of all the proceedings of the meeting, and the officers of the said election shall be eligible to any office at the said election, except that of justice of the peace.

Report of receipts and expenditures to be made.

3. *And be it enacted*, That the township committee, or overseers of highways, shall not expend any more money on the highways than authorized to do by the town meeting, and that all work for the improvement or repairs of highways, except in cases of extreme necessity, shall be done between the day of the annual town meeting and the fifteenth day of September of the same year, and that ten hours of labor shall constitute a day's work for all labor on said highways.

How election shall be conducted.

4. *And be it enacted*, That at the hour of eleven o'clock in the morning, the officers authorized by law to conduct the election for state and county officers shall declare that the

polls for the election are open; and the said polls shall continue open until four o'clock in the afternoon of the same day, without any adjournment exceeding one hour; and that the said election shall be conducted in the same manner as the election for state and county officers; by requiring the township clerk to register the names of all those voting, by using the same ballot-box, and by requiring the same qualifications of those voting; and that the officers proceed, after the closing of the polls, to find the result of the election and make a report of the same.

Plurality of votes to elect.

5. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officer; and in case there shall be a neglect or failure to elect any officer by the said town meeting, or in case of the refusal of any person elected to accept, or a vacancy shall occur from death, resignation or any other cause, or two or more persons receiving the same number of votes for the same office, the township clerk shall, immediately after due notice be given him by five or more legal voters of the said township, advertise for a special election to fill said vacancy, by posting notices in five of the most public places in the said township, at least ten days before the said special election.

6. *And be it enacted*, That the township clerk shall be the clerk of the township committee, and shall keep a book of minutes of the proceedings of said committee, which shall be, at all times, open to the inspection of the voters of the said township.

Repealer.

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

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

Approved March 5, 1868.

CHAPTER CV.

An Act to incorporate the New Jersey and Texas Transportation and Storage Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Andrew A. Smalley, Jacob O. Seymour, Morris C. Green, Joseph B. McComb, Joseph C. Young, and their associates and successors, shall be and they are hereby constituted a body politic and corporate by the name of "The New Jersey and Texas Transportation and Storage Company."

Name.

Commissioners to receive subscriptions.

2. *And be it enacted*, That the said Andrew A. Smalley, Jacob O. Seymour, Morris C. Green, Joseph B. McComb and Joseph C. Young, or a majority of them, shall be commissioners to open books and receive subscriptions to the capital stock of said company at such time or times, and place or places, as they or a majority of them may think proper, giving notice thereof at least ten days, by publishing the same for not less than ten days in the public newspapers of the county of Hudson; and as soon as the sum of one hundred thousand dollars shall be subscribed, and ten per centum paid in in cash, a like publication as aforesaid, for the space of twenty days, shall be given for the meeting of the stockholders to choose five directors, who shall hold their office for one year and until others are elected; that the said election shall be certified by the said commissioners, or a majority of them, who shall thereupon deliver over to the directors elected as aforesaid the subscription books and moneys paid in, at such time and place as shall be appointed by the commissioners, or a majority of them, notice whereof shall be given to the said directors, and who shall be thereupon authorized to hold their first meeting and commence business, first having elected a president from their body.

Directors, how chosen.

Capital stock.

3. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, to be divided into shares of one hundred dollars each; but the said capital may be increased whenever deemed necessary and advisable, by a vote of two-thirds of the stockholders in value, to a sum not exceeding one million of dollars; and the said directors shall have power, and are hereby authorized to take and re-

ceive from parties who have shipped, deposited, or otherwise placed within its control any merchandise or other commodity, their promissory notes, and may credit on account of such notes all sums paid for services rendered (excepting interest and commissions for advances), and such notes may be received as payment or pre-payment for freights, storage and commissions on sales, and the makers of all such notes shall be entitled to receive five per centum discount for cash payments for all services rendered, and the said notes as to third parties shall be deemed the property of the company, both in law and equity.

Corporate powers.

4. *And be it enacted*, That said company shall have power to make and enforce contracts in conformity with law, to sue and be sued, implead and be impleaded; to sell property held as security for the fulfilment of contracts, in case of non-fulfilment of the same, and to reimburse and satisfy all advances and any losses thereon, together with all reasonable costs and charges thereon, and to carry freight and passengers from ports and places to ports and places, and to fix the rate therefor.

May construct and use steam and sailing vessels.

5. *And be it enacted*, That said company shall have power to construct, charter, purchase, own, use and sell steam or sailing vessels necessary or adapted to the purposes or transactions of the business of the company, and also to build, purchase, lease, rent, re-lease, sub-rent, hold, use and sell piers, wharfs and warehouses in the county of Hudson, where their principal office shall be located, and to purchase, build, lease and re-lease, sub-rent, hold, use and sell such other property as may be needful and desirable in the prosecution of the said business.

May store wares and merchandise.

6. *And be it enacted*, That said company may receive on board steam or other vessels, and in warehouses, or other structures under their control, goods, wares and merchandise for transportation to and from ports, and may hold the said goods, wares and merchandise or other property on storage and deposit on shipboard, and in warehouses or other buildings, and may advance moneys or securities thereon, and may effect marine or fire insurance, or both, on any property held by them in trust, and may fix the rates of storage, freights and transportation, and the terms and conditions on which property of any kind shall be held, stored, carried from port to port, insured or otherwise disposed of; and for the fulfilment of all engagements or liabilities incurred by parties in

interest to the said company, a lien on any and all property thus held is hereby declared to be vested in behalf of said company for the reimbursement of all advances or loans, principal, interest, commissions, expenses and charges.

May have fire and marine insurance powers.

7. *And be it enacted*, That whenever by a vote of two-thirds of the stockholders in value, and of a majority of the board of directors, it shall be deemed advisable to extend and increase the power and duties of the said company, it shall be lawful to enter upon and discharge the trust usually appertaining to chartered incorporations for marine and fire insurance, either or both, so far as the same may be confined to the property of the company, and the property entrusted to them and under their control.

Dividends.

8. *And be it enacted*, That it shall be lawful for the directors of said company to pay at stated periods to the stockholders a ratable proportion of the net profits of the business, not exceeding ten per centum per annum on the amount of stock held by the said stockholders, and out of the residue of such profits, if any, to apportion a dividend in cash or scrip, or both in part, to the actual owners of goods, wares and merchandise carried in vessels, stored in warehouses, or otherwise held by the said company, which said dividend, in such proportion as the directors may determine, shall be rated upon the amount actually paid by parties in interest to the company for storage, freights, premiums and commissions during the stated period preceding the apportionment.

Powers of directors.

9. *And be it enacted*, That the directors shall have full power to make all needful and proper rules, regulations and by-laws for the management and disposition of the stock, income and dividends, the property and effects of the said company, the transfer of shares, the regulation and duties of its officers and servants, the number of directors that shall constitute a quorum to do business, to appoint as many officers and servants as they may deem requisite and necessary, and to determine the amount of their compensation, and generally to do all other acts and things they may deem expedient and proper for the purpose of carrying into effect the object contemplated by this act of incorporation.

10. *And be it enacted*, That the stock hereby created shall be deemed personal property, assignable and transferable in such manner as the directors shall determine; and in case of loss from any cause to the company, the scrip apportioned to the customers of the company under section eight shall be

liable first and before that apportioned to the stockholders, and the directors must call in and absorb all the first named before any of that given to the stockholders shall be liable.

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

Approved March 5, 1868.

CHAPTER CVI.

An Act to incorporate the Malvern Cranberry Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David Harvie, L. F. S. McLehose, and all such persons as may hereafter be associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate, in fact and in law, by the name of "The Malvern Cranberry Company," for the purpose of buying, holding, cultivating and improving lands in the counties of Ocean and Burlington, and for raising and selling cranberries and other fruit and other produce of said lands, and carrying on the business connected therewith, and erecting such buildings and holding such personal property as may be necessary therefor, and that they and their successors, by the same name may sell, grant, alien, mortgage and dispose of the said lands, tenements and hereditaments, cranberries, produce, fruits, goods and chattels, or any part thereof. Corporators. Name.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and that subscriptions to the capital stock may be paid in real and personal estate, in a valuation to be agreed upon by a majority of the directors, and the said corporation may issue stock in payment therefor; and that the subscriptions for stock shall be opened in the town of Manchester, in Ocean county, at such time as the directors may designate, under their direction or that of such persons as a majority of them may select. Capital stock.

3. *And be it enacted*, That the affairs of said corporation

Directors how elected.

shall be managed by a board of five directors, one of whom shall be president, and a majority of whom shall have all the powers of the board, and they shall hold their office for one year, and until others are elected in their stead, and shall have power to make by-laws for the government and management of said corporation, and shall hold their meetings at such times and places in this state or elsewhere, as the by-laws may provide; and that until an election for directors shall be held, the persons named in the first section of this act shall be directors.

4. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and shall be transferable in such manner as the by-laws may prescribe.

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

Approved March 5, 1868.

CHAPTER CVII.

An Act to incorporate the Greenwood Pottery Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Brearley, James P. Stephens, James Tams, Isaac Stephens, and George Brearley and their associates be, and are hereby, created a body politic and corporate, in fact and in law, by the name and style

Name.

of the "Greenwood Pottery Company," for the purpose of manufacturing, selling and dealing in earthenware and crockery of various descriptions, and the business incident thereto; and for such purpose the said company shall or may raise by subscription, by opening the books therefor or otherwise, a

Capital stock.

capital stock of fifty thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same from time to time, with the consent of a majority of the stockholders, to any amount not exceeding two hundred thousand dollars; and it shall be lawful for said company to issue certificates of stock in whole or in part payment for any real or personal property purchased or leased by said company for the purpose of their business aforesaid.

2. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease or otherwise dispose of the same at pleasure; and may borrow money and issue bonds therefor, not to exceed at any time one-half of their paid up capital stock, and may sue or be sued in all courts of law or equity, and may have and use a common seal, and may change and alter the same at pleasure; and may make such by-laws for their regulation and government as they may see proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state. May purchase, hold and convey real estate. Proviso.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president; and said directors shall be stockholders in said corporation, and shall hold their office for one year, and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders to be held on such day, at such hour of the day, and at such place as the by-laws of the said corporation shall direct; and until such annual election shall take place, Charles Brearley, James P. Stephens, James Tams, Isaac Stephens and George Brearley being stockholders, shall be directors of said corporation; a majority of the directors shall on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business; and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholders. Directors, how appointed, &c.

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days' notice being given of the time and place of such election. Failure to elect directors not to work a dissolution.

5. *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written statement of the affairs of the said corporation, setting forth Annual statement.

the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained.

Principal office at Trenton.

6. *And be it enacted*, That the principal office of the said company shall be at Trenton, in the county of Mercer, and that regular books of account shall be kept in the said office, to which books of account any stockholder may have free access at all reasonable times for the purpose of inspection; and that books of transfer of the stock shall also be kept, and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.

How dissolved.

7. *And be it enacted*, That the said corporation hereby created may be dissolved by a general meeting of the stockholders of the same, specially called for that purpose; *provided*,

Proviso.

that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being and the survivors of them, or such persons as the said stockholders shall appoint shall be trustees for the settling all the affairs of the company, collecting and disposing of all its property and assets, paying its debts, and dividing its surplus among the stockholders in proportion to their respective interests in the stock.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions set forth in an act entitled "An Act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same may be applicable.

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

Approved March 5, 1868.

CHAPTER CVIII.

An Act to incorporate the Trenton Vise and Tool Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That J. Howard Murray, Thomas S. Murray, Daniel P. Forst, James E. Darrah and Edwin G. Stones, and their associates, be and they are hereby created a body politic and corporate, in fact and in law, by the name and style of "The Trenton Vise and Tool Company," for the purpose of buying, manufacturing and selling iron vises, tools and machinery of every description, and all other materials which they may think necessary and proper in the management of their business; and for such purpose the said company shall or may raise by subscription, by opening books therefor, or otherwise, a capital stock of fifty thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same from time to time, with the consent of a majority of the stockholders, to any sum not exceeding two hundred and fifty thousand dollars; and it shall be lawful for the said company to issue certificates of stock, in whole or in part payment for any real or personal property purchased or leased by said company for the purpose of their business aforesaid. Corporators. Name. Capital stock.

2. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient for the purposes of said corporation; and may sell, mortgage, lease, or otherwise dispose of the same at pleasure, and may sue and be sued in all courts of law or equity, and may have and use a common seal, and may change and alter the same at pleasure, and may make such by-laws for their regulation and government as they may see proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state. May purchase and hold real estate. Proviso.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than seven directors, who shall elect one of their number president; and said directors shall be stockholders in said corporation, and shall hold their office for one year and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders to be Directors, how elected.

held on such day, at such hour of the day, and at such place as the by-laws of the said corporation shall direct; and until such annual election shall take place, J. Howard Murray, Thomas S. Murray, Daniel P. Forst, James E. Darrah and Edwin G. Stones, being stockholders, shall be directors of said corporation; a majority of the directors shall, on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business, and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

Failure to elect directors not to dissolve

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be had upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days notice being given of the time and place of such election.

Annual statement.

5. *And be it enacted*, That the said directors shall submit to the stockholders at their annual meeting, a written statement of the affairs of said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained.

Principal office at Trenton.

6. *And be it enacted*, That the principal office of the said company shall be at Trenton, in the county of Mercer, and that regular books of account shall be kept in the said office, to which books of account any stockholder may have free access at all reasonable times for the the purpose of inspection; and that books of transfer of the stock shall also be kept, and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.

How dissolved

7. *And be it enacted*, That the said corporation hereby created may be dissolved by a general meeting of the stockholders of the same, specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being, and the survivors of them, or such persons

Proviso.

as the said stockholders shall appoint, shall be trustees for the settling all the affairs of the company, collecting and disposing of all its property and assets, paying its debts, and dividing its surplus among the stockholders, in proportion to their respective interest in the stock.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the general restrictions set forth in an act entitled "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same may be applicable.

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

Approved March 5, 1868.

CHAPTER CIX.

An Act to incorporate "The Lahlatang Iron Works."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Lewis H. Taylor, Luther C. Voorhies, Oliver W. Chrystie, William J. Taylor and Daniel Runkle, and their associates, be and they are hereby created a body politic and corporate, in fact and in law, by the name and style of "The Lahlatang Iron Works," for the purpose of mining and smelting iron and other ores, manufacturing and working iron and steel, building engines and cars and carrying on the business incident thereto, and in dealing in and making all materials used in said business; and for such purpose the said company shall or may raise by subscription, by opening the books therefor or otherwise, a capital stock of one hundred thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same from time to time to any sum not exceeding five hundred thousand dollars, and it shall be lawful for said company to issue certificates of stock in whole or in part payment, for any real and personal property purchased or leased by said company for the purpose of their business aforesaid.

Corporators.

Name.

Capital stock

May purchase and hold real estate.

2. *And be it enacted*, That the said corporation may purchase, use, hold possess and enjoy such real estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease or otherwise dispose of the same at pleasure, and may borrow money and issue bonds therefor to an amount not exceeding at any one time one-half of their paid up capital stock, and may sue or be sued in all courts of law or equity, and may have and use a common seal, and may change and alter the same at pleasure, and may make such by-laws for their regulation and government as they may see proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state.

May borrow money and issue bonds.

Proviso.

Election of directors.

3. *And be it enacted*, That the affairs and business of said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president, and said directors shall be stockholders in said corporation, and shall hold their offices for one year and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders to be held on such day, at such hour of the day, and at such place as the by-laws of the said corporation shall direct, and until such annual election shall take place, Lewis H. Taylor, Luther C. Voorhies, Oliver W. Chrystie, William J. Taylor and Daniel Runkle, being stockholders, shall be directors of said corporation; a majority of the directors shall on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business, and all business matters before them shall be decided by a majority of votes, and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholders.

Powers of directors.

Not dissolved for failure to elect directors

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days' notice being given of the time and place of such election.

Annual statement.

5. *And be it enacted*, That the said directors shall submit to the stockholders at their annual meeting, a written state-

ment of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to the said corporation, as nearly as the same can be ascertained.

Principal office, where located.

6. *And be it enacted*, That the principal office of said company shall be at High Bridge, in the county of Hunterdon, where regular books of account shall be kept, to which any stockholder shall have free access at all reasonable times, for the purpose of inspection; and that books of transfer of the stock shall also be kept, and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.

How dissolved.

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

Proviso.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions set forth in an act entitled "An Act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same may be applicable.

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

Approved March 5, 1868.

CHAPTER CX.

An Act to incorporate the First National Insurance Company of Passaic county, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders in the capital stock hereinafter mentioned, their successors and assigns, are hereby made and constituted a body politic and corporate, by the name and style of "The First National Insurance Company of Passaic County, New Jersey," and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended in all courts, whether in law or equity, and by that name may also have, purchase, possess and enjoy, and to them and their successors, lands, tenements and hereditaments, goods, chattels and effects, of what nature or kind soever necessary for the purposes of this corporation, and the same to grant, demise, alien and dispose of at pleasure for the benefit of the said company, and may also have a common seal, and alter and renew the same at pleasure, and also to create and establish such by-laws and regulation as shall seem necessary and expedient for the government of the said corporation, and to put the same into execution; *provided*, the same be not contrary to the laws of this state or of the United States.

Name.

Capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, with the privilege to increase the capital stock to five hundred thousand dollars, and that one-half of the said capital stock of one hundred thousand dollars shall be paid in or secured before it shall be lawful for said company to commence the business of insurance.

Directors, and how elected.

3. *And be it enacted*, That the business, property and affairs of said company shall be managed and conducted by such directors, not less than seven nor more than fifteen in number, as may be elected for that purpose, a majority of whom shall form a quorum, which directors shall hold their offices for one year and until others are chosen, and they shall at all times during their continuance in office be stockholders in their own right, and a majority of them shall be citizens of this state; said directors shall be elected on the

first Monday in March in each and every year, at such hour of the day, and at such place in Passaic county as the board of directors for the time being shall direct, of which election two weeks public notice shall be given in two newspapers printed in Paterson, and each share of stock shall entitle its owner to one vote at each election, to be given either in person or by proxy; and that the office and records of the company may be kept in the city of Paterson, in the county of Passaic, and state of New Jersey.

Officers.

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

Commissioners to open books of subscription.

5. *And be it enacted*, That Charles A. Bremner and Abram R. Stagg are hereby appointed commissioners to open books of subscriptions to the capital stock of said company at Paterson, in the county of Passaic, upon three weeks notice published in a newspaper printed at Paterson, the said commissioners shall by like notice appoint the hour and place for holding the first election for directors.

Powers of insurance.

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

Policies of insurance.

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

May purchase hold and convey real estate

8. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold such and so much real estate, as shall be necessary for their convenient accommodation in the transaction of their business, and also to take and hold any real estate or securities, bona fide mortgaged or pledged

to said company to secure the payment of any debt which may be contracted with them, and also to proceed on said mortgage or other securities, for the recovery of the moneys thereby secured, either at law or in equity, and to purchase on sales made under such proceedings, or otherwise to take and receive any real estate in payment or towards satisfaction of any debt previously contracted with or due said company, and the said real estate to mortgage, sell, exchange or otherwise dispose of, and said company may invest their capital and accumulating premiums, from time to time, in public stocks, bonds and mortgages, and such other securities as the directors may approve.

Stock transferable.

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

Dividends.

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

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

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

Approved March 5, 1868.

CHAPTER CXI.

An Act to amend the act entitled "An Act to incorporate the Englewood Horse Railway Company," approved April sixth, eighteen hundred and sixty-six.

Amendment.

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

"Act to incorporate the Englewood Horse Railway Company," approved April sixth, eighteen hundred and sixty-six, be and the same is hereby amended so as to read as follows: "*And be it enacted*, That said company be and hereby are authorized to enter on, survey, lay out, construct and operate a railroad, to commence at some point at the northerly boundary line of this state, upon the upper plateau or top of the Palisades in Bergen county, and running thence southerly along said plateau to a point on Englewood Heights, at or near the intersection of Palisade avenue, with the street known as Summit street in Englewood; and thence southerly to a point at or near the village of Coytesville, Hackensack township, in said Bergen county; and thence to connect with the "Palisade Railway company," or any railroad company running southerly upon said plateau, or by any practicable route along said plateau and the eastern slope of the Palisades, to the Hudson river in the county of Bergen or Hudson, at or near Bull's Ferry so called, but not south of the terminus of the railroad at the Hoboken Ferry; *provided*, that no part of said road shall be located or built nearer to the Northern railroad than one mile; *and provided also*, that in case any portion of this railroad shall be located in the county of Hudson, the provisions of the act to which this is a supplement, with reference to elections of directors, shall apply to Bergen county."

Route of railroad.

Proviso.

Proviso.

2. *And be it enacted*, That the sixteenth section of the said act, to which this is a supplement, be and the same is hereby amended so as to read as follows: "*And be it enacted*, That said company shall have power to construct or cause to be constructed, or to purchase with the funds of said company, and use on said railroad or any part thereof, engines, dummies, cars, carriages and vehicles for their own use, or for the transportation of passengers or any species of property, with the right to use horse, steam, or any other motive power."

Amendment as to powers.

3. *And be it enacted*, That all parts of the act to which this is a supplement, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 5, 1868.

CHAPTER CXII.

An Act for the relief of Elizabeth Applegate, widow of a Revolutionary Pensioner.

Pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars be paid by the treasurer of this state to Elizabeth Applegate, widow of a revolutionary soldier of Burlington county, upon the passage of this act, and at the rate of one hundred dollars per annum thereafter, to be paid to her semi-annually during her life time.

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

Approved March 9, 1868.

CHAPTER CXIII.

An Act to establish a Free Public School at Edgewater, in the county of Bergen.

Boundaries of school district

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Hackensack, in said county, bounded and described as follows, viz.: Beginning at a point on the Hudson river, at the mouth of a stream known as Dempsey's brook; thence running along said brook westerly to the top of the mountain; thence in a straight course northwesterly to the middle of the Dallytown road; thence along said road southerly to Moseman's south line; thence along said Moseman's south line continued easterly to the edge of the Palisades; thence along the edge of the Palisades southerly to the county line; thence along the county line easterly to the Hudson river; thence along the Hudson river northerly to the place of beginning, be and the same is hereby constituted a school district, and the trustees thereof are hereby incorporated by the name of "The Trustees of Edgewater Free School District," and that

the provisions of the act entitled "An Act to establish Free Public Schools at Englewood, in the county of Bergen," approved April third, eighteen hundred and sixty-seven, be and the same are hereby extended and applied to the above described district; *provided*, that the moneys to be raised annually for the support of said Edgewater free school shall not exceed one thousand dollars. Proviso.

2. *And be it enacted*, That the boundaries of the district established by the act entitled "An Act to establish a Free School at Fort Lee, in the county of Bergen," approved March sixth, eighteen hundred and fifty, be and the same are hereby so altered as to conform the boundaries of the district established by this act, and that all parts of the said Fort Lee free school act, inconsistent with this act, be and the same are hereby repealed. Change, and repealer.

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

Approved March 9, 1868.

CHAPTER CXIV.

An Act to authorize the Trustees of the First Methodist Episcopal Church of the City of Millville to sell and convey certain Real Estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the First Methodist Episcopal Church of the city of Millville, or their successors in office, be and hereby are authorized and empowered to sell and convey a certain lot of land situate in the city of Millville, in the county of Cumberland, now held by them in trust as the property or for the use and benefit of the said society of the said First Methodist Episcopal Church of the city of Millville, by virtue of a deed made to them by William G. Leake, bearing date the thirteenth day of November, anno domini eighteen hundred and sixty-six, and for that purpose to make, execute and deliver a good and sufficient deed of conveyance therefor to the purchaser or purchasers of the same, and that such deed of conveyance shall be good and effectual in law. Authorized to sell c

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

Approved March 9, 1868.

CHAPTER CXV.

A Supplement to an act entitled "An Act to incorporate the Mechanics' Insurance Company to be located in the county of Union," approved March eleventh, eighteen hundred and fifty-eight.

Change of corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of "The Mechanics' Insurance Company to be located in the county of Union," shall be "The Mechanics' Insurance Company of Jersey City," by which last-mentioned name the said company shall have perpetual succession, and have power to sue and be sued, and to hold and dispose of property, as fully, to all intents and purposes, as if the said last-mentioned name had been contained in the act to which this is a supplement; and all policies, notes, contracts and engagements heretofore had and made by and with the said company, either by the one name or the other, shall be good and effectual by, for and against the said company, and may be sued for in and by the name of "The Mechanics' Insurance Company of Jersey City."

Directors, and how elected.

2. *And be it enacted*, That the directors of the said company mentioned in the act to which this is a supplement, shall be elected on the first Monday in May in each and every year, at such hour of the day and at such place in Hudson county as the board of directors for the time being shall direct, of which election two weeks public notice shall be given in the newspapers printed in the county of Hudson, and each share of stock shall entitle its owner to one vote at each election, to be given either in person or by proxy, and that the office and records of the company shall be kept in the county of Hudson.

Act continued forty years.

3. *And be it enacted*, That the act to which this is a supplement, and the several supplements thereto, shall continue in force for forty years from the date of the passage of said

act, instead of twenty years, as provided by the eleventh section of said act.

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

Approved March 9, 1868.

CHAPTER CXVI.

An Act to authorize the "United States Machine Carving Company," incorporated by the legislature of the state of New York, to hold lands in the state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the United States Machine Carving Company," incorporated under the laws of New York, to hold land and real estate in the state of New Jersey, for the purpose of carrying on the business for which said company was incorporated, and to mortgage, lease or convey the same at pleasure. Power to hold and convey real estate.

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

Approved March 9, 1868.

CHAPTER CXVII.

An Act to authorize the trustees of the Methodist Episcopal Church at Bloomsbury, to sell and convey certain lands for burial plats.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph B. Boss, James Boss, Albert Myers, Amos Carkhuff, William Dalrymple, Peter B. Power to sell burial plats.

Watson and William A. Schooley, trustees of the Methodist Episcopal Church at Bloomsbury, in the township of Bethlehem, in the county of Hunterdon, and their successors, be and they are hereby authorized and empowered to sell any lands held and owned by the said Methodist Episcopal Church, or by the said trustees for said church, in plats of suitable size for burial plats, and to make and execute good and sufficient deeds of conveyance for the same, upon such conditions, limitations and restrictions as they shall deem expedient.

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

Approved March 9, 1868.

CHAPTER CXVIII.

An Act to incorporate the South Amboy Co-operative Association.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Matthew R. Dye, George Such, Ezra B. Ely, Jr., Frank E. Degraw, Johnston Holcombe, Peter S. Bogert, Albert Roll, John Sexton and Richard Fleming, shall be and they are hereby declared to be a body politic and corporate, in fact and in law, by the name of

Name.

"The South Amboy Co-operative Association," for the purpose of dealing in dry goods, clothing, groceries, provisions, and all articles that may be classed under the head of the necessaries of life; and for that purpose may hold such real estate as may be needful to carry on said business, or that may accrue to them in the course thereof; and may sell, mortgage, lease, or otherwise dispose of the same.

Capital stock.

2. *And be it enacted*, That the capital stock of the company shall be three thousand dollars, with the privilege of extending the same to twenty thousand dollars, divided into shares of ten dollars each.

Business where carried on and by whom conducted.

3. *And be it enacted*, That the business of the said company shall be carried on in the county of Middlesex, and managed by the president, vice-president, secretary, and treasurer of the said corporation, and five directors, who

shall constitute a board of managers, all of whom shall be stockholders and residents of this state, who shall hold their offices for one year, and until others are elected in their stead; and every year thereafter, at such time and place, and upon such notice as the by-laws may appoint, an election shall be held, at which election every stockholder shall be entitled to as many votes, either in person or by proxy, as he has shares.

4. *And be it enacted*, That the persons herein named shall be the first board of managers of said association, and shall hold their offices until the second Tuesday of January next, or until others are legally chosen and elected. First managers.

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

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

7. *And be it enacted*, That regular books of account shall be kept in the office of said company, in the town of South Amboy, to which books every stockholder shall have free access, at all reasonable times, for the purpose of inspection.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions and liabilities set forth in "An Act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable, and the legislature may at any time hereafter modify or repeal the same.

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

Approved March 9, 1868.

CHAPTER CXIX.

An Act to change the name of the Union Baptist Church in Jersey City.

Change of name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the Union Baptist Church of Jersey City be, and the same is hereby changed to "The First Baptist Church of Jersey City."

2. *And be it enacted*, That all the legal rights and liabilities of said corporation shall remain the same as if this act had not been passed, and that this act shall take effect immediately.

Approved March 9, 1868.

CHAPTER CXX.

A Supplement to the act entitled "An Act to improve Park Avenue, Union township, Bergen county," approved March fourth, eighteen hundred and sixty seven.

Power to improve Park avenue by laying out a sidewalk.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners appointed by the act to which this is a supplement, William W. Crane and Richard Shugg, however, being hereby substituted as commissioners in the place of Daniel VanWinkle and Robert N. Ruthirfurd be, and they are hereby authorized to lay out and construct a sidewalk on the west side of the said Park avenue, the said walk to be built of stone, wood, or other hard substance, and not to be less than four nor to exceed five feet in width, nor in cost one dollar and twenty five cents per lineal foot; and to proceed in the same manner and under the same obligations in executing the said work, and in the assessing and paying the cost and expense thereof as is provided in the act to which this is a supplement, for the regulating and grading of said Park avenue.

2. *And be it enacted*, That it shall be lawful for any of

the property owners on the said avenue, to lay the sidewalk in front of their property, in the manner aforesaid previous to the first day of July, eighteen hundred and sixty-six which shall exempt them from the aforesaid assessment, after which time however, the said commissioners or a majority of them may proceed to lay any of said sidewalk, which may not have been laid.

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

Approved March 9, 1868.

CHAPTER CXXI.

A Supplement to "An Act to authorize the Board of Chosen Freeholders of the county of Union to borrow money, and to issue their bonds therefor," approved March fourth, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the third section of a supplement to the act to which this act is a further supplement, approved April sixth, eighteen hundred and sixty-five, which provides that the said corporation shall have power and authority to assess a poll tax of five dollars on every white male resident over twenty-one years, together with the proviso thereto, be and they are hereby repealed. Repealer.

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

Approved March 9, 1868.

CHAPTER CXXII.

A Supplement to the act entitled "An Act to incorporate the Chester Railroad Company," approved April second, eighteen hundred and sixty-seven.

Power to issue bonds guaranteed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Chester Railroad Company may issue their bonds under the twelfth section of the said charter of said company to an amount not exceeding ten thousand dollars for each mile of the railroad of said company, without reference to the paid up capital of said company, and also that the payment of the principal and interest of said bonds may be guaranteed by the Morris and Essex Railroad Company, upon such terms as may be agreed upon between the last named company and the Chester Railroad Company.

Repealer.

2. *And be it enacted*, That so much of the charter of the said the Chester Railroad Company as is contrary to or inconsistent with the provisions of this supplement, be and the same are hereby repealed, and that this act shall take effect immeately.

Approved March 9, 1868.

CHAPTER CXXIII.

An Act entitled "An Act to create a Board of Trustees of the Hoboken Cemetery."

Management of cemetery entrusted to trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the care, management and control of the Hoboken cemetery at New Durham, in the county of Hudson, shall hereafter be vested in and confided to a board of trustees, who shall possess the same powers and perform the same duties as are now confided in the mayor and council of the city of Hoboken in respect to said cem-

etery, and such further powers, privileges and duties as are conferred upon them by this act.

Trustees, how elected, and their powers.

2. *And be it enacted*, That on the third Monday in March, eighteen hundred and sixty-eight, the lot owners in said cemetery shall meet at the office of the city inspectors in the city of Hoboken, for the purpose of electing six trustees, who with the chairman of the council of the city, shall constitute the first board of trustees of said cemetery, and shall be known and styled "The Board of Trustees of the Hoboken Cemetery," and that they and their successors shall at all times hereafter exercise the powers and privileges, and perform the duties conferred by this act; they shall annually elect from among their number a chairman and secretary, and make such needful and proper rules and regulations for their own proceedings and deliberations, and hold meetings at such times and places as they may think proper, a majority of all said trustees, and no less number, to be a quorum for the transaction of business.

Shall determine by lot their terms of office.

3. *And be it enacted*, That at the first meeting of the trustees elected, and by this act the said six trustees shall determine by lot the length of term of their several offices, that one of the said trustees shall hold his office for one year, another shall hold his office for two years, another shall hold his office for three years, another shall hold his office for four years, another shall hold his office for five years, another for six years, as may be determined by lot at such first meeting, their said terms of office to continue until the first Monday in May in the years when their said terms are to expire; that at least one month before the expiration of the term of office of the trustee having the shortest term of office, and annually thereafter, the said trustees shall cause notice to be given by publishing the same in two of the newspapers printed in Hoboken, and by posting the same at the public entrance to said cemetery, of the election of a trustee to fill the place of that trustee whose term of office is about to expire, and thereupon an election of such trustee shall be had at such time and place as the said trustees may designate in said notice, and such trustee shall be elected annually by the lot owners in said cemetery, each lot owner to be entitled to one vote for each lot; *provided however*, that no person shall be eligible to be elected trustee under this act unless at the time of his election he shall be the owner in his own right of one or more lots in said cemetery, and in case of death or resignation of any trustee

Proviso.

during his term of office, or of his ceasing to be the owner in his own right of a lot in said cemetery, the said trustees shall call a special election to fill the vacancy.

Deeds how given.

4. *And be it enacted*, That all deeds for any lots of ground in the said cemetery to be sold by the said trustees shall be signed as the same are now by the mayor of the city of Hoboken, attested by the city clerk under the corporate seal of the said city, and countersigned by the secretary of the said board of trustees, but the said trustees may enter into and make all needful and proper contracts for the adorning and improving the said grounds, and other purposes within the scope and meaning of their powers and duties, in their name as trustees, and to enforce the same by action in the corporate name of the city of Hoboken, and all actions against said trustees for anything done or to be done by them within the scope and meaning of their powers and duties shall be brought against the city of Hoboken in its corporate name.

All moneys received and paid out by city treasurer.

5. *And be it enacted*, That all moneys received by said trustees shall be paid to the treasurer of the city of Hoboken, who shall in time pay all bills contracted by said trustees when countersigned by the president and secretary of said trustees, and the funds received by the said treasurer shall be placed to the credit of the cemetery fund, and shall not be used for any other purpose than the maintaining and supporting said cemetery.

Other than residents may purchase burial plats.

6. *And be it enacted*, That nothing in this act shall prevent the sale of burial lots or plats to persons other than residents of the city of Hoboken by the board of trustees, as they may deem advisable; and they shall cause to be published in two of the newspapers published in Hoboken, once in each year, a detailed statement of their acts as such trustees.

Repealer.

7. *And be it enacted*, That all the provisions of the act entitled "A further supplement to an act entitled 'An act to incorporate the city of Hoboken,'" approved the twenty-eighth day of March, eighteen hundred and fifty-five, which supplement was approved the eighth day of February, eighteen hundred and sixty-two, so far as the same provides for the care and management and control of the said cemetery grounds being placed and confided in the mayor and council of the city of Hoboken, and all other provisions of the said supplement inconsistent with the provisions of this act be, and the same are hereby repealed.

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

Approved March 9, 1868.

CHAPTER CXXIV.

A Supplement to "An Act to incorporate the Hoboken Land and Improvement Company," passed February twenty-first, eighteen hundred and thirty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of "A Supplement to an act entitled 'An Act to incorporate the Hoboken Land and Improvement Company,'" passed March thirteenth, eighteen hundred and fifty-one, be and the same is hereby amended by inserting after the enacting clause the following words: "That the said company be and they are hereby authorized to survey, lay out and construct a railroad in the county of Hudson, not exceeding two hundred feet in width, from some point in the township of Weehawken, to run thence in a southerly direction, and to the east of the height or elevation known as Bergen Hill, and, by consent of the companies hereinafter named, to connect with the Morris and Essex railroad and Erie railway, and any other railroad now built or that may hereafter be constructed in said county north of said Erie railway and" May survey, lay out, and construct a railroad.

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

Approved March 10, 1868.

CHAPTER CXXV.

An Act to incorporate the Auburn Marl and Brick Transportation Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Isaac V. Dickinson, Francis Lee, John W. Dickinson, William G. Nixon, Charles E. Elmer and Samuel H. Grey, and such others as may be associated with them, and their successors, are hereby declared to be a

Name.

body politic and corporate, by the name of "The Auburn Marl and Brick Transportation Company."

Capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be two hundred thousand dollars, to be divided into shares of fifty dollars each, to be deemed personal property, and transferable only on the books of this company.

Commissioners to open books of subscription.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to receive subscriptions to the capital stock aforesaid, at such time or times, place or places in this state, as they or a majority of them, shall think proper; and at the time of subscribing for said stock, five dollars on each share shall be paid in cash to said commissioners; and the residue of the subscriptions shall be paid in such installments, and at such times and places, and to such person or persons as the directors of said company shall, from time to time direct, by giving thirty days' notice in the newspapers printed and published in the county of Salem; and upon failure of payment thereof, the said directors shall have power to forfeit the shares of each and every person so failing to pay said installments, or any of them, to and for the use of said company; and whenever twenty thousand dollars of said stock shall have been subscribed for and paid in cash, such commissioners, or

Directors, and how elected.

a majority of them, shall as soon as they deem it expedient, give like notice of a meeting of the stockholders, at such time and place as they may designate, to choose seven directors, who shall hold their office for one year, or until others are duly elected; and such elections shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the stock entitling the holder thereof to one vote; and the di-

rectors chosen at such meeting, or at the annual elections of said corporation, which shall be on the first Wednesday of May in each year (after the first election), shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president, or any director, such vacancy or vacancies may be filled for the remainder of the then current year by the said board of directors.

May purchase and convey marl beds.

4. *And be it enacted*, That the said company when organized as aforesaid, shall be and they are hereby authorized and empowered to purchase, have, hold, lease, occupy and convey such and so many marl-beds and clay-beds as they may deem proper, situate in the county of Salem in this state, and to open and work the same, and also to open and work all clay-beds upon said land, and manufacture the same into brick and all other articles of which clay is a component part, and to transfer the marl taken therefrom and lime and all other fertilizers, together with the clay, brick and all the manufactured articles from place to place, and to vend the same, and to purchase, hold and convey such other lands, and to erect such buildings and use such machinery as may be necessary and convenient for all or any of said business, and to hold and use the railroads hereinafter mentioned and the lands necessary therefor, and to lay, keep and maintain drains through the contiguous and adjacent lands for the benefit of their said marl beds in the manner hereinafter mentioned.

May lay out and construct a railroad.

5. *And be it enacted*, That the directors of said company are invested with full powers to lay out and construct a railroad or railroads in the county of Salem, to run from any of their marl-beds or other lands of said company, to a point on the Delaware river in the county of Salem, and to connect with the Salem railroad at some point between Yorktown and Salem, and to construct said railroad with as many tracks as may be deemed proper, and to run engines and cars on said roads for the transportation of persons and of marl, fertilizers bricks, manufactured articles, and such other kind of property as they may deem expedient; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and property as they may, from time to time, think reasonable, the land to be taken for any of such roads not to exceed one hundred feet in width, and when the same shall cross any public highway, the crossing shall

Rate of transportation of property.

be made and maintained in good repair, so as not unnecessarily to impede the travel, or interfere with the public convenience.

General powers.

6. *And be it enacted*, That it shall be lawful for the said company, their officers, agents, engineers, superintendents, and others in their employ, to enter at all times upon lands for the purpose of surveying and laying out the route of the said railroad and locating said drains, or any or either of them, and of subsequently altering the location thereof, doing no unnecessary damage to private property; and when any part of the location of such roads or drains, or any or either of them, shall have been determined on, and a survey deposited in the office of the clerk of the county of Salem, the officers, engineers, agents, superintendents, contractors, workmen, and the persons in their employ, compensation being first made therefor in the manner hereinafter provided, may enter upor the possession of, and hold, occupy and fill, or excavate any such lands, or such parts thereof, as may be necessary for the purposes aforesaid, and may erect embankments, viaducts, and all necessary work thereon, and may lay rails and do all other things which may be suitable and necessary for the making, completion or repair of said railroads, or any of them, and may lay, make or repair said drains from their said marl beds, and may carry into full effect the object of this act; and may take and use any stone, gravel, sand, clay, or other earth, on or near the said route or routes, which may be required for the construction of, repairing or altering the said railroads or drains, or any of them, or any of the works or appendages of said company, first making compensation therefor, in the manner hereinafter provided.

Proceedings when company and owners of land cannot agree.

7. *And be it enacted*, That if the said railroads or drains, or any of them, shall cross or go upon any lands not owned by said company, or any materials shall be required for the construction, alteration or repair thereof, and the said company shall fail to agree with the owner or owners thereof, or, if by reason of the legal incapacity or absence of the owner or owners, or want of knowledge as to the ownership thereof, or from any other cause no such agreement shall be made, a particular description of the land or materials so required shall be given in writing, under the oath or affirmation of some engineer or other agent of said company, and also the name or names of the occupants, if any there be, and the

owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the circuit court of the county of Salem, who shall cause the said company to give notice thereof to the person or persons interested, if known and in this state, or, if unknown or out of the state, to make publication thereof as he shall direct for any time not less than fifteen days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three impartial and judicious freeholders, residents of this state, commissioners to examine and appraise the said lands and materials required for said railroad, and assess the charges which will be occasioned thereby, or which may be occasioned, as the case may be, by the laying and maintaining said drains, or any of them, upon such notice given to the person or persons interested, as shall be directed by said judge; and it shall be the duty of the said commissioners, or a majority of them, having first taken and subscribed 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 a time and place to be appointed by said judge in his said order of appointment, and upon such notice to the parties interested as such judge shall direct in his said order, and proceed to view and examine the said land and materials as may be required for the purposes of this act, and to make a just and equitable appraisement or estimate of the value of the same, and an assessment of damages which will be occasioned by laying and maintaining said railroads, or any of them, or, as the case may be, to make an assessment of the damages which will be occasioned by the laying and maintaining said drains, or any of them, and which said assessments shall be paid by said company, and which said reports shall be in writing, under the hands and seals of the said commissioners, or a majority of them, and filed with the aforesaid description of the land or materials, and the appraisement and oaths or affirmations aforesaid, in the clerk's office aforesaid, to remain of record therein, which reports, or copies of the same duly certified by the said clerk, shall (the appraisement and damages being first paid or tendered or deposited in said clerk's office) at all times be considered as plenary evidence of the right of said company to hold, use,

occupy and possess and enjoy the said lands or materials, or to make, repair and maintain the said drains.

May borrow money on bond and mortgage.

8. *And be it enacted*, That it shall be lawful for the directors of said company, from time to time, to borrow such sums of money as may seem to them advisable for the purposes of their said business, and to secure the same by a mortgage or mortgages on the lands, railroads and other property of said company.

9. *And be it enacted*, That the board of directors shall have power to make such by-laws as may be deemed necessary for their government, and for the transaction of the business of the company.

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

Approved March 10, 1868.

CHAPTER CXXVI.

An Act for the relief the Tabernacle Methodist Episcopal Church of Camden City, in the county of Camden, New Jersey.

Power to sell church property.

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 "Trustees to the Methodist Episcopal Church at Camden" (known as Tabernacle Methodist Episcopal Church) to sell either at public or private sale, the whole of their church property, situated on the south-east corner of Third street and Vine street in the city of Camden aforesaid, and to execute and deliver to the purchaser or purchasers thereof, under the seal of the trustees of the said church, a good and sufficient deed or deeds therefor, which deed or deeds shall convey to and vest in the purchaser or purchasers, a good and valid title in fee simple in said church property, free and clear and absolutely discharged of and from all trusts whatsoever, and the purchase money of said sale or sales shall be applied to church purposes.

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

Approved March 10, 1868.

CHAPTER CXXVII.

An Act to incorporate the Long Branch and Freehold Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry Howland, Joseph H. Cooper, Samuel Laird, Jacob Herbert, Thomas G. Chattle, Daniel A. Holmes, John T. Haight, Forman Taylor, Jacob B. Rue, Daniel H. Ellis, Amzi Maclean, Aaron R. Throckmorton, John E. Lanning, William H. Vredenburgh, James E. Lippincott and John Vought, and such other persons as may be hereafter associated with them, shall be and are hereby ordained, constituted and declared a body politic and corporate, in fact and in name, by the name of "Long Branch and Freehold 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. Corporators. Name.

2. *And be it enacted*, That the capital stock of the said company shall be three hundred thousand dollars, with liberty to increase the same to eight 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. 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; and as soon as seventy-five thousand dollars of the capital stock shall be subscribed, and ten per cent. thereon paid in cash, such commissioners, or a majority of them, 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 held at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named commissioners or a majority of them, shall be inspectors of the first election of directors of Directors, and how elected.

the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners, or a majority of them.

President.

4. *And be it enacted*, That the directors chosen at such meeting, and at the annual elections of said corporation, shall as soon as may be after every election, choose out of their number a president, who shall hold office until after the next succeeding election and until another shall be appointed, and they shall have power to fill any vacancy which at any time may exist in their board by death or otherwise, until the next succeeding annual election.

Not dissolved by failure to elect directors

5. *And be it enacted*, That annual elections for directors shall be held at such times and places as the board of directors shall hereafter direct, of which elections public notice shall be given at least two weeks in the newspapers published in the county of Monmouth, and such elections shall be made as hereinbefore directed; and in case it shall happen that an election of directors shall not be made during the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but the said election shall be held as soon thereafter as possible, and public notice shall be given as before directed, and the directors for the time being shall continue to hold their office until others shall have been chosen in their places; seven directors shall be a quorum to transact all business of the said corporation, and the directors shall be authorized to call in the remaining capital stock of said company, by such installments and at such times as they may direct; *provided*, that such payments shall not exceed twenty dollars on each share per month; and in case of the non-payments of said installments or any one of them, they shall have power to forfeit such share or shares upon which such default shall arise to and for the use of said corporation, and also 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 to appoint such officers, clerks and servants as to them shall seem meet, and to establish and affix such salaries to them and also to the president as to said directors shall appear proper.

Proviso.

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

the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from any point at Long Branch, in the county of Monmouth, to any point at or near the village of Freehold, in the county of Monmouth; *provided*, that the land taken for said railroad shall not exceed one hundred feet in width, except in such places where from the depth of the excavation or height of the embankment it is necessary to take more land for the slope and protection of the side banks of said railroad, in which case so much land as will be necessary for the purpose and no more, shall be taken, with as many sets of tracks and rails as the company may deem necessary; and it shall and may be lawful for the 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 said route of the said 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 said railroad shall have been determined upon and a survey of the same deposited in the office of the secretary of state, then it shall be lawful for 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 lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repairs of said road, subject to such compensation as hereinafter provided; *provided always*, that the payment or tender of payment of all damages for the occupancy of lands through which said railroad may be laid out, shall be made before the said company, or any person under their direction and employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such land be first had and obtained.

May lay down and construct a railroad and route.

Proviso.

Proviso.

7. *And be it enacted*, That when said company or its agents cannot agree with the owner or owners of such required land or materials, for the use or purchase thereof, or when, by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of said company in the

Proceedings when company and owners of property cannot agree.

construction of said road, shall be given in writing under the oath or affirmation of some engineer, or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state to make a publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the county of Monmouth, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein not less than ten days; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding) to meet at the time and place appointed and to proceed to view and examine the said land or materials, said commissioners at the same time taking into consideration all the benefit to be derived from or in consequence of the said railroad, as the case may be, to the said owner or owners, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages as shall be paid by the company for such land or materials and damages aforesaid, which report shall be 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 Monmouth county, 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 valua-

tion, 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 nature of a mortgage; and said justice of the supreme court shall, upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the company; *provided always*, that should the said company, or the owner or owners of any of the land or materials feel himself, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the circuit court of the county of Monmouth at the next term thereafter. Proviso.

8. *And be it enacted*, That every appeal from the decision of the commissioners appointed under the preceding section shall be made in writing, and in form of petition to said court, and filed with the clerk of the said court of the county of Monmouth, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceedings shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next term of said court to be holden in said county, upon the like notice and in the same manner as other issues in said court are tried; and it shall be the duty of said jury to assess the value of the said land or materials, and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered or the said commissioners shall have awarded, then the said costs to be paid by said applicant or applicants, or either deducted out of the said sum found or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the Further proceedings upon an appeal to circuit court.

Proviso. said land upon filing the said report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands of any person or persons for the purpose of actually constructing said railroad, or of making any erection or improvement whatever, or otherwise appropriating said land to the use of said company until they have paid to the party or parties entitled to receive the same the amount assessed by the commissioners as the value of such lands or damages, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, and in case of appeal shall refuse, upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, then the payment of the amount assessed or found as aforesaid in the circuit court of the county wherein the said lands lie, shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same, without being barred thereby from his, her or their appeal from the report of the commissioners.

Must construct bridges and wagon ways. 9. *And be it enacted*, That it shall be the duty of said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public or other road now or hereafter laid shall cross the same, so that passages of carriages, horses and cattle on the said road shall not be impeded thereby, and also where the said road shall intersect any farm or lands of any individual to provide and keep in repair suitable and convenient wagon ways over or under the said railroad, and shall also construct and maintain suitable and proper cattle guards at all railroad crossings.

Power to purchase cars, &c. 10. *And be it enacted*, That the president and directors of said company shall have power to have constructed or to purchase with the funds of the company, all machinery, engines, wagons, carriages or cars for transportation of persons or any species of property on the said railroad or any railroad connected with it; *provided*, that they shall not charge over

Rates of transportation. five cents per mile for carrying each passenger, but no charges shall be required in the aggregate to be less than ten cents, nor shall the company charge more than ten cents per mile

per ton for the transportation of any description of property; and the said railroad with the appendages, and the lands over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the company, are hereby vested in said company and their successors, for and during the continuance of their charter.

Dividends.

11. *And be it enacted*, That the president and directors of 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 said railroad.

May purchase and hold real estate, &c.

12. *And be it enacted*, That the said company may purchase, have and hold real estate at or near the commencement and termination of the said road, or at any other point on the line of the said road where the directors may think proper to establish a depot, not exceeding twenty acres at each place, and may also erect and build thereon houses, warehouses, workshops, and such other buildings and improvements as they may deem expedient for the safety of their property, and for other necessary uses appertaining to their business, and receive the rents and emoluments thereof, and may build and maintain over such rivers and streams as the road may cross, such piers and bridges as they may deem expedient; *provided*, that suitable and sufficient draws shall be made over any navigable stream so as not to obstruct the navigation thereof.

Proviso.

May make contracts with other companies.

13. *And be it enacted*, That it shall be lawful for the said company at any time during the continuance of its charter, to make contracts and engagements with any other corporation or with individuals for transporting or conveying any kinds of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts.

Penalty for injury to road, &c.

14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of the railroad enjoyed under the provisions of this act, or of any of their necessary works, wharves, bridges, carriages or machines, such person or persons so offending shall forfeit and pay to 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.

Shall file a statement of cost with secretary of state

15. *And be it enacted*, That as soon as the railroad with its appendages, shall be finished so as to be used, the president and treasurer of said company shall file under oath or affirmation, a statement of the costs of said road, including

all expenses, and the amount of all purchases made by virtue of this act, in the office of the secretary of this state, and annually thereafter the president and treasurer of the said company shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road, and the treasurer of said company shall, under oath or affirmation, make an annual statement to the treasurer of this state of the number of passengers and the number of tons of merchandise transported thereon.

Annual tax to be paid to the state.

16. *And be it enacted*, That as soon as the net proceeds of said road shall amount to seven per centum per annum upon its costs, the said company shall pay to the treasurer of this state the tax of one-half of one per centum on the costs of said road, to be paid annually thereafter, on the first Monday in January in each year.

May borrow money on bond and mortgage, or otherwise.

17. *And be it enacted*, That the said Long Branch and Freehold Railroad Company shall have power to borrow such sum or sums of money, from time to time, not to exceed two-thirds of the stock paid in, as shall be necessary to build, construct or repair their road, and furnish all necessary engines and machinery for the use and objects of said company, and to secure the repayment thereof by the execution and negotiation of any bond or bonds, and secured by mortgage on the said road, lands privileges, franchises and appurtenances of and belonging to said company, said bonds bearing not more than seven per centum interest per annum; *provided however*, that the said company shall not plead the statute of usury in consequence thereof; *and provided further*, that said bonds shall constitute a first lien on the railroad, its cars, real estate and franchises, and to dispose of said bonds for the purpose of aiding in the construction of said railroad, at a rate of not less than ninety per centum of their par value and redeemable in thirty years after date.

Proviso.

Limitation.

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

State officers to pass free.

19. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court and the judges of the court of errors of this state, whilst traveling for the purpose of discharging their official duties, and the members and officers of both houses of the legislature and state superintendent of the

schools, shall pass and repass upon the railroad of the company, in their cars, free of charge.

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

Approved March 10, 1868.

CHAPTER CXXVIII.

An Act to authorize the Ministers, Elders and Deacons of the Reformed Dutch Church, of Walpack Congregation, to convey certain lands.

Preamble. WHEREAS, James Alexander, by the direction of the Council of Proprietors of the Eastern Division of New Jersey, by deed bearing date the twenty-fourth day of May, in the year seventeen hundred and fifty-eight, did convey to Abraham Van Campen and Gerrit Brink, their heirs and assigns, a certain tract of land situate in the township of Sandyston, in the county of Sussex, containing two hundred and ten acres, in trust, the one-half thereof for the use of the minister or ministers of the Reformed Low Dutch Church in Pahaquarry and Walpack, as the trustees to be chosen by the people of that profession then shall appoint, the other half thereof for a glebe for the use of the minister of the said Reformed Low Dutch Church, which tract of land is fully described in the said deed of conveyance; and whereas, the said trustees, chosen by the people aforesaid, were afterwards incorporated by the name of "The Ministers, Elders and Deacons of the Reformed Dutch Church, of Walpack," and have ever since occupied the said lands and received the profits for the use aforesaid, and the said Abraham Van Campen and Gerrit Brink have departed this life without having made any conveyance of the said lands, and their heirs are unknown; and whereas, the said corporation can obtain but a small income from the rent of the said lands, and the interest of the money for which the same can be sold would produce a much larger revenue for the use of said trusts; therefore,

May sell and convey church lands and invest for the trust.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "The Ministers, Elders and Deacons of the Reformed Dutch Church, of Walpack Congregation," be and they are hereby authorized and empowered to sell and convey the said lands so conveyed to Abraham Van Campen and Gerrit Brink, in trust, as above recited, or any part of the same, in fee simple, to such person or persons, and for such sum or sums of money, and invest the same in such manner as they may deem best calculated to ensure the purposes intended by the said endowment, and to make and execute absolute conveyances to the purchaser or purchasers thereof.

2. *And be it enacted*, That the purchaser or purchasers of the said lands, or any part thereof, upon conveyance as aforesaid, shall hold the same acquitted and discharged from the said trusts respectively, and in absolute estate in fee simple.

Approved March 10, 1868.

CHAPTER CXXIX.

An Act to incorporate the Dover Aqueduct Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jabez L. Allen, George Richards, Alexander Elliott, George Gage, Isaac B. Jolley, Edward A. Stickle, Jacob Hurd and Henry McDavit, and all other persons who may hereafter be associated with them in the manner hereinafter provided, and their successors, shall be and are hereby constituted and declared to be a body politic and corporate by the name and style of "The Dover Aqueduct Company," and by that name shall have continual succession, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all manner of actions whatever, have a common seal, and make, change or alter the same at pleasure, and hold and enjoy such real and personal estate as may be necessary for the object of this incorporation, or may be taken in payment of debts; that the stock of the said company shall be deemed

Name.

personal property, and shall consist of three hundred and fifty shares of twenty dollars each; that the management of the concerns of the said corporation shall be entrusted to five directors, being stockholders of said corporation, who shall be chosen every year at the annual meeting of the stockholders, which shall be held on the first Monday in May, at such hour and place in Dover, in the county of Morris, as said directors shall from time to time appoint, a notice of which election shall be published in the newspapers published at Morristown for three successive weeks next before such election, at least once in each week; that all such elections shall be by ballot by the stockholders, in person or by proxy, under the inspection and direction of three stockholders, neither of them being a candidate at such election, appointed by the directors, each stockholder having a vote for each share of his or her stock, and the five persons voted for at such election having the greatest number of votes shall be directors of said corporation for the succeeding year, and until others are elected in their stead; that if any two or more persons shall have an equal number of votes, so that five directors shall not be elected, the said stockholders shall again proceed in like manner to elect out of the persons so having an equal number of votes so many as shall complete the number of five directors, out of which number the said directors shall, by a plurality of their votes, elect one for their president; and in case of a vacancy in the office of any of the said directors, by death, resignation, or otherwise, others shall be elected by said directors to fill such vacancy; and a majority of said directors shall form a quorum for doing business.

Capital stock.

Directors, and how elected.

2. *And be it enacted*, That the persons named in the preceding section of this act shall be commissioners to procure subscriptions for the stock of said corporation, and they or a majority of them may open books for that purpose at Dover, in the township of Randolph, in the county of Morris, at any time after the passage of this act, giving fifteen days' previous notice thereof in the newspapers published at Morristown, and three dollars on each share of stock subscribed for shall be paid in cash at the time of subscribing therefor, and the balance to be paid by installments from time to time, and in such sums as the said commissioners or directors of said corporation shall think proper and direct, and not exceeding five dollars on each share at any one time; and whenever two hundred shares shall be subscribed, the said commissioners

Corporators to open books of subscription.

shall call a meeting of the stockholders, within thirty days thereafter, by giving one week's notice of the time and place of such meeting in the newspapers published in Morristown, for the purpose of electing directors and transacting other necessary or proper business; and when directors are elected the said commissioners shall pay over to them the money they shall have received, first deducting therefrom a reasonable compensation for their own services and expenses; and all the powers of the said commissioners shall cease and be determined on the election of a board of directors; and the said directors, or a majority of them, shall have power, and are authorized to call upon the said subscribers for the payment of further installments, in such sums, at such times, and under such forfeiture as they may deem expedient, until the whole amount of shares subscribed shall have been fully paid; *provided*, that the said installments shall be at least thirty days apart, and shall not be called for in larger sums than five dollars on each share at a time, and thirty days' notice of each installment required shall be given in the newspapers published at Morristown aforesaid.

Failure to pay installments to work forfeiture.

Powers of directors.

3. *And be it enacted*, The the directors shall be authorized in their discretion, to appoint a secretary, treasurer, and other officers, agents and servants, as they shall from time to time, deem necessary for carrying into effect the objects and powers of said corporation, to establish rules, regulations and by-laws for and concerning the conduct and government of the directors, their officers, agents and servants, and to determine the compensation to which they shall be entitled, and to require such security from them for the faithful discharge of their respective duties as they shall deem reasonable and proper, and for and concerning the manner of making transfer of the stock; and the conduct and government of all persons and corporations with whom they may contract for the use and preservation of water furnished by the said corporation, and to restrain the waste thereof, and to impose penalties and forfeitures for a neglect and refusal to comply therewith, not exceeding one hundred dollars, which penalties and forfeitures shall be recoverable in the name and for the use of the said corporation, before any justice of the peace of the county of Morris, with costs, in an action of debt.

Proceedings when the company and owners of property cannot agree.

4. *And be it enacted*, That if it should become necessary, in the opinion of the said directors, to lay pipes through any private lands in said county of Morris, or if any private lands shall

be required for erecting reservoirs or other works thereon, and no agreement can be made with the owner or owners thereof, as to the amount of compensation to be paid for the laying said pipes through said lands, or the price of such lands as the case may be, by reason of the unwillingness of said owners or any of them to accept such compensation or price as the said directors may deem reasonable, or by reason of the absence or legal incapacity of said owners, or any of them, it shall be the duty of either of the justices of the supreme court of this state upon application to him by said directors, or on their behalf, and after ten days previous notice in writing of such application to the persons interested, if known and in this state, or if unknown or out of the state, after publication thereof for any term not less than twenty days in the daily newspapers printed at Newark, to appoint three disinterested appraisers from the county of Morris, to determine the compensation to be paid for the laying of said pipes through said lands, or the price to be paid for said lands, as the case may be; and it shall be the duty of the said appraisers, after having taken an oath or affirmation faithfully and impartially to discharge the trust herein reposed in them, and after having carefully viewed the premises, within thirty days after the appointment, to deliver to said directors a written appraisement, under the hands and seals of them, or a majority of them, of the award they have made, containing a full description of the lands through which the pipes are to be laid, or of the lands required for the erection of reservoirs or other works as aforesaid, which appraisement the said directors shall cause to be recorded in the registry of deeds for the county of Morris; and upon payment or tender by the said directors to such owner or owners as aforesaid, or some one of them, of the sum awarded in such appraisement, if any, then the said directors shall have the right to lay said pipes through the lands aforesaid, or the said corporation shall be deemed seized in fee simple of the lands required for the erection of the said reservoirs or other works as aforesaid; and in case any owner or owners of such lands shall be femme covert, under age, non compos mentis, or out of the state, then and in that case, it shall be sufficient for said directors to pay the amount which may have been appraised as aforesaid, into the court of chancery of this state, subject to the order of said court for the use of the party or parties entitled to the same, the costs

of all which proceedings shall be taxed by the said justice of the supreme court and paid by the said directors.

Proceedings in case of appeal.

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

May enter on lands to make repairs.

6. *And be it enacted*, That whenever it shall become necessary to make any repairs or alterations in any pipes which may have been laid through any private lands, either by virtue of the preceding section, or by agreement with the owner or owners thereof, it shall be lawful for the said directors, with their workmen and agents, and with necessary vehicles, tools and implements, to enter upon said lands and make the necessary repairs and alterations, doing no unnecessary damage; *provided, always*, that nothing in this section contained shall be so construed as to protect the said directors, or their workmen or agents, from any action that may be brought against them individually by the owner or owners of said

Proviso.

land for any damage which they may have wilfully or unnecessarily done.

May make contracts for supply of water, &c.

7. *And be it enacted*, That for the purpose of effectually supplying with water the village of Dover, its vicinity and the inhabitants thereof, it shall and may be lawful for the corporation created by this act, and they are hereby empowered to make contracts with persons and corporations for the supply, use, and preservation of water, and to erect, construct and maintain all works necessary or convenient to the purposes of this act, and to lay down pipes and other conduits, and to erect and construct hydrants and fire-plugs in the streets, alleys, lanes and other places in the village of Dover, and in the highways of the township of Randolph, in the county of Morris, and to do all things necessary to furnish the said village of Dover and its vicinity, and the buildings, streets, and other places situate therein with water; *provided*, that the public travel upon the said highways, streets, lanes and alleys, shall at no time be unnecessarily affected or impeded in the laying or repairing of pipes or the erection and construction of fire-plugs or hydrants, or other necessary or proper work, and after the completion of any work the streets, side and crosswalks shall be left in as good condition as before the commencement of any such work; and no private lands shall be in any way injured or defaced without permission first obtained from the owner or owners thereof.

Proviso.

Penalty for injury to works.

8. *And be it enacted*, That if any person shall wilfully do or cause to be done any act or acts whatever, to injure any engine, machine, reservoir, pipe, fire-plug, hydrant or structure whatever, or anything appertaining to the works of the said corporation, or whereby the same may be obstructed, stopped or injured, or shall wilfully and maliciously draw off or waste the water from any fire-plug, hydrant, the person so offending shall be deemed guilty of a misdemeanor, and being thereof convicted shall be punished by fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding six months or both; *provided*, such criminal prosecutions shall not in anywise impair the right of action for damages by a civil suit, and the said corporation are hereby authorized to bring an action and recover for damages by a civil suit for any such injury aforesaid, by and in the name of said corporation in any court in this state having cognizance of the same.

Proviso.

Dividends.

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

the said corporation shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the net profits of the said water works, and the said corporation shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open, within the usual hours of business, for the inspection of the stockholders.

May increase the works and capital if insufficient.

10. *And be it enacted*, That if the water now contemplated to be used by the said corporation for the purposes of this act of incorporation should, by reason of the increased demand therefor, be insufficient to supply the demand, it shall be lawful for the said corporation, and they are hereby empowered, to procure an additional supply of water from other sources, and to erect and construct the necessary works therefor, and, if necessary for such purposes, they are hereby authorized and empowered to increase their capital stock from time to time, not exceeding in the whole additional amount the sum of twenty thousand dollars, to be divided into shares of twenty dollars each, to be paid by installments in the manner and upon like notice above mentioned; and whenever a subscription to said additional stock is authorized by the board of directors, the stockholders for the time being shall be first entitled to subscribe for said stock in a ratable proportion of stock held by them; and whenever a dividend is declared the said directors shall declare and make dividends upon all the stock subscribed and paid for.

Not dissolved by failure to elect directors

11. *And be it enacted*, That if at any time it shall so happen that an election for directors shall not take place on the day herein appointed for that purpose, this corporation shall not be deemed dissolved; but the directors for the time being shall appoint a future day to hold such election for directors, giving the same notice of such election as is hereinbefore required for that purpose.

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

Approved March 10, 1868.

CHAPTER CXXX.

An Act to authorize and enable the Northampton Iron Company to hold lands and real estate in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Northampton Iron Company, a corporation of the state of Pennsylvania, chartered on the tenth day of April, eighteen hundred and sixty-seven, shall be, and said company is hereby authorized and empowered to receive, and to hold in fee simple, or otherwise, lands, tenements, hereditaments and real estate, situated in this state, not exceeding five thousand acres in extent, and to have, sell, mortgage, or to otherwise use or dispose of the interest and estate of said corporation in said lands; and that this act shall take effect immediately. Power to receive, hold and sell lands.

Approved March 10, 1868.

CHAPTER CXXXI.

Supplement to "An Act to regulate the system and practice relating to the employment of Hacks, Stages and Vehicles for Passengers in the township of Ocean, in the county of Monmouth," approved April eleventh, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement be and the same is hereby amended so as to read as follows: "That it shall not be lawful for any person who may not have been a resident for one year of the county of Monmouth, in this state, to engage in the business of carrying passengers or their baggage by hacks, stages and vehicles for hire in the township of Ocean, in said county, unless such person or persons shall first pay to the collector of the said township of Ocean, for the benefit of said township, Regulating hacks, &c.

a license fee of one hundred dollars for each and every hack, stage or vehicle used or intended to be used by said person in said business."

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

Approved March 10, 1868.

CHAPTER CXXXII.

A Further Supplement to the act entitled "An Act to incorporate the Hackensack and New York Railroad company."

Preamble.

WHEREAS, A contract was entered into between "The Trustees of the Hackensack and New York Railroad Extension," and others of the first part, and "The Hackensack and New York Railroad Company," of the second part, as follows. "Articles of agreement made this tenth day of May, in the year of our Lord one thousand eight hundred and sixty-seven, between 'The Trustees of the Hackensack and New York Railroad Extension,' and such persons as have subscribed to the special extension stock of the railroad extension from New Bridge to the New York state line, and have not dissented, and such persons as shall come in and subscribe to the said stock of the first part, and 'The Hackensack and New York Railroad Company,' of the second part, witnesseth, first, the parties of the first part covenant, promise and agree to and with the parties of the second part to relieve and discharge the parties of the second part from the obligation entered into, in and by the contract and explanatory memoranda referred to in the act entitled "A further supplement to the act entitled 'An act to incorporate the Hackensack and New York Railroad Company,'" which supplement was approved March twenty-second, eighteen hundred and sixty-seven, to run and operate the railroad extension to be built between New Bridge, in the county of Bergen, and the New York state line, as

Articles of agreement.

First.

provided for in said agreement, memoranda and supplement; and they hereby agree that when said extension railroad shall be built, they will run and operate said road on their own account and at their own expense, they, the parties of the first part, having full control of the same; second, the parties of the second part hereby consent and agree that the parties of the first part shall have and exercise full power and control over the said extension, and may run and manage the same in all respects as they may see fit; and they further agree to execute and deliver to the said 'The Trustees of the Hackensack and New York Railroad Extension,' a deed assigning to them all the rights of way which they may have obtained or may hereafter obtain for the extension railroad, track, depots and other purposes connected with the said road, and in and by said deed to consent to the passage of an act of the legislature authorizing said party of the second part to convey to 'The Trustees of the Hackensack and New York Railroad Extension,' by that name, or such name as they may by law be authorized to adopt, the title to all said lands and the right to purchase and acquire by deed or bequest all other lands and rights of way necessary for these purposes, so as to vest in the said trustees or such persons as may be substituted in their place in such company, the entire ownership of the same, and also to the passage of any act or acts which may be necessary or advisable to carry out the provisions and intent of this agreement, and to provide by such act that if any mortgage shall be given by the said trustees, as provided for by the said supplement, to borrow money for said extension, the same shall be as valid as if the title had been orignally vested in said trustees; and the parties of the second part further agree to consent, and do hereby consent to the passage of an act to vest in 'The Trustees of the Hackensack and New York Railroad Extension,' by that name or such other name as they may legally adopt, all the rights, powers, privileges and franchises granted to the parties of the second part, and which they have in and by the act entitled "A further supplement to the act entitled 'An act to incorporate the Hackensack and New York Railroad Company,'" approved March fourteenth, eighteen hundred and fifty-six, which supplement was approved March twelfth, anno domini, eighteen hundred and sixty-one so far as the same relate to the acquiring, pur-

Second.

chasing, locating, building, operating, holding and controlling that part of the said proposed extension north of New Bridge, on condition that the said road shall be run only in connection and in continuous line with the road of the parties of the second part, the intention and understanding being that the parties of the second part are to build and extend their road to New Bridge, to meet the said extension beyond New Bridge, and connect in continuous line with the same, and to be in running order when and as soon as four miles of the said extension shall be built next north of New Bridge; third, the managers for the time being, of the parties of the first part shall alone have power to fix the rates of passage and freight over that part of the road to be built by them, and to receive the moneys for the same to their own use, and to fix and have all stations, depots, and everything relating to the management and operation of their own road; and for such passengers as go to or from the said extension road upon the road of the parties of the second part, the parties of the second part hereby agree to carry on the cars of the parties of the first part each passenger over the line of the road between New Bridge and Long Dock for thirty cents, and at that rate for intermediate stations, not less than five cents, however, between any two stations; *provided*, that the extension company shall not charge for any single fare between any station on their road and Long Dock less than the party of the second part shall charge for passengers between New Bridge and Long Dock; should the parties of the second part make a reduction of the fare on their road now charged, then such reduction shall be made upon said charge of thirty cents as may be reasonable, and the parties hereto may agree upon; and in case they cannot agree, the same is to be referred to two disinterested men (to be chosen by the said parties, each choosing one) for final adjustment, it being understood that the parties of the second part are to pay all charges of the Erie Railway Company for freight or passengers passing over that company's road; fourth, it is mutually agreed by and between the parties hereto that each party shall bear all liabilities for damages to passengers and freight which may occur on their respective roads in operating the same; fifth, the parties of the second part further agree that they will, during the season of strawberries, run one train each day from New Bridge to Long Dock in ad-

Third.

Proviso.

Fourth.

Fifth.

dition to the ordinary trains, not earlier than eight o'clock in the afternoon, and carry such cars as may come over the said extension to connect with the same; sixth, it is further agreed between the parties that the managers of the parties of the first part shall fix the rates of commutation and freight from points in the extension north of New Bridge to Long Dock, and the proceeds thereof shall be divided between the parties in proportion to the length of their respective roads, the parties of the second part to include the distance run over the Erie Railway; seventh, the parties of the second part agree to run not less than two of their trains each way every day (Sundays excepted) to and from New Bridge and Long Dock with their own engines, with which the trains from the extension road may connect, if they wish so to do; eighth, it is further understood and agreed that all the provisions of this contract relating to 'The Trustees of the Hackensack and New York Railroad Extension,' shall apply to the said extension company under any name that they may hereafter adopt or have conferred on them; and the parties of the first part, if they desire it, shall be allowed to elect directors in the usual manner of corporations, instead of trustees, as now provided for; ninth, it is further distinctly understood and agreed upon between the parties hereto, that the parties who now are subscribers to said special extension stock (and who have not dissented), and all those who shall hereafter subscribe to said stock shall not be liable in any event, either in their persons or property, except for the amount of the stock so subscribed or to be subscribed by them respectively; tenth, it is further agreed that if the business of the extension road shall at any time, in the opinion of the managers of require that five trains each way per day between their road and Long Dock should be run, the parties of the second part will, with their own engines, run that number of trains to connect with them, or such less number as may be required upon the terms aforesaid, the times of running to be arranged mutually between the said managers and the parties of the second part, it being understood that all trains, except the two above-mentioned, are to be run in connection with the Erie railway trains, unless the parties of the second part desire to run their own engines through; eleventh, it is further agreed that the parties of the first part shall not be required to make any allowance for sala-

Sixth. Seventh. Eighth. Ninth. Tenth. Eleventh.

ries of officers or agents of the Hackensack and New York Railroad Company, or for office room and freight depots on their road, but the parties of the first part must provide their own freight depots at Long Dock; in witness whereof 'The Trustees of the Hackensack and New York Railroad Extension' have hereunto set their hands and seals, and such persons as have subscribed to the special extension stock of the railroad extension from New Bridge to the New York state line (and have not dissented), have hereunto set their hands, and such persons as do now agree to subscribe to the said capital stock have hereunto set their names as subscribers thereto, with the number of shares they do so subscribe, and the amounts so by them respectively subscribed opposite to their respective names, upon the terms and conditions of the above agreement, and agree that this subscription shall be a part of the above agreement, and 'The Hackensack and New York Railroad Company' have caused the same to be signed by their president and the common seal of the said company to be affixed the day and year first above written."

Preamble. And in order that the terms and provisions of said agreement shall be fully binding and obligatory upon the parties thereto, it is necessary that the same be ratified and approved by law; therefore,

Contract and agreement declared valid. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said contract and agreement, and all the provisions thereof, be and the same are hereby declared to be valid, effectual and binding in all things between the parties thereto, and that the said the trustees of the Hackensack and New York railroad extension shall and may have, use and exercise all the rights, powers, privileges and franchises in the said contract mentioned and specified, upon the terms in the said contract specified.

May connect with other roads, under conditions. 2. *And be it enacted*, That if the said trustees shall desire to connect at their southerly terminus with any other railroad now or hereafter to be built, it shall be lawful for them so to do, upon the consent in writing of a majority of the directors of "The Hackensack and New York Railroad Company," being first had and obtained for that purpose.

May subscribe to stock and endorse bonds 3. *And be it enacted*, That it shall be lawful for "The Hackensack and New York Railroad Company," to subscribe to the capital stock of the said extension railroad, to an amount not exceeding thirty thousand dollars, and also to

guarantee the payment of the bonds to be issued by the said "The Trustees of the Hackensack and New York Railroad Extension," to an amount not exceeding one hundred thousand dollars.

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

Approved March 10, 1868.

CHAPTER CXXXIII.

An Act to incorporate the New Jersey Live Stock Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Matthias M. Dodd, Ross C. Browning, David Anderson, Edward L. Price, Warren N. Trusdell, John A. Boppe, William Campbell, John H. Meeker, Charles M. Zeh, Albert A. Allen, John McGregor, Moses M. Osborn, William H. McClave, Abraham M. Reynolds and James Peck, with all others that may become associated with them as stockholders as hereinafter provided, and their successors, be and they are hereby created a body corporate for the purpose of live stock insurance and other purposes hereinafter mentioned, by the name of "The New Jersey Live Stock Insurance Company," and by that name are empowered to purchase, have, hold and enjoy lands, tenements, hereditaments, chattels, stocks, choses in action and effects of every kind, and the same to sell, grant, demise, alien and convey, to sue and be sued, plead and be impleaded in all courts of law and equity, to have and to hold a common seal, and the same to change at pleasure, and to ordain and put in execution by-laws and regulations as they may deem proper for the well ordering of said corporation, and the transaction of its business; *provided*, such laws and regulations be consistent with the laws of this state and of the United States. Corporators. Name. Proviso.

2. *And be it enacted*, That the capital stock of said corporation shall be five hundred thousand dollars, the shares of the said capital stock to be of the value of fifty dollars each, Capital stock.

and shall be transferable only on the books of said company upon surrender of the certificate.

Upon what insurance may be effected.

3. *And be it enacted*, That the business of said corporation shall be insurance of live stock of all kinds, and contracts of insurance may be made providing for all risks, hazards and contingencies to which such insurance is applicable, and upon such conditions, and for such periods of time as may be determined by said corporation, and said company may procure such re-insurance of their risks as may be deemed advisable.

Election of directors.

4. *And be it enacted*, That the office of the said company shall be located in the city of Newark, and its affairs shall be managed by not less than fifteen directors (five of whom shall constitute a quorum), to be chosen by ballot from among and by the stockholders, a majority of which directors shall be residents of this state, which directors first chosen shall hold their office until the second Monday in January next ensuing the date of their election, or until others are chosen in their stead, and the annual meetings for the choice of directors, shall, after the first election, be held at the city of Newark on the second Monday in January or on such other day in the month of January as shall be determined by the by-laws of the said corporation; each share of stock represented by the holder or his proxy, shall be entitled to one vote in the choice of directors.

Not dissolved by failure to elect directors.

5. *And be it enacted*, That if it shall so happen that a choice of directors shall not be made at the time of any annual meeting, said corporation shall not be thereby dissolved, but an election may be had within one year thereafter, at some time appointed by the directors last chosen, public notice by order of the directors shall always be given, at least ten days previous to any meeting of stockholders, in the newspapers printed in the city of Newark; the president may call a special meeting of the stockholders upon the request of a majority of the said stockholders in writing.

Commissioners to open books of subscription.

6. *And be it enacted*, That for the purpose of carrying out the provisions of this act, Matthias M. Dodd, Ross C. Browning, Edward L. Price, John H. Meeker and Warren N. Trusdell, are hereby appointed commissioners to open books of subscription to the capital stock of said company; and in case of the death or disability or refusal of any of them to act, then a majority of said commissioners may proceed to open said books of subscription, and ten days' notice of the time and place of opening said books shall be given by the

said commissioners or a majority of them, duly published in the newspapers of the city of Newark; and as soon as the sum of fifty thousand dollars of the said capital stock is subscribed and ten per centum paid thereon in cash, then upon a call of the said commissioners, or a majority of them, by notice published in the newspapers printed in the city of Newark, ten days before the time of said meeting, the subscribers may meet at the time and place named in said call and proceed to the election of fifteen directors to hold office as above provided; and the said board may make such by-laws as to them shall seem proper and not inconsistent with the provisions of this act.

Officers, their duties, compensation &c.

7. *And be it enacted*, That the said directors may choose a president, vice president and secretary, and appoint such other officers, clerks and agents, and establish such agencies in this state and elsewhere as shall be by them deemed advisable for conducting the business of said company, fix their compensations and take bonds for the faithful discharge of their duties; and such contracts and agreements signed either by the president or secretary, shall be binding on said company; the president and vice president shall be chosen from the board of directors, and may hold their appointment for one year and until others are chosen in their places; the other officers and employees of said company may be removed and new ones appointed at the pleasure of the directors; in the absence or disability of the president and vice president, the directors may choose a president pro tempore, and in case a vacancy occurs in the board of directors the remaining directors may fill such vacancy.

Policies of insurance.

8. *And be it enacted*, That all policies or other contracts of insurance authorized by this act may be made with or without the seal of said corporation, and shall be signed by the president or vice president and secretary, and when so signed and executed shall be binding and obligatory upon said corporation according to the true intent and meaning of said policies and contracts.

How capital and moneys may be invested.

9. *And be it enacted*, That the capital stock, acquired moneys, and personal estate of said corporation may be invested at the discretion of the directors, in loans on bond and mortgage on real estate worth double the amount loaned, in loans upon a purchase of United States notes and bonds, or bonds issued by states or by municipal or other corporations,

and the same may be called in and reinvested under the provisions of this act.

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

Approved March 10, 1868.

CHAPTER CXXXIV.

An Act to incorporate the Yuma Silver Mining Company of New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Philemon Dickinson, Liscomb R. Titus, John H. Phillips, Daniel Temple, Frederick P. Auten, Symms H. Reading, John L. Taylor, Uriel T. Scudder, John C. Rafferty, and such other persons as may hereafter be associated with them shall be and are hereby declared to be a body corporate and politic, in fact and in name,

Name.

by the style and title of "The Yuma Silver Mining Company of New Jersey," for the purpose of mining silver or other ores and minerals in the territory of Arizona, or elsewhere, and of manufacturing, selling and disposing of the same, and of transacting all business necessary or expedient connected therewith, and that the principal office of the said corporation shall be in the city of Trenton, in the county of Mercer, and state of New Jersey.

May purchase and hold real estate.

2. *And be it enacted*, That for the purposes aforesaid the said corporation shall have the right to purchase, lease, hold, possess and enjoy such real and personal estate in the territory of Arizona, or elsewhere, as they may deem necessary for the successful prosecution of the business.

Capital stock.

3. *And be it enacted*, That the capital stock of the said corporation shall be two hundred thousand dollars, to be divided into shares of one hundred dollars each, and the said corporation may increase the capital stock to two million of dollars.

Election of directors.

4. *And be it enacted*, That the business of the said corporation shall be managed and conducted by nine directors, all of whom shall be stockholders, and a majority of them resi-

dents of the state of New Jersey, one of whom shall be president; and that the persons named in the first section of this act shall be the first directors of the said corporation, and shall hold their office for one year and until their successors shall be elected; and every year thereafter, at such time and place as the by-laws of the said corporation shall appoint, an election for directors shall be held, at which every stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock which he may own, appearing on the books of the said corporation, and the directors shall hold office for one year and until their successors shall be elected; and in case a vacancy shall occur in the board of directors, by death, resignation, or otherwise, the remaining directors shall have power to fill such vacancy by the appointment of any stockholder until the next election.

Not dissolved by failure to elect directors

5. *And be it enacted*, That in case it shall at any time happen that an election for directors shall not be made on the day when pursuant to this act it ought to have been made, the said 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 as the directors of the said corporation may appoint.

6. *And be it enacted*, That this act shall continue in force for thirty years, and take effect immediately.

Approved March 10, 1868.

CHAPTER CXXXV.

An Additional Supplement to the act entitled "An Act to incorporate the Westville and Glassborough Turnpike Company," approved March twenty-fourth, eighteen hundred and fifty-two.

Rates of toll.

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 Westville and Glassborough Turnpike Company to charge per mile the following rates: For every carriage, sled or sleigh drawn by one beast, two

cents; and if drawn by two beasts, four cents; and for every additional beast, one cent.

Approved March 10, 1868.

CHAPTER CXXXVI.

A Supplement to an act entitled "An Act to incorporate the Jersey City and Bergen Point Plank Road Company," approved March sixth, eighteen hundred and sixty.

Preamble.

WHEREAS, the Jersey City and Bergen Point Plank Road Company, in pursuance of the terms of their charter and the several supplements thereto, have constructed a road from Jersey City to Bergen Point, in the county of Hudson; and whereas, the said company desire to change the course of their road so as to follow the streets laid down on a "Map of Bayonne, near Bergen Point, Hudson county, New Jersey," instead of going through the blocks laid down on said map; therefore—

Power to vacate and construct new road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Jersey City and Bergen Point Plank Road Company shall have the privilege, and are hereby authorized, to vacate so much of the said road as is situated between the southerly side of Huron or Fortieth street on said map and the westerly side of Union avenue or avenue D, and shall have power to lay out, construct and maintain, instead of the road so vacated, a road running as follows, viz.: Running along the centre line of said road, beginning at a point in the centre line of Huron avenue or Fortieth street, where said centre line intersects the centre line of said plank road, and running from thence southeasterly along the centre line of Huron avenue or Fortieth street until it intersects the centre line of Woodlawn avenue or avenue C; thence in a southwesterly direction along the centre line of Woodlawn avenue or avenue C till it intersects the centre line of Oakland avenue or Thirty-eighth street; thence in a southeasterly direction along the centre line of Oakland avenue or Thirty-eighth street till it intersects the centre line of

Union avenue or avenue D; thence in a southwesterly direction along the centre line of Union avenue or avenue D till it meets with the centre line of the plank road as at present established, and forms a continuous line with the same; *provided*, that the road hereby authorized shall in all respects be in conformity with the provisions of the act to which this is a supplement and the several supplements thereto. Proviso.

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, and that this act shall take effect immediately. Repealer.

Approved March 10, 1868.

CHAPTER CXXXVII.

An Act to Facilitate Judicial Proceedings in the county of Bergen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter one of the judges of the court of common pleas, general quarter sessions of the peace and orphans' court, to be appointed for the county of Bergen, shall be an attorney at law of this state of at least ten years standing, who shall receive a salary of fifteen hundred dollars per annum, payable quarterly by the board of chosen freeholders of the county of Bergen; *provided nevertheless*, that he shall be at liberty to practice law otherwise than in the courts of said county. One of the judges of the court of common pleas to be an attorney at law. Proviso.

2. *And be it enacted*, That whenever the justice of the supreme court holding the circuit court for said county shall be absent, the said judge provided for by this act shall be presiding judge of the court of common pleas, general quarter sessions of the peace and orphans court of said county. Such judge shall preside in the absence of justice of supreme court.

3. *And be it enacted*, That the courts of common pleas and general quarter sessions of the peace in and for said county, may hold adjourned and special terms of said courts, or either of them, under the same regulations as now provided by law in case of the circuit and court of oyer and terminer and general jail delivery. Common pleas may hold special terms.

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

Approved March 10, 1868.

CHAPTER CXXXVIII.

An Act to authorize the Township Committee of the Township of Mullica, in the county of Atlantic, to borrow money.

Township committee may issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of Mullica township, in the county of Atlantic, to provide for any existing indebtedness against said township, by issuing bonds in the corporate name of said township and under their corporate seal, to be signed by the chairman of said committee and attested by the clerk, for an amount of money not exceeding twelve thousand dollars, in such sums, and payable at such time or times, as the said committee shall deem proper, and bearing interest at the rate of seven per centum per annum, and to pledge the property and credit of said township for the payment of the same; *provided*, that no bond shall be sold for less than its par value, and shall be redeemed within ten years from the date of said bond.

Proviso.

To provide by taxation for their payment

2. *And be it enacted*, That the township committee shall have power and authority to provide by taxation on the taxable property in said township for the payment of the said bonds and the interest thereon, and shall yearly and every year, until the said bonds shall be redeemed and paid off, order and cause to be assessed and collected a sum of money sufficient to pay the interest on said bonds and indebtedness as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable, and that all such moneys so to be raised by virtue of this act shall be exclusively applied to the payment of the principal and interest of such bonds and indebtedness as the same may become due and payable.

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

Approved March 10, 1868.

CHAPTER CXXXIX.

A Supplement to the act entitled "An Act to incorporate the South Jersey Cranberry Company," approved March tenth, eighteen hundred and sixty-five.

WHEREAS, The incorporators named in the act to which this act is a supplement have, through inadvertance, neglected to pay the state assessment required to be paid by an act entitled "An act to increase the revenues of the state of New Jersey," approved March sixth, eighteen hundred and fifty-eight, within the time specified by law; therefore, Preamble.

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 South Jersey Cranberry Company," approved March tenth, eighteen hundred and sixty-five, shall be in all things revived, and stand and be as effectual in law as though the said assessment had been paid within the proper time; *provided*, that said assessment, and the assessment on this supplement, be paid before the first day of July next ensuing the passage of this act. Reviving original act on payment of state assessment. Proviso.

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

Approved March 10, 1868.

CHAPTER CXL.

An Act to incorporate the Cream Ridge Marl and Transportation Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Stockton, N. S. Rue, Corporators.

John G. Meirs, Nicholas Waln, junior, Thomas N. Adams, and such others as may be associated with them, and their successors, are hereby declared to be a body politic and corporate by the name of "The Cream Ridge Marl and Transportation Company."

Name.

Capital stock.

2. *And be it enacted*, That the amount of the capital stock of said company shall be one hundred thousand dollars, (with the privilege of increasing it to five hundred thousand dollars,) to be divided into shares of one hundred dollars each, to be deemed personal property, and which shall be transferable only on the books of said corporation.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to receive subscriptions to the capital stock aforesaid, at such time or times, place or places, in this state, and upon such notice as they, or a majority of them, shall think proper; and at the time of subscribing for said stock, five dollars on each share shall be paid to said commissioners, or shall be satisfactorily secured, and the residue of the subscription shall be paid in such installments, and at such times and places, and to such person and persons as the directors of said company shall from time to time direct, by giving twenty days' notice, in a newspaper printed and circulated in the county of Ocean, or in the county of Monmouth or Burlington, and upon the failure of payment thereof, the said directors shall have power to forfeit the shares of each and every person so failing to pay said installments or any of them, and for the use of said company; and whenever one hundred thousand dollars of the capital stock aforesaid shall have been subscribed, such commissioners shall, as soon as they deem it expedient, give like notice of a meeting of the stockholders, at such time and place as they may designate, to choose seven directors, a majority of whom shall be residents of this state, who shall hold their offices for one year or until others are duly elected; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the directors chosen at such meeting, or at the annual elections of said corporation shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the resignation, death or removal of the president or any director, such vacancy or vacancies may be filled

Stock forfeited for non-payment of installments.

Election of directors.

for the remainder of the then current year by the said board of directors.

4. *And be it enacted*, That the said company when organized as aforesaid, shall be and they are hereby authorized and empowered to purchase, lease, have, hold, take, occupy, and convey such and so many marl beds in the counties of Ocean and Monmouth, as they may deem necessary, and to open and work the same, and to transport the marl taken therefrom from place to place, and to sell the same, and to purchase, hold and convey such other lands, and to erect such buildings thereon as may be necessary or convenient for such business, and to erect, construct, build and use the railroads hereinafter mentioned, and the lands necessary therefor, and to lay, keep and maintain drains through the contiguous and adjacent lands for the benefit of their said marl beds in the manner hereinafter mentioned. May purchase marl beds, &c.

5. *And be it enacted*, That the directors of said company are invested with full power to lay out and construct a railroad or railroads in the counties of Ocean and Monmouth, to run from the Pemberton and Hightstown Railroad to the marl beds or other lands of said company, or to any other marl beds situate in said counties, and to construct said railroad with as many tracks as may be deemed proper or necssary, and to run engines and cars on said roads for the transportation of their marl and other fertilizers, and of such other kind of property as they may deem expedient, the land to be taken for said roads not to exceed one hundred feet in width, and where the same shall cross any public highway, the crossing shall be made and maintained and kept in good repair so as not unnecessarily to impede the travel or interfere with the public convenience. May construct and make a railroad.

6. *And be it enacted*, That it shall be lawful for the said company, their officers, agents, engineers, superintendents, and others in their employ, to enter at all times upon lands for the purpose of laying out and surveying the route of said railroads and locating said drains or any or either of them, and of subsequently altering the location thereof, doing no unnecessary damage to private property; and when any part of the location of such road or drains, or any or either of them, shall have been determined on, and a survey deposited in the office of the clerk of the county in which said lands lie, the officers, agents, superintendents, contractors, workmen, and the persons in their employ (compensation being first made in the May enter on lands and take material for construction.

manner hereinafter provided), may enter upon the possession thereof and hold, use, occupy and excavate any such lands or such parts thereof as may be necessary for the purposes aforesaid, and may erect embankments, viaducts, and all necessary works thereon, and may lay rails and do all other things which may be suitable and necessary for the making, completion and repair of said railroads or any of them, and may lay, make or repair said drains from their said marl beds, and may carry into full effect the object of this act, and may take and use any stone, gravel, sand, clay or other material on or near the said route, which may be required for the construction of, repairing or altering the said railroads or drains, or any of them, or any of their works or appendages, first making compensation therefor in the manner hereinafter provided.

Proceedings when company and owners of property cannot agree.

7. *And be it enacted*, That if the said railroads or drains or any of them shall cross any lands not owned by the said company, or any materials shall be required for the construction thereof, and the said company shall fail to agree with the owner or owners thereof, or if by reason of the legal incapacity or absence of the owner or owners or want of knowledge as to the ownership thereof, or from any other cause, no such agreement shall be made; a particular description of the land or materials so required shall be given in writing under the oath or affirmation of some engineer or agent of said company, and also the name 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 court of common pleas of the county where such lands or materials may be, and in case of the same being in two counties to a judge of the circuit court of either county, who shall cause the said company to give notice thereof to the person or persons interested, if known and in the state, and if unknown and out of the state, to make a publication thereof as he shall direct, for any time not less than fifteen days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, if on satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal three impartial and judicious freeholders, residents in this state, commissioners to examine and appraise the said land and materials required for said railroads and to assess the damages which may be occasioned thereby, as the case may

be, by the laying and maintaining said drains or any of them, upon such notice given to the person or persons interested, as shall be directed by said judge, and it shall be the duty of said commissioners or a majority of them, having first taken and subscribed 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 a time and place to be appointed by said judge, in his said order of appointment, and upon such notice to the parties interested as said judge shall direct in said order, and proceed to view said land and materials as may be required for the purpose of this act, and to make a just and equitable appraisement or estimate of the value of the same and an assessment of the damages which will be occasioned by the laying of said railroads, or as the case may be by the laying and maintaining said drains or any of them, and which assessment shall be paid by said company, and which report shall be in writing, under the hands and seals of said commissioners or a majority of them, and filed with the aforesaid description of the land or materials and the appraisement and oaths or affirmations aforesaid, in the clerk's office aforesaid, to remain of record therein; which report or a copy thereof duly certified by said clerk, shall, (the appraisement and damages being first paid, tendered or deposited in said clerk's office), at all times be considered as plenary evidence of the right of said company to hold, use, occupy, possess, enjoy and excavate the said land or materials, or to make, maintain and repair said drains.

8. *And be it enacted*, That it shall be lawful for the directors of said company from time to time to borrow such sums of money as may seem to them advisable for the purposes of their said business, and to secure the same by a mortgage or mortgages on the lands, railroads and other property of said company. May borrow money by mortgage.

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

Approved March 10, 1868.

CHAPTER CXLI.

A Further Supplement to an act entitled "An Act to incorporate the Paterson Gas Light Company," passed December ninth, eighteen hundred and twenty-five.

Preamble. WHEREAS, the Paterson Gas Light Company, in order to supply the increasing demand for gas in the city of Paterson, have expended a large sum of money in the purchase of land and in the erection of additional works; and whereas, it is by the said company deemed expedient to fund a part of the debt incurred in the premises; therefore—

Authorized to issue bonds. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Paterson Gas Light Company are hereby authorized to issue their bonds to an amount not exceeding seventy-five thousand dollars, of a denomination not less than five hundred dollars, and bearing interest at the rate of seven per centum per annum, with coupons attached for the payment of interest half-yearly, which bonds shall be payable to bearer or to order as the said company may elect, or part to bearer and part to order at the option of said company.

May give mortgage to trustee to secure bonds. 2. *And be it enacted*, That in order to secure the payment of the principal and interest to grow due on said bonds, and the fulfilment of any contract in relation thereto made before the issuing thereof, the said company may convey, to a trustee or trustees to be by them selected, by way of mortgage, all the lands and real estate, main and service pipes in use and metres attached, works, implements, franchises, chartered rights and powers of the said company, which mortgage may be enforced by proceedings in foreclosure in the court of chancery of this state, and sale thereunder as in other cases.

How bonds may be redeemed. 3. *And be it enacted*, That the said bonds shall be due at the end of twenty years from their date, and said company may redeem them or any part thereof at any time after ten years from their date, and may divide them into classes, and redeem one class in each year after the expiration of the said ten years; and at any time within five years from their date the company may, at the holder's option, redeem the same or any part thereof by stock to be issued therefor at a rate not less than ninety per centum of the par value of the stock.

4. *And be it enacted*, That the said company may provide by by-laws for the registry of said bonds, or any portion of them, by recording the dates, numbers and amounts thereof, and the name of the party to whom issued, and any other general description thereof, in a book to be by them kept for that purpose, and may distinguish such bonds by a certificate of the fact of such registry endorsed thereon and signed by the president or secretary of said company, and also, if they see fit, by writing or printing the word "registered" on each coupon of such bonds; and the principal due on such registered bonds shall be paid only to such party, or to his assignee appointed, by writing, and upon presentation thereof at the office of said company. Registering bonds.

5. *And be it enacted*, That it shall be lawful for the said company to agree to pay all taxes and assessments laid, levied or assessed upon the said bonds, and upon the interest accruing thereon.

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

Approved March 10, 1868.

CHAPTER CXLII.

An Act to authorize the widening of the old Delaware Bridge at Trenton, to provide for the approach of the railway track thereon, and to regulate the stock of the Company owning said Bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "The president, managers and company for erecting a bridge over the river Deleware, at or near Trenton," be and they are hereby authorized to extend and lengthen the piers of their bridge in and over the river Delaware at Trenton, on the southerly side of said bridge, not interfering with the navigation of said river, so as to place thereon an additional railroad track or tracks and give more room for the passage thereof; and that said tracks be placed on said bridge at such convenient distances from each other Authority to widen bridge for railroad track.

as not to endanger the safety of passengers or cars crossing the same; and that the said company be authorized to issue stock or bonds to the railroad company or companies connecting therewith and desiring said tracks, and which shall be willing to advance the requisite funds for extending the said piers for that purpose; and that in laying said tracks and connecting the same with the railroads approaching said bridge, the Philadelphia and Trenton Railroad Company shall have power, and said company is hereby authorized to take such land as may be required to make such connection on the westerly side of said river; and the Camden and Amboy Railroad and Transportation Company are authorized to do the like on the easterly side of said river; the said companies respectively having first designated and surveyed such lands, and made or tendered compensation therefor as prescribed by their respective charters or acts of incorporation, and the several supplements thereto; the said companies being hereby respectively authorized to exercise all the powers conferred by said acts respectively, for taking lands for their railroads respectively.

May take land by making compensation

2. *And be it enacted*, That the shares of capital stock of said Bridge Company held by or for the use of the said railroad companies, or either of them, shall and may be voted on by said companies respectively holding or owning the same, or their respective attorneys or proxies duly authorized thereunto, each company being entitled to one vote for each share of said stock so held by or for the use of such company.

Approved March 10, 1868.

CHAPTER CXLIII.

An Act to incorporate the Franklin Chapel Association, in the township of New Providence, county of Union, and State of New Jersey.

Incorporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Kent, Albert Pierson, Charles Spinning, Benjamin Spinning, Russell W. Westcott,

A. Lines Van Blarcom, Willoughby Powell, and such other persons as may become members of the corporation hereby created, are constituted and declared to be a body politic and corporate, by the name and style of "The Franklin Chapel Association," and by that name they and their successors shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and may have a common seal, and alter and change the same at pleasure, and that they and their successors by the same name shall be capable in law to purchase, take, receive and hold any estate, real or personal, either by devise or otherwise, to the use of them and their successors, and to lease, sell, convey or otherwise dispose of the same, as to them shall appear most advantageous for promoting the purposes of their incorporation. Name.

2. *And be it enacted*, That the said incorporation is hereby incorporated for the purpose of encouraging and promoting the intellectual and moral welfare of the community, by such ways and means as to the said corporation or the trustees thereof, hereinafter mentioned shall appear to be most expedient; and the estate and funds of the said corporation, after paying all proper charges and expenses, shall be exclusively devoted to the objects aforesaid, except so far as they may deem it necessary to apply their funds to the purchase and holding of any real estate, and erecting any building thereon, for the benefit and accommodation of the members of said corporation, and of those who may attend their meetings (the amount so applied not to exceed twenty thousand dollars), which real estate they may again sell and re-invest, as they may find expedient. Objects of corporation.

3. *And be it enacted*, That the said corporation shall have power from time to time to make and establish such constitution, by-laws, rules and regulations as they shall judge proper, for the election of their officers, for prescribing their respective functions, and the mode of discharging the same, for the admission of members, for the government of the officers and members thereof, for the imposing and collecting admission fees, fines and contributions, for regulating the times and places of meeting, and generally for the management and direction of the affairs and concerns of the said corporation. Powers of corporation.

4. *And be it enacted*, That the management of the said association shall be in the hands of five trustees, three of Trustees.

whom shall be selected by the association as president, secretary and treasurer.

Officers and trustees.

5. *And be it enacted*, That A. Lines Van Blarcom shall be the first president, Charles Spinning the first secretary, Willoughby Powell the first treasurer, and with Russell W. Westcott and Samuel Kent, shall be the trustees thereof. and shall hold their offices until the first Wednesday in May, eighteen hundred and sixty-eight and until others are elected in their stead, as hereinafter provided.

Meetings of corporation.

6. *And be it enacted*, That on the first Wednesday in May, eighteen hundred and sixty-eight, and on the first Wednesday in May, in every succeeding year, there shall be a general meeting of the members of said corporation at some convenient place in the township, which shall be notified by the said officers or trustees for the time being, by an advertisement set up in open view on the front of the building erected for the uses of the said association, or in some conspicuous place in the vicinity, at least five days before such meeting, and the members of said corporation who shall so meet, shall elect by ballot (each and every five dollars which may have been contributed by any member of the corporation shall entitle the contributor to one vote), the said officers and trustees of the said corporation for the year next ensuing, which election shall be held by two inspectors to be elected by those present entitled to vote at such meeting, and which inspectors shall be the judges of such election, and certify the persons elected to the respective offices aforesaid.

Treasurer to give security.

7. *And be it enacted*, That the said trustees of said corporation may demand and take security from their treasurer from time to time for the performance of the trust reposed in him, in such manner as to them shall seem fit, and every contract or obligation for that purpose shall be valid in law.

Vacancies, how filled.

8. *And be it enacted*, That in case of the death, resignation, neglect or refusal to act of any of the said officers or trustees, the members of said corporation may at any meeting elect by ballot (due notice being given as aforesaid) any other officer or officers, or trustee or trustees in their stead, who shall hold their offices until the next annual election, and until others shall be chosen in their places.

Not dissolved by failure to elect officers or trustees.

9. *And be it enacted*, That if any election for said officers or trustees shall not be held in any year at the time appointed for that purpose by this act, the said corporation shall not for that cause be dissolved, but the said officers and trustees for the time being shall order the said election to be held at such

other time and place in said township as to them shall appear proper, giving the like notice thereof as hereinbefore mentioned in the case of the regular annual election.

10. *And be it enacted*, That this act shall be favorably construed in all courts and places for the purposes thereby intended, and no misnomer of the said corporation in any deed, grant, gift, devise, bequest, or other instrument, contract or conveyance shall defeat or vitiate the same if the corporation be sufficiently described to show or ascertain the intention of the parties.

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

Approved March 11, 1868.

CHAPTER CXLIV.

A Further Supplement to "An Act to incorporate the New York and Bulls Ferry Railroad Company," approved March fourteenth, eighteen hundred and sixty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said the New York and Bulls Ferry Railroad Company to extend their railroad from its northern terminus at Fort Lee, northwardly along the Hudson river to the dividing line between the states of New Jersey and New York; and the said company shall and may acquire, hold and possess all lands, rights and property in this state required for such extension of said road, in the manner provided in the act to which this is a supplement, and is hereby invested with and may exercise the same rights, powers, privileges and franchises for and in the construction, use and enjoyment of the same, and shall be subject to the same conditions, provisions, limitations and restrictions as are contained in the act to which this is a supplement, and in the supplements thereto; *provided, nevertheless*, that the railroad authorized to be constructed by the original act to which this is a supplement, or by any supplement to the same, or by this supplement, shall not cross the

Authority to extend railroad.

Proviso.

railroad tracks of the Morris and Essex Railroad Company, of the Northern Railroad Company of New Jersey, the Erie Railway, or the New Jersey Railroad and Transportation Company, even with the grade of the said railroads, but above or below the said grades so as to clear the locomotives and cars run, or to be run, on the said railroads, unless by consent in writing, under the corporate seal of such railroad company whose track shall be crossed.

Amendment.

2. *And be it enacted*, That the second section of the supplement to said act, approved March third, eighteen hundred and sixty-two, be amended by striking out the words "one hundred and fifty thousand dollars," and inserting the words "twenty-five thousand dollars per mile."

Additional powers to lease, connect or consolidate

3. *And be it enacted*, That it shall be lawful for the said company, if they see fit and so choose to do, to hire or lease to, connect or consolidate with any other road, the company of such other road being willing so to unite, and to make contracts and engagements with any other corporation, or with individuals, for transporting and conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts.

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

Approved March 11, 1868.

CHAPTER CXLV.

An Act to divide the township of Bordentown into two Election Districts.

Division of township into two election districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of Bordentown, in the county of Burlington, shall be divided into two election districts, viz.: All that part of said township lying west of the Main street, in the city of Bordentown, and the Bordentown and Columbus Turnpike to the southerly line of said township, shall hereafter be called the first district of said township, and

all that part lying east of said division lines shall be known as the second election district of said township.

2. *And be it enacted*, That the registers and inspectors of elections elected last November shall preside at and conduct the elections in each of the above described districts, to be held in March, eighteen hundred and sixty-eight; and the clerk of the township shall act as clerk for the district in which he lives, and the inspectors or judges of election of the other district shall appoint some person, who shall be a legal voter in the district, to act as clerk of said board, who shall be entitled to the same fees as the other clerks, and that this rule shall apply to all subsequent elections to be held in said districts so far as it regards the clerks. How elections shall be conducted.

3. *And be it enacted*, That at the elections to be held in March, eighteen hundred and sixty-eight, and at each succeeding March election, three persons shall be elected as judges of election for each election district for the term of one year, who shall possess the powers, be required to perform the duties, and be subject to the liabilities as other judges or inspectors of election, according to the general laws of the state of New Jersey as they now are or may hereafter be, and said judges so elected shall act as judges of all elections to be hereafter held in said districts; and the said judges and clerks shall receive two dollars and a half per day for their services; and the said judges of election shall procure a place for holding all elections in each election district, of which place and time of holding elections they shall give at least two weeks' notice in five public places in said district. Judges of election. Compensation

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

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

Approved March 11, 1868.

CHAPTER CXLVI.

A Further Supplement to "An Act relative to Commissioners for taking the Acknowledgment and Proof of Deeds," approved April fifteenth, eighteen hundred and forty-six.

Number of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful to appoint four commissioners for taking the acknowledgment and proof of deeds in the town of Newton, in the county of Sussex, and the borough of Belvidere, county of Warren, and four commissioners in each ward and township in the county of Passaic.

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

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

Approved March 11, 1868.

CHAPTER CXLVII.

An Act to provide for the appointment of Commissioners to devise plans and make estimates for the opening, construction, and maintenance of one or more prominent avenues or highways in the county of Hudson.

Preamble.

WHEREAS, it is represented that certain roads, streets and highways in the county of Hudson may be so altered, widened and improved, that the same in connection with other grounds that may be taken for public highway purposes, will form one or more prominent thoroughfares in said county for purposes of recreation, pleasure and business; and that it is expedient and desirable that one or more such prominent thoroughfares should be established in said county; and whereas it is further represented that said desired

improvements cannot be properly or suitably made without further legislation; therefore, for the purpose of causing a a plan for the execution of such improvements to be provided, and of obtaining more definite information concerning the same,

Appointment of commissioners to devise plans for public avenues.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon application made by the board of chosen freeholders of the county of Hudson, in the manner hereinafter directed, to the circuit court in and for the said county, the said court shall appoint seven judicious persons, being freeholders and residents of said county, to be commissioners under this act, whose duty it shall be to inquire, ascertain and report as hereinafter directed, concerning the expediency of laying out, opening and constructing in the county of Hudson, one or more prominent public avenues, roads or throughfares, that shall be of greater width and require other proceedings and regulations than are now provided by law for the laying out, opening and maintaining of public roads and avenues or streets in this state, and that shall afford better facilities for recreation and pleasure to persons who may wish to travel upon the same with teams, carriages, on horseback, on foot or otherwise, for purposes of business or for pleasure and recreation or either; and the said commissioners shall proceed to devise plans and general specifications for the location, width, manner of construction, maintenance, preservation, regulation and use of any such improvements, and also the mode in which the land and materials necessary for opening, constructing and maintaining the same ought to be acquired; they shall also estimate as nearly as they can, the cost of the land to be taken for the laying out of such improvements, also the cost of materials that shall be necessary to construct the same, together with the costs of construction and completion thereof; they shall also furnish an estimate of the probable annual expense for the proper maintenance, superintendence, repairs and ornamenting of any such public thoroughfare, avenue or road, as they shall recommend under this act, and of the grounds, promenades and walks pertaining thereto; the said commissioners shall keep a record of their proceedings and shall furnish in writing to the board of chosen freeholders of said county, on or before the fifteenth day of December next, a detailed report concerning the matters submitted to their investigation by this act, together with the proper drawings, plans and illustrations

adopted by them; the said commissioners shall also designate in their said report what further legislation will in their opinion be necessary and proper to carry into effect such plan or plans as they have adopted, and they may prepare a suitable bill for that purpose, to be submitted to the legislature; and it shall be the duty of the said board of chosen freeholders to transmit such report, drawings, plans and illustrations to the legislature on or before the first day of February, eighteen hundred and sixty-nine.

2. *And be it enacted*, That the said commissioners may in devising said plan and location for said improvement, include therein any roads or streets, or parts thereof already laid out opened or dedicated in said county, that may be advantageously included in said improvements, or be altered or widened so as to be adapted to the same.

3. *And be it enacted*, That the said commissioners shall so construct any plan adopted by them for said improvements, that the same shall not be inconsistent with, or necessarily require the alteration of the grades lawfully established in any parts of said county, for streets, by the proper municipal authorities.

May employ engineers, &c.

4. *And be it enacted*, That the commissioners provided for by this act, may employ one or more competent engineers, surveyors, draftsmen and other agents as they may require for accomplishing the duties assigned to them by this act, and the said commissioners and the persons employed by them as aforesaid, may at all proper times enter upon and survey any lands or waters in said county, in order to determine upon the proper locations, grades and construction of said improvements, and to make any examinations proper to accomplish the object of their appointment.

Compensation

5. *And be it enacted*, That each of the said commissioners shall be paid for his services the sum of five dollars for each day he shall be actually engaged in the duties of his appointment; and every engineer, surveyor, draftsman or other person employed by said commissioners for the purpose contemplated by this act shall receive such compensation or wages for his services, as the said commissioners shall have agreed to allow for the same.

By whom paid and how assessed and collected.

6. *And be it enacted*, That the said compensation for the servicees of the said commissioners, and of all persons employed by them pursuant to this act, shall be paid by the board of chosen freeholders of the county of Hudson, who shall include

the same in their estimate of county expenditures for the ensuing year, and may provide for assessing and collecting the moneys deemed necessary to defray the said expenses, in the same manner as moneys required by them for ordinary county purposes are by law assessed and collected.

All claims must be certified by commissioners.

7. *And be it enacted*, That no claim for services required by this act shall be audited or paid by the said board of chosen freeholders, unless the same is first certified to be correct and due by at least four of the said commissioners.

Commissioners must be sworn.

8. *And be it enacted*, That each of the commissioners appointed under this act shall, before he enters upon his duties as such commissioner, be sworn before any person competent to administer an oath, that he will faithfully and honestly perform the duties required of him by this act, which oath shall be filed in the office of the clerk of said circuit court.

Vacancies, how filled.

9. *And be it enacted*, That if the place of any such commissioner become vacant by removal from the county of Hudson, resignation, refusal to serve or to be sworn, or by any other cause, the board of chosen freeholders of said county shall at a regular meeting of the said board, appoint another person to fill the vacancy, who shall enter upon his duties as a commissioner, upon taking and filing the oath in the last preceding section mentioned.

10. *And be it enacted*, That any four commissioners shall be a quorum for the transaction of business; but not less than four concurrent votes or signatures shall be required to authorize and make the report directed by the first section of this act to be presented to the board of chosen freeholders.

Manner of their appointment.

11. *And be it enacted*, That the said board of chosen freeholders shall make the application to said court in writing, for the appointment of seven commissioners to serve under this act, and such board of chosen freeholders shall accompany their said application with a list to be prepared by them containing the names of not less than twenty-four reputable and judicious freeholders, residents in said county, competent in the opinion of said board to perform the duties of commissioners under this act; and thereupon the said court shall at their discretion select any seven of the persons named in said list, who shall be by said court appointed to be the seven commissioners required to be by them appointed under this act.

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

Approved March 11, 1868.

CHAPTER CXLVIII.

An Act to incorporate the City of Bergen.

TITLE I.

OF THE BOUNDARIES AND CIVIL DIVISIONS OF THE CITY.

Boundary lines.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city of Bergen shall hereafter consist of all the territory included within the following boundaries, that is to say: beginning at the most westerly corner of the city of Hudson, in the county of Hudson, where the New Jersey railroad crosses the Hackensack river; thence easterly along the centre line of the New Jersey railroad its several courses to the centre of Mill Creek; thence southerly along the centre of Mill Creek its several courses into New York Bay, until it intersects the boundary line of the state of New York; thence southerly along said boundary line of the state of New York until it intersects the dividing line between the township of Greenville and the city of Bergen; thence westerly along said line to the middle of the Hackensack river; thence northerly along the middle of the Hackensack river its several courses to the place of beginning, comprising the same territory heretofore known and incorporated as "The Town of Bergen," and the same is hereby formed into a city corporate, to be designated and known in law as "The City of Bergen," and all the citizens of this state, who are now or hereafter may be inhabitants within the said limits, shall be and they are hereby constituted a body politic and corporate in law, by the name of "The Mayor and Board of Aldermen of the City of Bergen," and they shall have all the powers of a municipal corporation necessary for carrying out the objects and purposes of

Incorporation of city.

this act, and may have a common seal, alterable at pleasure, and by the title "The Mayor and Board of Aldermen of the City of Bergen," may sue and be sued in any of the courts of this state.

2. *And be it enacted*, That the said city shall be divided into four wards, in the manner following, to wit: First ward, beginning at a point where the centre of the New Jersey railroad intersects the centre of the Hackensack river; thence in a southeasterly direction along the centre of said railroad to the centre of Mill Creek, being the Jersey City line; thence southerly along the centre of said creek to the centre of the Jersey City and Bergen Point plank road; thence westerly along the centre of said plank road to a point where it intersects the centre of Hudson avenue; thence northwesterly along the centre of Hudson avenue to Cedar Bush road; thence along the centre of Cedar Bush road to the centre of Monticello avenue; thence notherly along the centre of Monticello avenue until it intersects the centre of Fairvew avenue; thence northwesterly along the centre of Fairview avenue to West Side avenue; thence producing the centre of Fairview avenue in a straight line to the centre of the Hackensack river; thence northerly along the centre of said river to the place of beginning; Second ward, beginning at a point where the centre of Fairview avenue produced would intersect the centre of the Hackensack river; thence in a southeasterly direction along the centre of Fairview avenue produced to the centre of Monticello avenue; thence southerly along the centre of Monticello avenue to the centre of Cedar Bush road; thence easterly along the centre of Cedar Bush road until it intersects the centre of Hudson avenue; thence southeasterly along the centre of Hudson avenue until it intersects the centre of the Jersey City and Bergen Point plank road; thence in an easterly direction along the centre of said plank road to the centre of Mill Creek; thence easterly along the centre of Mill Creek to the Morris Canal; thence southwesterly along the centre of said canal to the centre of Communipaw avenue; thence in a northwesterly direction along the centre of said avenue to the centre of the Newark and New York plank road; thence westerly following the centre of said plank road to the centre of the Hackensack river; thence northerly along the centre of said river to the place of beginning; Third ward, beginning at a point where the Morris Canal intersects the centre of Mill Creek; thence following the centre of said creek

Boundaries of wards.

First Ward.

Second Ward.

Third Ward.

produced in a southeasterly direction until it intersects the boundary line of the state of New York; thence southerly along said boundary line of the state of New York until it intersects the dividing line between the township of Greenville and the city of Bergen; thence westerly along said dividing line to the centre of the Morris Canal; thence northeasterly along the centre of said canal to the place of beginning; Fourth ward, beginning at a point where the centre of the Newark and New York plank road intersects the centre of the Hackensack river; thence in a southeasterly direction along the centre of said plank road to the centre of Communipaw avenue; thence southeasterly along the centre of said avenue to the centre of the Morris Canal; thence southwesterly along the centre of said canal until it intersects the dividing line between the township of Greenville and the city of Bergen; thence westerly along the said dividing line to the middle of the Hackensack river; thence northerly along the centre of said river its several courses to the place of beginning.

Fourth Ward.

TITLE II.

OF THE OFFICERS OF THE CITY, THEIR ELECTION, DUTIES AND TERMS OF OFFICE.

Officers of the city.

3. *And be it enacted*, That the city officers of said city shall consist of a mayor, a recorder, a superintendent of schools, a treasurer, a collector of revenue, a city clerk, an overseer of the poor, a chief engineer of the fire department, a street commissioner, and two or more city surveyors; the mayor, recorder and superintendent of schools shall be elected at the next charter election after the passage of this act, the mayor for the term of one year, the recorder for the term of three years, and the superintendent of schools for the term of one year; the treasurer, collector of revenue, city clerk, overseer of the poor, street commissioners, city surveyors, and such other officers as are hereinafter provided for, shall be appointed annually by the board of aldermen as herein provided, and a majority of concurring votes shall be necessary in all cases; the chief engineer of the fire department shall be elected annually by the fire department, subject to the approval of the board of aldermen.

Ward officers.

4. *And be it enacted*, That the ward officers for each ward

shall be three aldermen, one constable, one chosen freeholder, two surveyors of the highways, one pound keeper, one commissioner of appeals, one assessor, and three inspectors of registry and elections, who shall be elected annually in each ward at the charter election, whose term of office shall be for one year; one pound keeper shall be appointed annually by the board of aldermen for each ward; the aldermen of each ward shall perform such duties ex-officio as by the laws of this state devolve on the town committeemen in the townships of this state.

Charter election, when held.

5. *And be it enacted*, That the charter election shall be held on the second Tuesday in April in each year, at the place in each election district designated and appointed for that purpose by the inspectors of registry and elections, between the hours and in the same manner, and under the same regulations in all things, as prescribed by law for state elections for members of the legislature.

Qualification of voters.

6. *And be it enacted*, That every person who would by the laws of this state be entitled to vote in said city at an election for members of the legislature, if held on that day, shall be entitled to vote at the city elections, and every person voting shall vote in the ward where he shall actually reside at the day of election, and in no other ward; and the person or persons receiving the greatest number of votes of those given in the city for any city office, and the person or persons receiving the greatest number of votes given in each ward for an office in that ward, shall be deemed elected to that office.

How elections are to be held.

7. *And be it enacted*, That all future elections to be held within said city for members of the senate and general assembly of this state, for sheriff, county clerk, surrogate and coroners of the county of Hudson, and for members of congress and electors of president and vice president of the United States, or for any other office of the general or state governments, or officers of the said county of Hudson, to be elected by the people, shall be held by the inspectors of registry and elections in the several wards of said city, at the places therein appointed for holding the city elections by said inspectors on the day or days which now or hereafter may be designated by law for holding such elections; and such elections shall be conducted by said inspectors in all things pursuant to the laws of this state applicable to such elections in this state; and the said inspectors of registry and elections in said city, of all elections hereafter to be held, shall be liable to the same ob-

ligations, duties and penalties imposed upon the like officers of elections in townships in this state, and they shall be entitled to the same compensation for their services at all elections as the like township officers are entitled to receive, except as otherwise provided in this act, or by ordinance, and in case of absence, disqualification or inability of any of them, the vacancy shall be supplied in the manner prescribed by the laws of this state in such cases; and every person in said city entitled to vote at such elections, shall give his vote in the ward in which he actually resides at the time of such election, and not elsewhere, and any person voting illegally or offering illegally to vote at any such election, shall be subject to the same pains, penalties and forfeitures incurred by persons so offending at such elections in the townships of this state.

Returns of election.

8. *And be it enacted*, That in all elections for city and ward officers of said city, the inspectors of registry and elections of each of the several election districts in said city, in addition to the other duties required of them by law, shall make and sign a statement of the election in said district for what officers, the number of votes cast for each person voted for, for any office, specifying the names of the persons so voted for, with the number of votes rejected, which statements shall, within forty-eight hours after the closing of the polls, be filed in the office of the city clerk, who shall within five days thereafter, file a true copy of such election returns in the office of the clerk of the county of Hudson.

Vacancies, how filled.

9. *And be it enacted*, That in case any vacancy shall occur in any of the city or ward offices, by resignation, removal, disqualification or death of the incumbent of said office, or in any other manner whatsoever (except in the office of mayor, recorder or alderman), the board of aldermen shall fill, by appointment such office for the unexpired portion of the term; and in case of any such vacancy happening as aforesaid in the office of recorder or alderman, the said vacancy shall be filled by a special election, to be ordered by the board of aldermen, upon a day to be fixed by them, and the same notice shall be given of such special election as is required to be given of a general city election; *provided*, that in case of a vacancy as aforesaid, in the office of recorder it shall be lawful for the board of aldermen, on the nomination of the mayor, to designate any justice of the peace of said city to act as recorder until such vacancy is filled as herein provided; and such justice of the peace, when so designated by resolution of

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the board of aldermen, shall have and exercise all the powers and possess all the jurisdiction of the recorder while acting as such, as well of cases pending in said court and not decided, as of all new matter in said court, and all his official acts as such recorder shall have the same force and virtue and be as valid as if the same had been performed by the recorder himself

Mayor elected annually, and his duties.

10. *And be it enacted*, That the mayor shall be elected annually, but no person shall be eligible to that office unless he shall have resided in the said city at least three years and shall have attained the age of thirty years; it shall be the duty of the mayor to see that the laws of the state and the ordinances of the city are faithfully executed therein, and to recommend to the board of aldermen such measures as he may deem necessary or expedient for the welfare of the city; he shall be the head of the city police force, and as such shall maintain peace and good order in said city, and shall have power to suppress all riots and tumultuous assemblies, and cause to be arrested without process or warrant and to commit for trial, all persons violating, or whom he has reason to believe have violated the laws of this state or ordinances of the city; he shall possess the same powers and authority in criminal cases with which justices of the peace are now invested; all warrants on the treasurer, all contracts or agreements made under the direction or on behalf of said city, by the board of education or water commissioners, and of all other persons acting for and in behalf of the city, shall before they become valid or binding on the city be signed or approved by him; and in case of his absence from the city or his inability to perform the duties of his office, the president of the board of aldermen shall, during the continuance of such absence or inability, be vested with the powers and exercise the duties of mayor; and in case of the death or resignation of the mayor, his powers and duties shall devolve upon the president of the board of aldermen for the unexpired portion of the term; it shall be the duty of the mayor to nominate to the board of aldermen all policemen or watchmen of said city; and he shall have power to remove or suspend any policeman or watchman, and he shall report such removal or suspension to the board of aldermen at its next meeting thereafter, with the reasons therefor, and such removal or suspension may then be confirmed or rejected by said board.

11. *And be it enacted*, That the recorder shall be elected

Recorder and his powers.

at the next charter election after the passage of this act, and every third year thereafter, and he shall hold his office for three years; he shall have all powers in criminal matters that justices of the peace in and for the several counties of the state now have, and shall have like powers as are given to the mayor, to cause to be arrested and committed, without process, any person guilty, or that he may have reason to believe guilty of any crime or misdemeanor, or breach of the peace, and to try all causes or complaints arising from the violation of any ordinance of said city.

His jurisdiction.

12. *And be it enacted*, That the recorder shall have jurisdiction, and is hereby empowered, on oath, affirmation or affidavit made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of said city to issue a process, either in the nature of a summons or of a warrant, as to him may seem most advisable, against the person or persons so violating such ordinance, which process shall, when of the nature of a warrant, be returnable forthwith, and, when in the nature of a summons, be returnable in not less than three nor more than six days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, and in what manner the same has been violated, and then on the return of such process, or at the time to which the recorder shall have adjourned the same, the said recorder shall proceed to hear testimony, and to determine and give judgment in the matter, without the filing of any pleadings; and that the recorder shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and against the body of the

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defendant or defendants; *provided*, that in all cases where the fine or penalty shall exceed twenty dollars, or where the punishment may be imprisonment, there may be a trial by jury, to be conducted as in cases now triable by jury in courts for trials of small causes, and also an appeal as in cases where appeal may now be had from judgments in courts for the trial

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of small causes; *and provided also*, that in all cases an appeal may be made to the board of aldermen for the remission of any penalty that may be inflicted or adjudged; *provided*

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further, that no fine shall be imposed exceeding fifty dollars for each offence, and no term of imprisonment as a penalty

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shall exceed sixty-days for each offence; *and also provided*, that all cases and matters pending in the recorder's court at the expiration of his term, or resignation, or death, or in-

ability to serve, shall be continued before his successors, who shall have jurisdiction of the same as if such recorder were personally present; all books and records of said court shall be the property of the city, and as such shall be preserved and transferred by the recorder to his successor.

How process shall be served.

13. *And be it enacted*, That the officers empowered to serve process issued by the recorder, shall be besides the constables elected or appointed within said city, the policemen of the city, and that said process shall be returned in the same manner so far as circumstances may permit, as warrants for the arrest of persons, issued out of the courts for the trial of small causes are returned; and that the defendant or defendants named therein shall, if the recorder sees fit to adjourn the hearing of the charge made, and so orders, enter into recognizance as near as may be in the manner directed in the courts for the trial of small causes, in the amount of penalty named in the process, or any proceeding to be brought for the recovery of the same, with such surety as may be approved by the recorder, unto the mayor and board of aldermen of the city of Bergen, for his or their appearance on the day to which said hearing may be adjourned; and in default of such appearance, the said recognizance may be prosecuted and collected in the same manner as the same might have been, if the said recognizance had been taken in a proceeding in courts for the trial of small causes.

Recorder to have fees for copies of order, &c.

14. *And be it enacted*, That in all cases in which persons shall bring certioraries to remove the order, proceedings or judgment given or made by the said recorder, it shall be lawful for the said recorder to charge and receive before the delivery of the return thereto, at the rate of ten cents per folio for the same.

Certiorari, how obtained.

15. *And be it enacted*, That no justice of the supreme court shall grant or allow any certiorari to remove any order, proceedings, or judgment to be had or made by the recorder of the said city, unless the party applying for such certiorari shall enter into bond with the mayor and board of aldermen of the city of Bergen, in the sum of one hundred and fifty dollars, with one or more good surety or sureties, conditioned that such applicant shall prosecute the said certiorari in the supreme court, shall pay the penalty recovered before the said recorder, with interest and costs, if the judgment be affirmed, and shall in all things stand by and abide the judgment of the supreme court respecting the order, proceedings

or judgment given or made by said recorder, which said bond shall be tendered to said justice granting such certiorari, to be by him filed with the clerk of the supreme court, for the benefit of the said mayor and board of aldermen, and on failure thereof no certiorari shall be allowed.

Costs in certiorari how paid.

16. *And be it enacted*, That if any proceedings of the said recorder shall, on removal by certiorari, be affirmed by the supreme court, the plaintiff in certiorari shall pay to the defendant all costs on such suit in the supreme court, but if such proceedings be reversed, then the plaintiff in certiorari shall not be entitled to pay any costs; the provisions of this section and of the last preceding section shall extend to the circuit court of the county of Hudson.

Duties of treasurer.

17. *And be it enacted*, That the treasurer shall receive, safely keep, and disburse, under the direction of the board of aldermen, all money collected for said corporation, and shall pay out the same only upon the warrant of the board of aldermen, signed by the mayor, and countersigned by the city clerk; and no warrants on the city treasurer shall be authorized except in pursuance of an order of said board passed at a stated meeting, and entered in their minutes; and such warrants shall be made and numbered, payable to the order of the person or persons to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid.

Duties of city clerk.

18. *And be it enacted*, That the city clerk shall, in addition to the duties required of him by this act, or any other act of this state, have charge of all the records, books and documents of the city, except when the said board shall otherwise direct by ordinance; he shall keep a record of the proceedings of the board; he shall engross all ordinances in a book to be provided for that purpose, with proper indices, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the mayor or acting mayor and said clerk; copies of all papers duly filed in the office of the city clerk, and transcripts thereof, and of the records and proceedings of the board of aldermen, and copies of the laws and ordinances of said city, certified by said clerk under the corporate seal, shall be evidence in all courts and places; that all the books in which the said board of aldermen have caused their ordinances and by-laws to be recorded, and such other book or books, record or records, as shall be by them provided, shall be taken and received as evidence in all

courts and places, of the due passage by said board of any and all ordinances and by-laws recorded therein; and until the contrary be proven, all ordinances and by-laws so recorded shall be presumed to have been regularly introduced, passed and published, according to the requirements of the provisions of this act; that the city clerk shall receive and pay over to the collector of revenue all moneys which by any law or usage may be paid to the clerk of said city.

Duties of overseer of the poor and superintendent of schools.

19. *And be it enacted*, That the overseer of the poor and the superintendent of schools, shall respectively perform such duties as by the laws of this state now appertain to and devolve upon overseers of the poor and superintendents of schools in the townships of this state, subject to the provisions of this act or any ordinance or ordinances passed by virtue thereof, and they shall in addition thereto perform such other duties as the said board shall fix, designate and establish; the street commissioner and the city surveyors shall respectively perform such duties as are provided by law, and by the provisions of this act, and by the ordinances, by-laws or regulations of said board, adopted by virtue thereof.

Duties of collector of revenues.

20. *And be it enacted*, That there shall be appointed by the said board of aldermen a collector of revenues for said city, whose duty it shall be to receive and collect all moneys due to said city, whether for taxes, assessments, arrears of taxes, or otherwise (except for water rents and water taxes), and shall do and perform all other duties which the said board may, by ordinance prescribing his duties, ordain; and it shall be his duty to keep a record of all his proceedings affecting the revenue of the city, and at the end of each and every current year the said proceedings shall be filed in the office of the city clerk; and the said collector of revenue shall pay over all moneys received by him for the city, as soon as collected, to the treasurer of said city, who shall in turn pay over to the treasurer of the state, or to the collector of Hudson county, upon demand, the full quota of taxes required by law to be raised in said city for state or county purposes.

Duties of other officers.

21. *And be it enacted*, That the constables, chosen freeholders, surveyors, pound-keepers, commissioners of appeals, and inspectors of registry and elections, and assessors in the several wards, shall perform the duties required of such officers, by law in the several townships of this state, and the ordiances of said city.

22. *And be it enacted*, That no person elected or appoint-

All officers must take an oath.

ed to any office in pursuance of this act, or of any law or ordinance of the board of aldermen, shall enter upon the discharge of his duties, unless within twenty days after his election or appointment he shall take and subscribe, before the mayor or city clerk, or some other person authorized to administer oaths, an oath or affirmation, faithfully, fairly and impartially to execute the duties of his office according to the best of his knowledge, skill and ability, and shall file said oath or affirmation with the city clerk, who shall keep all such oaths and affirmations on file in his office; and the oath of the city clerk shall be filed by the mayor; and if any such person shall neglect to take such oath or affirmation for twenty days after his election or appointment, or shall neglect within said twenty days to give such security as may be required of him, he shall be considered as having declined such office, and the same shall be deemed vacant.

Official term when to commence.

23. *And be it enacted*, That the official term of the several persons who shall be elected in pursuance of this act, shall commence on the last Monday of April next after their election, and they shall continue in office unto the end of their term; and that the official term of the several officers who shall be appointed by virtue of this act for said city shall commence on the first Monday of May in every year, except in cases otherwise provided for in this act, and they shall continue in office until the end of their term and until others are appointed and qualified in their place, unless removed as herein provided.

Certain officers to give bond.

24. *And be it enacted*, That the city treasurer, clerk, collector of revenue, and such other officers as the board of aldermen may require, shall, before they enter on the duties of their office, give bonds to the city in its corporate name, in such sums and with such sureties as the said board may approve, for the faithful performance of their duties, and all constables shall give bonds to the city in the manner required by law, with sureties to be approved by said board.

Justices of the peace.

25. *And be it enacted*, That for the election of justices of the peace, each ward shall be considered a township, and shall be entitled at least to one justice of the peace.

Duties of assessors.

26. *And be it enacted*, That the assessors before entering upon the discharge of their duties, shall take and subscribe the oath required of other officers of said city; all taxes for the purposes of the city shall be by them assessed in the manner and within the time directed by the laws of this state for

assessing township, county and state taxes; and the said assessors, acting as a board of assessors, shall meet together from to time, as may be necessary before concluding their duties, to determine and compare the justice and propriety of any and all assessments made by them, or either of them, in order that a uniformity in valuation may be established for all portions of said city.

Fines.

27. *And be it enacted*, That all fines inflicted by ordinances shall, when received, be paid into the city treasury.

Penalty for not delivering over property, books and papers.

28. *And be it enacted*, That if any person, having been an officer of said city, shall not within ten days after he shall have vacated or been removed from the office, and upon notification and request by the city clerk, or within such reasonable time thereafter as the board of aldermen shall allow, deliver over to his successor in office all property, books and papers belonging to the city, or appertaining to such office in his possession or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered with costs.

TITLE III.

OF THE POWERS AND DUTIES OF THE BOARD OF ALDERMEN.

Legislative power vested in the board of aldermen.

29. *And be it enacted*, That the legislative power of the city of Bergen shall be vested in the board of aldermen; they shall annually elect one of their number to be president of said board, and in his absence shall elect one of their number to preside for the time being; appoint the times and places of meeting; determine and establish the rules of their own proceedings; be the sole judges of the qualifications of their own members; keep a journal of their proceedings, pass ordinances, by-laws and resolutions, pertaining to the purposes and objects of said corporation, and necessary and proper for carrying out the provisions of this act; and may expel a member for disorderly conduct or a violation of their rules, but no expulsion shall take place except by a vote of two-thirds of all the members elected, nor until the delinquent member shall have had an opportunity to be heard in his defence.

Ordinances to be approved.

30. *And be it enacted*, That every ordinance of the common council, and every resolution of the common council affecting the interest of the city shall, before it takes effect, be pre-

sented, duly certified, to the mayor, and the report of the clerk shall be conclusive evidence that the said ordinance has been so presented to the mayor; if he approve of it he shall sign it, if not he shall return it with his objections, and file the same with the clerk within ten days after he received it; and the said board shall, at its first regular meeting thereafter, order the objections to be entered at large on its journal, after which it shall proceed to reconsider the same; and if two-thirds of all the members elected shall then pass the same it shall take effect as a law; but in every such case the votes shall be taken by ayes and noes and entered on the journal; and if such ordinance or resolution shall not be so returned by the mayor within ten days after he has received it, it shall become a law in like manner as if he had signed it; *provided always*, that each and every ordinance so passed as aforesaid shall be published for the space of ten days in at least two newspapers published or circulated in said city before said ordinance shall go into effect; *provided also*, that no ordinance or by-law shall be enacted or passed by the said common council unless the same shall have been introduced before the said common council at a previous stated meeting, and shall have been agreed to by at least seven of the members of the common council.

Proviso.

Proviso.

Powers of aldermen.

31. *And be it enacted*, That every alderman shall have the power, and it shall be his duty, without warrant, to arrest or cause to be arrested, any person or persons engaged, in his presence, in disturbing the public peace or violating any law of the state or ordinance of the city for the preservation thereof, or of good order or morality, and to bring, or cause such person or persons to be brought before the recorder or a justice of the peace, to be dealt with according to law.

Annual statement of receipts and expenditures.

32. *And be it enacted*, That the said board shall, on the first Monday of April in each year, publish for six days, in at least two newspapers printed and circulated in the county of Hudson, a full statement of all receipts and expenditures of every description for the fiscal year preceding, which statement shall include all moneys which have passed through the hands of the treasurer for any purpose whatever, together with the different sources of revenue, and the amount received under each, with all such other information as may be necessary for a full understanding of the financial concerns of the city.

33. *And be it enacted*, That a majority of the board shall

constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day, and compel the attendance of absent members; the said board shall hold stated meetings at least twice in each month, at such times and places as they may appoint in said city; but the mayor or any two aldermen may call special meetings, by written notice to each of the members, served personally, or left at his usual place of abode at least twenty-four hours previous to the time appointed for such meeting. Meetings of board of aldermen.

34. *And be it enacted*, That resignations of any office held under the provisions of this act, may be made to the board of aldermen; and said board may fill vacancies in office, as provided in this act; that any officer except the mayor may be removed from office for cause, by resolution of the said board; *provided*, that no such removal shall take place until the party sought to be removed has had an opportunity to be heard in his defence, nor unless two-thirds of all the members elected vote therefor; and in case of any such removal, the ayes and nays shall be entered upon the minutes. Resignations of office, and vacancies. Proviso.

35. *And be it enacted*, That all contracts in which said aldermen, or any one of them, shall be interested as individuals, either directly or indirectly, or in which any one of them may be surety for the faithful performance thereof shall be null and void; and no member of said board shall become security for any public officer elected or appointed in said city, and no member shall, during the period for which he was elected, be appointed to, or competent to hold any other city office or ward office in the city of Bergen, the pay or emoluments of which would come from the city treasury. Contracts null and void in which aldermen are concerned.

36. *And be it enacted*, That the board of aldermen shall have power to fix the salary, pay, or compensation of all officers, both elected and appointed (except mayor and aldermen, who shall not be entitled to any compensation,) by general ordinance, and the salary or compensation of any officer or officers which has once been fixed as aforesaid, shall not be increased during the continuance of his term of office. Compensation of officers, how fixed.

37. *And be it enacted*, That it shall be the duty of said board, by ordinance or ordinances, to prescribe and define the duties, and establish all needful regulations, for the government of all officers in the different departments of said city corporation; and to require any of them to make returns and reports at stated periods during the year, and for the Ordinances.

payment into the city treasury of all money, fines, penalties, or from any other source, not herein otherwise provided for.

How made and repealed.

38. *And be it enacted*, That the said board of aldermen shall by their title, "The Mayor and Board of Alderman of the city of Bergen," have power to pass, enforce, alter and repeal ordinances to take effect within the said city, for the following purposes, to wit:

To lay out, vacate and widen streets, &c.

I. To lay out, open, widen, vacate, alter, grade, fill up, refill, establish, alter and regulate the grade and grading of all streets, avenues and roads, side and crosswalks; to ascertain and establish the boundaries of all streets, public alleys and roads in said city; and to authenticate any and all of said improvements by maps or otherwise;

To pave, curb and gutter streets, &c.

II. To pave, macadamize, gravel, curb and gutter the streets, avenues and roads; to construct and build and repair sewers and drains in and from any, or in and from any parts of the public streets, roads, alleys, places, and public grounds in said city; and to construct and repair receiving basins;

To lay side and cross walks.

III. To lay sidewalks of flagstone or other materials; to lay crosswalks of stone; to reset the curbs and gutters in the streets and roads or any part thereof;

To regulate water and gas pipes.

IV. To lay and regulate or prohibit the laying of water or gas pipes in or under the streets and roads or any part thereof, in said city;

Nuisances.

V. To declare what shall be considered nuisances in streets, roads, lots and places in said city; to prevent and remove all encroachments, incumbrances and nuisances in and upon any street, road, sidewalk, lot or enclosure, place or places in said city; and to provide for the sale or other disposition of such incumbrance in or upon the streets or roads;

Streets.

VI. To secure in every respect, to the public and to the adjoining owners, the safe and convenient use of all streets, sidewalks and public places, for the purpose for which they are or may be laid out or dedicated in said city;

Driving of cattle.

VII. To regulate and control the driving of cattle, mules or other animals, in droves, through such streets or roads, only as they shall prescribe;

Docks and wharves.

VIII. To order and regulate the building of all docks, piers and wharves, in and about said city, and the use thereof, when built, and the rates of wharfage, and to make such by-laws and regulations touching the same, not inconsistent with the laws of this state, and the United States, as to said board may appear proper and necessary; and in the building of any

such docks, piers or wharves if more land is thus filled in than may be necessary for the use of such wharf, as a wharf or dock, to lay out proper streets upon the same;

IX. To make and adopt an assessment map, whereby to describe lands assessed for taxes or improvements; Assessment map.

X. To make and adopt a general plan of sewerage and drainage for said city, or any part or parts thereof, conformably to which all sewers, drains, receiving basins, and all other appurtenances of public drainage shall be constructed, and to alter and vary the same; Sewerage and drainage

XI. To prevent horses, cattle, sheep, swine, dogs, goats, geese and all other animals from running at large, and to provide for the impounding and sale of the same; Impounding cattle.

XII. To prevent immoderate and fast driving in the streets, cruelty to animals, and driving over or upon sidewalks, and to regulate the planting and protecting of shade trees; To prevent immoderate driving.

XIII. To prevent riots, disturbances and disorderly assemblages in the streets or in any house or place in said city; to prevent and suppress all gaming houses, and to prohibit gaming, and to restrain and punish all mendicants, vagrants, street beggars and common prostitutes; to suppress vice and immorality; Gaming houses, &c.

XIV. To license and regulate or prohibit inns or taverns, restaurants and beer saloons, and to prohibit all traffic in or sale of intoxicating drink or drinks; to license, regulate and prohibit hawkers, hucksters, butchers, slaughter-houses and markets, on such terms and under such regulations or penalties as the said board shall by ordinance impose; and no other license for such purpose within said city, granted by any other authority, shall be lawful, except licenses granted by the governor to hawkers and peddlers; To license inns and ta vern, &c.

XV. To prescribe the duties and compensation of all officers herein named, not already fixed by statute; To prescribe duties and compensation

XVI. To manage, regulate, control and protect the finances and property of the city, and all school houses and other buildings, and the erecting and maintaining the same; To control finances.

XVII. To establish, regulate and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and their compensation; to provide a suitable and proper police station and lock-up, and all necessary rooms and cells for the safe keeping of criminals, offenders or persons under arrest; To establish police.

XVIII. To establish, regulate and control a fire depart-

To establish fire department.

ment, with power to exempt its members from militia duty in time of peace, and from serving as jurors in courts for the trial of small causes, and the mode of their appointment and removal; to provide fire engines, apparatus and houses therefor; and for the purpose of guarding against fire and protecting the safety of firemen; to regulate the manner of building dwelling houses and other buildings, and of constructing and placing engines, chimneys, ovens, flues, pipes and all matters connected therewith, and the keeping of lights in stables, and the manufacture and keeping of gunpowder, fireworks, and all other dangerous and combustible articles; to provide water for extinguishing fires; and to limit the height, and prevent, in certain limits, to be from time to time prescribed by ordinance, the erection of wooden buildings;

To provide for lighting streets.

XIX. To provide street lamps for, and to light the streets, either by gas or other material;

Board of health.

XX. To provide health laws, and to establish a board of health;

Board of education.

XXI. To establish a board of education, and to provide for their appointment, define their powers and duties, to order and regulate public schools in everything appertaining thereto, in such manner as they shall deem expedient, to expend and appropriate such portion of the state school fund as shall be apportioned to said city, in the same manner as the city taxes for the support of public schools are expended;

Violation of ordinances.

XXII. To prevent the shooting or trapping of birds within the limits of said city, to punish by fines or imprisonment, or both, in the lock-up of said city, all violations of any ordinance authorized by this act, and to provide all means which they may judge necessary to carry into effect the objects and purposes of said city corporation, and to have and exercise all the powers provided in this act;

To regulate interments.

XXIII. To regulate or prohibit interments within the city, and bathing in adjacent waters, the exhibition of shows, caravans, circusses, or all other like matters, the firing of guns, fire-crackers or other fireworks in said city.

Map of the city for streets to be made by commission.

39. *And be it enacted*, That it shall be lawful for the mayor and board of aldermen, by ordinance to appoint a commission for the purpose of designating by map or maps the proper location of all streets to be hereafter laid out in said city, upon lands which have not been laid out in city lots, and dedicated to the public use, and said map or maps, when made

and completed as aforesaid, and adopted and confirmed by the board of aldermen, and approved by the mayor, shall be and remain the established and proper location of all such streets as are described in said map or maps and not elsewhere, the said commission shall consist of four residents and freeholders of said city, one from each ward and a city surveyor, who shall severally be duly sworn or affirmed; and it shall be the duty of such commission to make a survey, and locate streets upon all the lands above-mentioned, according to their best judgment and ability, and for the best interests of said city, for the purpose of establishing greater regularity and uniformality in the location and course of all the streets in said city; and to cause a map or maps to be made, and a report to be made of the same; said report and map or maps shall be filed with the city clerk within such reasonable time as the board of aldermen may designate, by the ordinance creating said commission, or by resolution, whereupon the city clerk shall, within ten days, cause the same to be advertised in two of the Hudson county daily newspapers circulating in said city; and cause one hundred notices to be posted throughout said city, in which notice a time and place must be designated when and where the board of aldermen or their committee will meet to hear all parties interested, verbally or in writing, why said report and map or maps shall not be confirmed and established as the location of all such streets to be opened.

Further proceedings.

40. *And be it enacted*, That when the board of aldermen accept, adopt and confirm such report and map or maps, as is in the last section provided, and the mayor approves the same then all such streets shall be considered as finally located, and when opened thereafter for public use, they shall be opened in conformity with said survey and map or maps, and not otherwise, the same as if they had been dedicated upon application or otherwise by the owners of such real estate, and the costs and expenses of the proceedings herein provided for, shall be assessed upon the land fronting on the line of the streets specified on said map or maps by the commissioners of assessments, and shall be a lien on the lands so assessed, the same as other assessments in this act provided for; and to be collected in the same manner, but no assessment shall be made upon lands through which streets have already been opened and dedicated to the public use by map or otherwise.

Paving streets

41. *And be it enacted*, That the board of aldermen shall provide by ordinance that the city shall pay one third of the

expense and cost of paving the streets of said city with Belgian block, macadamizing, or with such other substantial material as the property holders on the line of the streets may desire on streets now being paved, or which may hereafter be paved; and such payment shall be made out of the proceeds of improvement coupon bonds, to be issued by the city, with interest thereon not to exceed seven per cent. per annum, payable semi-annually, to run not less than ten nor more than twenty years.

Charges for copies of papers in certiorari.

42. *And be it enacted*, That in all cases in which persons shall bring writs of certiorari to remove the proceedings of the board of aldermen, it shall be lawful for the city clerk to charge and receive from the parties bringing such certiorari, or presenting the same, at the rate of ten cents per folio for the necessary return thereto in lieu of his other charges.

TITLE IV.

OF TAXES AND THEIR COLLECTION.

Taxes.

43. *And be it enacted*, That it shall be lawful for the board of aldermen to raise by tax every year so much money as they may deem expedient for the purpose of lighting the streets, supporting a day and night police, for repairing streets and roads, maintaining the poor, supporting and maintaining the public schools, a city prison and lock up, for contingent expenses, and all other purposes authorized by this act; and that the ordinances directing the raising of said tax, shall set forth the amount required for each object, and that the expenditures for such specification shall be confirmed to the objects therein specified, and be appropriated to no other; which tax shall not exceed in any one year ten mills on the dollar of the actual value of property assessed, except obligations for war purposes and improvement coupon bonds; and every male resident of said city over the age of twenty-one years, who is not a pauper, shall be assessed the sum of fifty cents as a poll tax to be applied to the purpose of public schools; and said board may borrow such sum or sums as may be necessary and may secure the payment thereof by bond or other instrument under the common seal and signature of the mayor, attested by the city clerk; but it shall not be lawful for the said board to raise any sum of money by loan unless the repayment thereof shall be provided for from the taxes to be raised in

said city in the same year; *provided*, that in all cases where the said board are authorized to make or levy any assessment for any improvement in said city, they shall be authorized to borrow the amount of any such assessment in anticipation thereof. Proviso.

44. *And be it enacted*, That the board of aldermen may establish by ordinance certain limits in said city, to be called the lamp district, and shall in directing the taxes to be raised each year, designate how much is to be raised for the expense of lighting the streets, and shall provide that such taxes shall be assessed only on property lying within such lamp district; and the assessors shall assess such taxes separately from all other taxes, in the manner aforesaid. Lamp district.

45. *And be it enacted*, That all taxes for the purposes of the city shall be assessed by the assessors in the manner and within the time directed by the laws of this state and in accordance with the provisions of this act for assessing township, county and state taxes; and all taxes so assessed for city purposes shall be collected by the collector of revenue in the same manner as he is by law directed to collect township, county and state taxes, and shall be paid over by him to the city treasurer as soon as collected. Assessment of taxes.

46. *And be it enacted*, That the collector of revenue in said city, in case of the non-payment of taxes on or before the twentieth day of December in each year, shall make out a list of the names of all delinquents, with the sums due from them respectively, and shall deliver the same to the clerk of the city on or before the thirtieth day of December in each year, except when the said day shall fall upon Sunday, and then on the next day following; and it shall be the duty of the said clerk to lay the same before the said board at a meeting thereof held next after the same shall be delivered to him, and thereupon the said board shall deliver the same to a justice of the peace of the city, who shall proceed and issue a tax warrant thereon as provided by law in cases of taxes in townships, which shall be directed and delivered to the collector of revenue, who shall have power to collect the same in like manner in all things as the constables in townships are directed by law; but such collector shall, before he delivers such list to said clerk, take and subscribe an oath or affimation before the mayor or city clerk, or some justice of the peace in the city, that the moneys in said lists mentioned have been duly demanded, or due notice given at the usual place of residence List of delinquent tax payers to be made, and proceedings thereon.

of each delinquent who could be found or may then reside in said city.

Interest on unpaid taxes.

47. *And be it enacted*, That whenever within the said city any tax shall remain unpaid after the twentieth day of December in each year, it shall be lawful for and shall be the duty of the collector of revenue to charge, receive and collect in addition to the amount of said tax, interest thereon to be computed at the rate of twelve per centum per annum from said twentieth day of December until the same is paid, and such interest shall be paid over by the said collector of revenue to the treasurer of the city, in like manner and at the same time as he may be required to pay over to said treasurer all taxes by him collected.

All taxes and assessments to be a lien.

48. *And be it enacted*, That all taxes and assessments which shall hereafter be levied, assessed, or made upon any lands, tenements or real estate situate in the city of Bergen, shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage, or other incumbrance thereon; and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed by the said board for the payment thereof, it shall and may be lawful for the said board to cause such lands, tenements or real estate to be sold at public auction, for the shortest term which any person will agree to take the same, and pay such tax or assessment, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges and expenses, and to execute, under the common seal of said city, a declaration of such sale to be signed by the mayor and the city clerk, and to deliver the same to the purchaser; and such purchaser, his executors, administrators or assigns shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements or real estate for his and their own proper use against the owner or owners thereof, and all persons claiming under him or them, until his said term shall be completed and ended; but said board shall first have caused said sale to be advertised for at least sixty days in at least two daily newspapers generally circulated in said city, and published in the county of Hudson, and also by advertisements put up in at least five public places in said city, which advertisements shall describe the said lands, tenements or real estate, and specify the amount of the assessment or tax, and the recitals in such declaration of sale shall be prima facie evidence in all courts and places of the assess-

May sell land for same and execute a declaration of such sale.

ment, advertising and sale; *provided*, that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant or person interested therein, or by any other person for, or in behalf of the owner, mortgagee, or claimant of such lands, tenements or real estate at any time within two years after the sale for either taxes or assessments, or for both, by paying to the treasurer of the city, for the use of the said purchaser, the purchase money, together with any other sum paid for taxes or assessments which the said purchaser may have paid, chargeable on such lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon, at the rate of fifteen per centum per annum in addition thereto; and the certificate of the treasurer of the said city, stating the payment and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; a mortgagee shall have power to redeem at any time until the expiration of the six months' notice herein specified; no mortgagee whose mortgage shall have been duly recorded before sale for any tax or assessment shall be affected by such sale, unless six months notice in writing shall have been given to him by the purchaser, or those claiming under him, either personally, or if not to be found in the said city, then such notice shall be deposited in the post office in said city, directed to him at his last known place of residence, or at the post office nearest thereto; but nothing herein contained shall be so construed as to impair the lien created by such tax, assessment or sale; that the said term of time for which any land, tenement, or real estate so sold as aforesaid shall not commence, nor shall said purchaser, or those claiming under him, have a right of possession to said land, tenement or real estate, until the two years limited for the redemption of the same shall have expired; and the said purchaser, or those claiming under him, shall, at the expiration of such a declaration of sale, quit and surrender the said lands, tenements, or real estate, in as good state and condition as when he entered thereon, natural wear and accidents excepted.

Proviso that the lands may be redeemed by the owner

49. *And be it enacted*, That the said sale of any lands, tenements or real estate for assessment or taxes may be adjourned or postponed from time to time or suspend the same as said board may direct; and if at any sale, the whole or any part thereof shall remain unsold for want of purchasers, then it shall be lawful for the said board to adjourn the sale not less than thirty days, nor more than sixty days; twenty

Sale of lands may be adjourned, and further proceedings.

days' notice at least shall be given as aforesaid of the said adjournment of said sale; and if at the adjourned sale there shall be no purchaser of said lands, tenements, or real estate, or any part thereof, then it shall be lawful for the treasurer of said city, to purchase the said lands, tenements, or real estate for the use and benefit of the city of Bergen, subject to the redemptions as herein provided for; and all moneys paid for the redemption of said lands, tenements, or real estate as aforesaid, together with such taxes and assessments paid by a mortgagee or judgment creditor, shall be a lien on said lands, tenements, or real estate, for the amount so paid, with interest at the rate of seven per centum per annum, and such lien shall have the preference over all other liens on said lands, tenements, or real estate; and on foreclosure of any mortgage, by such mortgagee redeeming, shall be directed to be made out of said lands; and on the sale of said lands under any such judgment, shall be paid out of the proceeds of the sale; and a complete record of all taxes and assessments shall be kept in the city clerk's office, which record shall contain the time when such assessments and taxes were laid, the time when they were paid, and if the property has been sold therefor, the time of said sale, to whom sold, and if redeemed, when and by whom.

Declarations of sale to be recorded and cancelled.

50. *And be it enacted*, That it shall be the duty of the city clerk to record in a book to be called "records of sales," all declarations of sales as aforesaid, to give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on the certificate of the city treasurer of such redemption, and to file such certificate in the said clerk's office; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming, and one to be filed in the said clerk's office.

Notice of expiration of redemption.

51. *And be it enacted*, That it shall be the duty of the board of aldermen to give notice of the expiration of the time limited for the redemption of all lands sold for assessment and taxes as aforesaid, by virtue of this act, by advertisement as aforesaid, sixty days next preceding the expiration of the time so limited for redemption, specifying the property unredeemed and the amount due thereon.

All real and personal estate taxed except mortgages.

52. *And be it enacted*, That all real and personal estate in said city shall be liable to taxation, except mortgages on real and personal property thereir, which said mortgages shall

be exempt from taxation in the hands of any citizen of this state, and the amount of such mortgage shall not be deducted from the value of the taxable [property] within said city.

53. *And be it enacted*, That all taxes shall be assessed, levied and collected in said city in the manner prescribed in this act, and no act shall be deemed to repeal or modify this section, unless expressed in such act to apply to the city of Bergen by name.

TITLE V.

OF COMMISSIONERS OF STREET IMPROVEMENTS.

54. *And be it enacted*, That it shall be lawful, and shall be the duty of the board of aldermen to appoint three persons, who shall be residents of different wards, and freeholders of said city, to be called commissioners of assessments for street improvements, and they shall take and subscribe the oath required by this act, and shall be appointed annually for the term of one year, as provided in title two of this act; in case any one or more of the said board of commissioners of assessments shall be interested in any assessment or improvements, then the board of aldermen shall appoint some discreet and impartial freeholder or freeholders residing in said city, to serve with said board of commissioners and assessments, in lieu of the commissioner or commissioners so interested, and the person so appointed shall take and subscribe the oath herein provided. Commissioners of street improvement, how appointed.

55. *And be it enacted*, That said board of commissioners of assessments for street improvements shall possess and exercise all the powers in this act prescribed, in all cases and matters referred to them by the board of aldermen, under the control of the mayor and board of aldermen of said city; but this act shall not affect any proceedings in cases of such improvements now in the hands of commissioners, heretofore appointed under the charter of the town of Bergen, and all such proceedings heretofore referred, shall be conducted and concluded by the commissioners to whom the same have been referred, the same as if this act had not passed. Their powers.

56. *And be it enacted*, That all acts required by this act, to be done by said commissioners of assessment, shall be valid and effectual if the same is done by a majority of them; but

each commissioner of assessments shall be notified of the time and place of meeting to consider the subject.

TITLE VI.

OF IMPROVEMENTS AND ASSESSMENTS THEREFOR.

Of improvements, and assessments therefor.

57. *And be it enacted*, That it shall be lawful for the board of aldermen, by ordinance, to lay out, open, alter, widen and vacate any street, road or avenue, or any part thereof in said city; to build sewers, drains and receiving basins in and upon any street, road or avenue in said city, or any part thereof, on application in writing to the said board of aldermen; and all such applications shall be advertised by the board of aldermen in two of the Hudson county daily newspapers circulating in said city, for ten days at least before the ordinance is passed, to carry out the same, which ordinance shall be referred to the commissioners of assessments, who shall examine into the whole matter impartially, and to the best of their judgment, skill and ability; who shall cause a survey and preliminary map to be made of said improvement, distinguishing each lot or parcel by numbers on said map, and they shall estimate the whole cost of said improvement according to the best of their judgment, and shall assess such estimated costs upon the lands and real estate benefitted in proportion to the benefits received, and report the names of the owners of the lots or parcels as far as practicable, with the amount assessed to each, and shall file said report and map with the clerk of said city within twenty days thereafter; the clerk shall give notice of the filing of any such report and map, within ten days after the same shall be filed with him, in two of the Hudson county daily newspapers circulating in said city, and by five notices put up on the line of said improvement.

The proceedings thereon.

58. *And be it enacted*, That unless within twenty days after the filing of said report, as in the preceding section provided, the owners of a majority of the lands to be assessed for such improvement shall file with the clerk of the city a remonstrance, signed by them or their agents lawfully authorized, said board of aldermen shall proceed forthwith to execute and carry out said improvement under said application, and all costs and expenses incurred in such proceedings shall be repaid to the said city by the petitioners for such improvement;

and the board of aldermen shall make such regulations touching the receiving and proceedings upon such petition, and security for the expenses thereof, as they may deem proper by resolution or otherwise; and the said board may refer back said report and map to said commissioners of assessment for alterations or corrections in matters of form or substance when they deem the same necessary.

Expenses and costs assessed upon lands and real estate.

59. *And be it enacted*, That all expenses and costs of proceedings for improvements in laying out, opening, altering, widening, vacating streets, roads or avenues, and for building drains and sewers, when the same shall be completed, shall be assessed by the commissioners of assessment upon, and be paid by the lands and real estate benefitted by the improvement so applied for, in proportion to the benefit received by said lands and real estate; and the said commissioners of assessment shall determine and report in writing to the board of aldermen what proportion of such expense shall be assessed upon each separate lot or parcel of land, and shall accompany such report with a final map containing each lot assessed, and the name of the owner or owners thereof, which report and map shall be filed in the office of the city clerk, whereupon said clerk shall cause to be inserted in at least two of the Hudson county daily newspapers circulating in said city, for at least ten days, a notice of the filing of said report, and he shall also put up five notices on the line of said improvement in said city, and that the board of aldermen, or a committee thereof, will meet at a time and place to be specified in said notice, to be at least ten days from the date of the filing of said report, to consider said assessment, and to receive and consider all objections thereto which may be presented in writing.

When confirmed shall constitute a lien.

60. *And be it enacted*, That if said board of aldermen shall, by resolution, confirm said assessment, it shall constitute a lien on the property assessed for the amount of such assessment, and shall be collected under and by virtue of a general ordinance made by said board for the collection of assessments; and the said board shall have power to return said map and report for correction in matters of form and substance before confirming the same; and in such cases the said commissioners of assessment shall have power to correct the same, and refile the same with the city clerk within ten days after it shall have been so referred back to them; and if the persons assessed neglect to pay to the collector of reve-

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nue upon written notice of the confirmation of the assessment, the said board may proceed to enforce the lien as prescribed under title four of this act, and whenever within said city any assessment on any lot or parcel of land shall remain unpaid for thirty days after the confirmation thereof, it shall be lawful for said board to charge, receive and collect, in addition to the amount of said assessment, interest thereon at the rate of twelve per centum per annum, from the time of the confirmation of such assessment until the same is paid.

Power to pave, grade, &c., any street or avenue, and make assessments therefor.

61. *And be it enacted*, That it shall be lawful for the board of aldermen, by ordinance, to pave, curb, gutter, grade, and alter the grade of, fill up, refill or macadamize, to lay side and crosswalks in any street, road or avenue, or any part thereof, in said city, on application in writing to said board; and all such applications shall be advertised in two of the Hudson county daily newspapers circulating in said city, and also by notices put up in five places on the line of said improvement applied for; and the said board shall then, if they deem proper, proceed to execute the said improvement; *provided*, a majority of the owners of property do not remonstrate against the same, and the costs and expenses of the same shall be assessed upon the lands and real estate fronting on said improvement, according to the benefits received by said improvement, by the commissioners of assessment, who shall make an assessment map and report thereon, with the names of the owners of the lots or parcels, as far as practicable, with the amount assessed to each, and shall file the said report and map with the city clerk within fifteen days after the same shall have been referred to them, whereupon the said clerk shall cause to be inserted in at least two of the Hudson county daily newspapers circulating in said city, for at least fifteen days, a notice of the filing of said report and map, and shall also post notices in at least five places on the line of said improvement, that the board of aldermen, or a committee thereof, will meet at a time and place to be specified in said notice, to receive and consider all objections which may be presented in writing against the confirmation of said assessments; *provided*, that in case of the grading or filling up of streets hereafter to be opened or extended so as to intersect or extend to Wayne street and Montgomery street as now laid out in Jersey City, the assessment for the same shall be made by the commissioners of assessments upon all the real estate which shall be benefitted by said improvements, accord-

Proviso.

Proviso.

ing to the benefits received, anything hereinbefore contained to the contrary notwithstanding.

When confirmed shall constitute a lien.

62. *And be it enacted*, That if the board of aldermen shall thereafter confirm said assessment above-mentioned by resolution, it shall constitute a lien on the property assessed for the amount of said assessment, and shall be collected in the same manner, and shall be enforced as described in title four of this act, all such applications to be governed by the ordinance or ordinances regulating the same; if the application in writing as aforesaid for any improvement above-mentioned shall be made to the board of aldermen, signed by the owners of a majority of the lands fronting upon said proposed improvement, it shall then be the duty of said board to cause such improvement to be made, and to cause the cost and expenses for the same to be assessed, and all further proceedings to be had thereon in the next preceding section already provided in regard to any improvements in said section contemplated and authorized.

Width of streets and avenues.

63. *And be it enacted*, That all streets, roads or avenues to be laid out or opened shall not be less than sixty nor more than one hundred feet in width, and all streets widened, altered or extended not less than fifty nor more than one hundred feet in width; the sidewalks upon either side of any street, road or avenue shall occupy one-fifth of the whole width of said street, road or avenue, and no stoop shall project, nor enclosed area extend beyond the line of said street, road or avenue; and said board shall have power by ordinance to regulate the planting of shade trees upon said sidewalks, and to protect the same; and they shall have power to take any lands that may be necessary for opening, widening or altering of any street or road in said city; but no lands shall be taken for the laying out, opening, widening or alteration of any street, road or avenue, without allowing or paying to the owner or owners thereof the fair value of the lands taken and the improvements and buildings thereon, and the damage done to any district, lot or parcel of land or tenement by taking any part of it for that purpose.

Shade trees.

Lands must be purchased for improvements.

Such valuation is part of the costs and expenses of the improvement.

64. *And be it enacted*, That the valuation of such lands in the last section mentioned, or damages by taking the same, shall be a part of the costs and expenses of the improvement requiring such lands or damages, and shall be distinctly estimated, determined, assessed and collected as provided in title four of this act; in case any dwelling or other building may

be required to be removed for the purpose of said improvement, such dwelling or other building shall be sold at public auction and removed by resolution of said board, and the proceeds of such sale or sales, after paying the expenses thereof, shall be divided pro rata among all persons assessed for said improvement, under such regulations as said board may deem just and proper.

Benefits may be estimated and valued.

65. *And be it enacted*, That the benefits to be done to the residue of any lot or parcel of land, a part of which may be taken for such improvements, shall be estimated in the same manner as to other lands; and the commissioners of assessment shall include in their preliminary and final report the value of the land taken for such improvement, and the value of the erections thereon, and the damages aforesaid, done by taking or removing the same, and to whom said lands belong, and the interest and estate of the several owners in the same as far as practicable; and in case the lands so valued or damaged by such taking, shall be held by a tenant for life for years, and the fee in remainder or reversion, the commissioner shall, in their report, apportion such value and damages between them; and in case any lands assessed shall be held by a tenant for life or years, and such tenant shall pay such assessment, or the same be made by a sale of his interest in said lands, said tenant or tenants, or his or their legal representatives, shall, at the termination of his or their 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 over all other incumbrances.

Amount to be paid to owner or placed in treasury.

66. *And be it enacted*, That upon completing the report aforesaid of the commissioners of assessment, assessing the value of lands so taken, and the damages thereby, the city treasurer shall tender and pay to the owner of said lands, if a resident of the city, the amount of such assessment due him; but if such owner is not a resident of the said city, or if upon inquiry he cannot be found therein, or is a lunatic or idiot, or if for any other lawful cause he is incapacitated to receive the same, or if such owner will not accept the same and sign a proper receipt therefor when tendered, then the

treasurer shall make affidavit of such facts, and file the same with the city clerk; and the board of aldermen shall, after inquiring into the facts of the case, by resolution, direct the amount of such assessment to be placed either in the city treasury or some bank, for the use of the person to whom it may be due; and upon filing such receipt of the owner, or the passing of such resolution by the said board of aldermen, the said lands shall be vested in the city of Bergen, and the city officers may proceed with such improvement, and the said money so deposited shall be paid by property warrant to the person entitled thereto, on demand, without interest, except from such time as a demand therefor may be made and payment refused.

May direct repairs of streets and proceedings thereon.

67. *And be it enacted*, That the board of aldermen may, by resolution passed at any meeting, direct any repairs in the carriage ways or crosswalks of any street, road or avenue within said city, whenever they shall deem such repairs necessary; in cases where such repairs or improvements are not applied for in the manner prescribed by this title, such repairs shall be made by contract or otherwise, as said board may direct, shall be superintended by the commissioner of streets, and shall be paid for by said board upon their approval of the work, out of the moneys raised by tax for repairs of streets; and that all repairs to sidewalks and curbs and gutters shall be made by the owner or owners of the lands in front of which said repairs are necessary, upon the written notice of the commissioner of streets; and if said owner or owners shall be non-residents of said city, it shall be sufficient for the commissioner of streets to post such notice upon, or near the lot or lots in front of which the sidewalk and curb and gutter may require to be repaired or relaid; and if the same shall not be repaired within ten days from the serving or posting of said notice, then it shall be lawful for the said board, by resolution, to direct the commissioner of streets to cause the same to be made; the costs and expenses for repairing and relaying as aforesaid shall be assessed by the commissioners of assessment upon the lands directly in front of which said repairs shall be made, and shall remain a lien thereon, and shall be collected as prescribed by this act for the collection of assessments for improvements.

Grades of streets permanent.

68. *And be it enacted*, That the grade of any street, road or avenue, when established in accordance with an ordinance for that purpose shall be and remain the permanent grade

thereof, and shall not be changed or altered, except upon an application to said board of aldermen by the owners of at least three-fourths of the land to be affected thereby, nor without paying to the owners of any buildings where damages are sustained by the alteration of such grade, the amount of the damage which shall be ascertained and determined by the commissioners of assessment making such assessment; and that the costs and expenses of establishing and authenticating such grade, shall be assessed upon the land fronting on the street, road or avenue, on which or on a part of which such grade shall be established and authenticated, and the same shall be and remain a lien thereon, and the payment thereof enforced in the same manner, and to the same extent as other assessments in this act provided.

How changed.

Sewers.

69. *And be it enacted*, That when any sewer or drain heretofore constructed in said city by individuals, at their own expense, shall be adopted by the board of aldermen as a continuation or receiving sewer of or for any sewer or drain to be constructed under their direction, then the owner or owners of the land fronting on such sewer or drain heretofore made, shall not be assessed for the same.

May make the improvements in all streets.

70. *And be it enacted*, That the board of aldermen are hereby empowered to cause all or any of the improvements authorized by this act, to be made in any of the streets, roads or avenues, whether the same is used as a plank road, railroad or otherwise, (except so far as such improvements may interfere with the corporate rights of such plank road or railroad), in and upon all streets, roads or avenues that have been or shall hereafter be dedicated to the public use, whether they have been actually opened to the public travel or not, and any or all of the said improvements may be made in a part of any such street, road or avenue in said city; and the said board shall have power to regulate the position and construction of all railroads to be laid in any street, road or avenue in said city.

Petition may embrace all improvements on the same street.

71. *And be it enacted*, That the petition filed praying for any improvement contemplated by this act, may embrace any number of improvements upon the same street, road or avenue, or proposed street, road or avenue; but the commissioners of assessment shall return a distinct map and report for each of said improvements embraced in said petition and ordinance.

TITLE VII.

OF WATER COMMISSIONERS AND SEWERS.

Water commissioners, how elected.

72. *And be it enacted*, That the board of water commissioners for said city shall consist of four persons, who shall be residents and freeholders of said city; and the board of water commissioners as now organized and established under the charter of the town of Bergen, shall be continued as the board of water commissioners of the city hereby incorporated, until the next charter election, and they shall have and exercise all the duties and powers prescribed in this act, and be subject to all the provisions of this act; the water commissioners shall be elected from each ward at the next charter election, whose term of office shall be respectively, one, two, three and four years, to be determined by lot after they have been duly qualified, and in the presence of each other, and in the presence of the city clerk who shall record and declare the result; one commissioner shall thereafter be elected annually from the ward in which such vacancy shall occur.

Regular term four years.

73. *And be it enacted*, That the regular term of the water commissioners shall be for four years, and shall commence on the first Monday of May; and the term of one water commissioner shall expire annually, in accordance with this provision, and as now provided in the charter of the town of Bergen.

74. *And be it enacted*, That before said water commissioners shall enter upon their duties they shall take and subscribe the oath required by this act of other officers of said city; in case of vacancy by death, removal, resignation or other disability in the office of any or all of said water commissioners, the same shall be filled by the appointment of the board of aldermen until the next charter election; the president of the board of aldermen shall be a member ex-officio of the board of water commissioners on and after the next charter election of said city.

Shall appoint clerk and engineer.

75. *And be it enacted*, That the board of water commissioners shall appoint suitable persons as clerk, also engineer or engineers of the water commissioners, who shall hold their offices during the pleasure of the commissioners, and shall receive such annual salary as the board of aldermen shall fix as in this act provided; and the clerk shall take and subscribe the oath required by other officers, and he shall give a bond

in such amount and with such sureties as shall be approved by the mayor and the board of aldermen, conditioned for the faithful performance of his duty, which bond shall be filed with the city clerk; and in case the office of said clerk of the water commissioners shall [become] vacant, by death, removal, or other disability, the same shall be filed by the commissioners.

Duties of water commissioners.

76. *And be it enacted*, That said water commissioners shall examine and consider all matters relative to supplying the said city with pure and wholesome water for the use of the inhabitants thereof, and report to the board of aldermen a plan for the introduction and distribution of such water in said city, showing in what streets and roads they propose to lay the main and distributing pipes, and as nearly as may be the estimated cost and expense of the pipes, hydrants, and the putting down of the same; and if the mayor and board of aldermen approve the projected plan and arrangements by ordinance, the said water commissioners shall proceed to carry out the work in accordance with said plan, under the control and direction of the board of aldermen; but nothing herein provided shall impair or affect any proceeding already done by the water commissioners acting under the charter of the town of Bergen.

May issue bonds for constructing water works.

77. *And be it enacted*, That for the purpose of constructing water works as above provided, and all necessary pipes, hydrants, and all other fixtures, and to defray the cost and expense of putting down and completing the same, the mayor and board of aldermen, are hereby authorized to issue the bonds of said city, either registered or coupon, to an amount not exceeding one hundred thousand dollars, payable in not less than ten nor more than twenty years, with interest not exceeding seven per centum per annum, payable half-yearly; and said bonds shall be designated "City of Bergen Water Bonds," and a complete record of all said bonds shall be kept by the city clerk, and copies of such record shall be by him made and delivered to the city treasurer; and the said corporation and all the real estate within the corporate limits of said city, and all chattels belonging to any person or persons, or corporation, residing or being within said city, shall be made liable for the payment of the principal and interest due or to become due on such bonds or any part thereof; and that in order to pay the interest on said bonds, there shall be imposed annually, by the mayor and board of aldermen, a tax of two dollars and fifty cents on every

lot of land twenty-five feet in width fronting on the street or road in which such water pipes shall be laid, or in that proportion if said lot be more or less than twenty-five feet in width on such street; *provided however*, that lots running from street to street owned by the same owner shall not be liable to but one tax for frontage unless the distance between said streets exceeds one hundred feet; and the lands or lots that shall be liable to this tax shall be designated from time to time, by the board of aldermen, by a resolution directing the collector of revenues of the city to collect the same; and it shall be his duty to collect said tax in the same manner as other taxes are collected in said city, and if the same is not paid at the time fixed by law for the payment of the taxes of said city, then the same shall be and remain a lien upon the land in the same manner as other taxes are a lien upon land in said city, and the payment thereof, together with twelve per centum interest thereon, from the twentieth day of December in each year, shall be enforced by the sale of the land as provided for in this act, in other cases of taxation. Proviso.

78. *And be it enacted*, That the said water commissioners shall have the charge and control of all the water works in the said city, and shall fix the rates for the use of the water, and from time to time make and alter all necessary rules and regulations touching the supply and use of the water as they may deem expedient, by and with the approval of the board of aldermen, and shall have power to provide and put down, as aforesaid, at the expense of the city, all necessary fire hydrants, and keep the same in repair; and if any person shall injure or destroy any of the water pipes, fixtures or hydrants, he shall be guilty of a trespass, and all damages shall be recoverable by suit in the name of the city, as hereinbefore provided. Water commissioners to have charge of water works and fix the rates.

79. *And be it enacted*, That the clerk of the water commissioners shall attend the meetings of said water commissioners, shall keep a correct record of all their proceedings, and copies of all contracts and agreements made (the original being filed with the city clerk) by the said commissioners, and copies of all accounts, and rules and regulations made by said water commissioners, and shall keep suitable books containing the names of all persons that use the water, and a description of premises whereon the same is used, and under the direction of said commissioners, he shall collect all water rents, water taxes and penalties, and make out and deliver to the board of Duties of the clerk.

aldermen, at least once a year, and oftener if required, a statement showing the number of consumers of water, the amount received for the same, and the water rents in arrear, if any, and perform such other duties as the water commissioners may prescribe; the said clerk shall pay over to the city treasurer all such money so collected or received, and as soon as collected, and shall take a proper receipt from the said treasurer therefor.

Water rents, when payable.

80. *And be it enacted*, That all water rents shall be payable yearly in advance, and if not paid in accordance with the rules and regulations as established by the water commissioners, and approved by the mayor and board of aldermen, the same shall be and remain a lien on the land, together with all penalties, charges and interest thereon, and the payment thereof by the sale of such land shall be enforced, the same as is provided in this act for the collection of taxes and assessments.

Water commissioners to have entire charge of sewers, &c.

81. *And be it enacted*, That the water commissioners, under the direction of the mayor and board of aldermen, shall have the entire charge of constructing all sewers, drains, culverts, and receiving basins in said city, and every part thereof, and of cleansing and repairing the same, and in the construction of a main sewer or receiving sewer; and the said water commissioners are hereby authorized to extend the outlets of the same to the tide water of New York bay, or to the Hackensack river, or both, as may be deemed by them necessary or expedient; and the assessment for the cost and expense of constructing such sewer or sewers according to the plan adopted as aforesaid, shall be assessed upon the property benefitted by its construction; and it shall be lawful to construct said sewers under the Morris canal whenever it may be necessary.

82. *And be it enacted*, That all contracts in which said water commissioners or any of them may be interested as individuals, either directly or indirectly, or in which any one of them may be security for the faithful performance thereof, shall be null and void.

TITLE VIII.

MISCELLANEOUS PROVISIONS.

Miscellaneous provisions.

83. *And be it enacted*, That all ordinances of the town of Bergen as at present incorporated that may be in force when

this act shall go into effect, so far as the same may be applicable to the city hereby incorporated, and so far as is not inconsistent with this act, shall be and continue in force until altered or repealed by the board of aldermen hereby created; and nothing in this act shall be construed to invalidate or affect any bonds, contracts, agreements or liabilities of the town of Bergen, heretofore legally given, made or entered into, for any purpose whatever. Ordinances of the town of Bergen continued in force

84. *And be it enacted*, That all debts, claims, taxes and assessments due to the town of Bergen, when this act takes effect, shall and may be collected by the mayor and board of aldermen of the city of Bergen, for the use and benefit of the corporation by this act created, and in the manner provided for the collection thereof. Debts may be collected.

85. *And be it enacted*, That all officers of the town of Bergen, now performing duty as such, shall be continued as the officers of the city hereby created, until the end of the term of their election or appointment, and they shall respectively have and exercise all the powers and duties herein prescribed, subject in all things to the provisions of this act, unless otherwise provided for in this act. All officers continued.

86. *And be it enacted*, That upon the trial of any issue, or upon any judicial investigation, to which issue or investigation the city of Bergen is a party, or in which said city is interested, no person shall be deemed an incompetent judge, witness or juror, by reason of his being an inhabitant thereof.

87. *And be it enacted*, That the firemen now or hereafter to be regularly enrolled and recognized by the constituted authorities of the city shall be exempt during the term of their service, and, after having served seven years consecutively, shall forever thereafter be exempted from service on any jury, and also from serving in the militia, except in case of invasion or insurrection; and that certificates of the time that such persons have served as firemen in said city, signed by the mayor and city clerk, shall be evidence thereof; but no firemen of the city shall be exempted from jury duty unless he actually performs all the duties of a fireman in his company, and to entitle him to such exemption he shall present to the board of aldermen a certificate of the foreman, or other chief officer of his company, that he is a faithful and acting member thereof. Firemen, their exemption.

88. *And be it enacted*, That the mayor and board of aldermen are hereby authorized and empowered, for the purpose City may issue bonds for school purposes.

of purchasing sites and erecting school houses in said city, to issue in the name of the mayor and board of aldermen of the city of Bergen, coupon bonds, to be denominated on the face thereof "City of Bergen School Bonds," to an amount in the whole not to exceed fifty thousand dollars, bearing interest at the rate of seven per centum per annum, payable half-yearly, and the principal of said bonds shall be payable at periods not less than ten nor more than thirty years from the date thereof, and the said bonds may be sold at public or private sale, at not less than the par value thereof, at such times and in such amounts only as the proceeds may be required as aforesaid; and for the purpose of paying said bonds and the interest thereon as the same may become due, the said mayor and board of aldermen are hereby authorized to assess and collect a tax of one mill on the dollar of the property assessed in said city, which tax shall be called public school tax, and shall be in addition to any other tax authorized by this act, and the collector of revenue shall collect and pay the same to the city treasurer in the same manner as other taxes, and said tax shall be kept separate and distinct from all other taxes.

Taxes to pay the bonds.

Bonds recorded

89. *And be it enacted*, That all bonds issued as aforesaid shall be signed by the mayor of the city and by the city clerk, under the corporate seal of said city; the clerk shall keep a record of all bonds issued or disposed of, and copies of such record shall be made by him and delivered to the city treasurer; all moneys received from the sale, or otherwise, upon said bonds, shall be paid to the city treasurer, who shall pay out the same in the manner that other moneys are paid out for educational purposes in said city.

Repealer.

90. *And be it enacted*, That all laws and parts of laws relating to the town of Bergen, inconsistent with the provisions of this act, be and the same are hereby repealed; but this repeal shall not affect any proceedings had or commenced under the same when this act takes effect, nor any rights or dues which the town of Bergen or the township of Bergen, or any person or persons, is or are entitled to by virtue thereof.

91. *And be it enacted*, That the legislature may at any time hereafter amend or repeal this act; and that this act shall be a public act, and shall take effect immediately.

Approved March 11, 1868.

CHAPTER CXLIX.

An Act to amend "An Act to regulate elections," approved April sixteenth, eighteen hundred and forty-six.

WHEREAS, serious doubts have arisen as to the legality of the proceedings had for the election of the officers of the township of Union and of the town of Guttenberg, at the election held in the spring of eighteen hundred and sixty-seven; and whereas, the officers so chosen have qualified for the offices to which they were respectively chosen, and have acted in such offices since their election; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proceedings had for the election of township officers of the township of Union, and of the town of Guttenberg, in the county of Hudson, in the spring of eighteen hundred and sixty-seven, and the election of said officers be, and the same are hereby declared to be valid; and that all acts done and performed by such officers be as valid as if they had been in all respects duly elected to the said offices. Declaring election and the acts of officers valid.

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

Passed March 11, 1868.

CHAPTER CL.

An Act to amend "An Act to incorporate the town of Union, in the township of Union, in the county of Hudson, approved March twenty-ninth, eighteen hundred and sixty-four.

WHEREAS, the council of said town, April thirtieth, eighteen hundred and sixty-six, passed "an ordinance to authorize the construction of a sewer in the Hackensack plank road, from a point one hundred feet westerly of Bergen line road, to a point three hundred and sixty feet easterly from Durar Preamble.

street;" and whereas, doubts have arisen as to the validity thereof; and whereas, it is desirable that the same should be validated and confirmed; therefore,

Ordinance valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said ordinance, and all the proceedings of said council thereunder, shall be as valid and effectual in law as if every provision of the town charter had been faithfully and fully complied with, and the same appeared of record on the minutes and proceedings of said council, and no certiorari shall be had or maintained to set aside the same;

Proviso.

provided, however, that nothing herein contained shall preclude the supreme court from setting aside the assessment made by the commissioners appointed by said council, and named in said ordinance, if in the opinion of said court the said commissioners have not properly assessed the lands and real estate benefited by said improvement in proportion to the benefit received thereby; if said assessment is set aside the council may, by resolution, appoint new commissioners to make a new assessment.

Repealer.

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

Passed March 11, 1868.

CHAPTER CLI.

A Further Supplement to an act entitled "An act relating to the assessment and revision of taxes in the city of Newark," approved March fifteenth, eighteen hundred and sixty-six.

May make assessments at any time.

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 assessment and revision of taxes in the city of Newark to commence the valuation of property, and perform any of the duties on them enjoined, at any time during each year, that they or a majority of them may deem best to facilitate the

making of assessments; and all valuations of property and assessments of taxes for each year in said city shall be considered as made on the first Wednesday in April, and shall constitute a lien upon the lands in respect to which the said assessment was made on and from that date.

Clerk.

2. *And be it enacted*, That the said board shall have the power to employ a permanent clerk, who shall, when not otherwise engaged, assist in the office of the receiver of taxes of said city, and who shall be paid as other clerks employed by them.

May make correction of descriptions of property.

3. *And be it enacted*, That it shall be lawful for the said board, or for the treasurer of the city of Newark, to make such corrections in the description of any lands and real estate assessed for taxes as shall be necessary to better ascertain the location and extent thereof; and the taxes assessed upon such lands and real estate shall be and remain a lien upon such lands and real estate according to the said corrected description of the same; *provided*, that all such corrections be made before the public notice is given of the sale of lands and real estate for unpaid taxes.

Proviso.

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

Passed March 11, 1868.

CHAPTER CLII.

An Act to incorporate Wildey Lodge, Number Ninety-one, Independent Order of Odd Fellows, of Camden, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James A. Parsons, R. H. Patton, Joseph P. Hillman, James W. Wroth, George W. Watson, Thomas McDowell, Henry B. Wilson, Josiah Horn, James Deno, their successors, and all persons who now 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 "Wildey Lodge, Number

Name.

Ninety-one, Independent Order of Odd Fellows, of Camden, New Jersey," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity, or elsewhere, and shall be able and capable in law or 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 city of Camden, 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 corporation, by gift, grant, bargain, sale, will, devise or bequest, from any person or persons capable of making the same, and to grant, bargain, sell and dispose of the same for the use of said corporation, and generally to do all and singular such matters and things as may be necessary for the well-being and proper management of the affairs of said corporation, not contrary to the laws of this state or of the United States; *provided*, that the value of the real and personal estate held by said corporation shall at no time exceed the sum of fifty thousand dollars.

May receive property by gift, demise or bequest.

Proviso.

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

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 corporation 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.

Government vested in trustees.

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

Approved March 11, 1868.

CHAPTER CLIII.

An Act to revive "An Act to incorporate the Cape Island City Passenger Railway Company."

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 Cape Island City Passenger Railway Company," approved March second, eighteen hundred and sixty, be and the same is hereby revived. Reviving original charter.

2. *And be it enacted*, That the said railroad shall be commenced within five years, and shall be completed within ten years from the passage of this act. Limitation.

3. *And be it enacted*, That it shall be lawful for the said company to extend their road into the Lower township of the county of Cape May, and to purchase of private individuals or corporations land upon which to construct said road. Extending route.

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

Approved March 11, 1868.

CHAPTER CLIV.

An Act to authorize the Trustees of the Bergen Neck Methodist Episcopal Church of the Town of Bayonne, New Jersey, to sell and convey certain Real Estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Bergen Neck Methodist Episcopal Church of the town of Bayonne, Hudson county, or their successors in office, be and hereby are authorized and empowered to sell and convey a certain lot of land, situate in the town of Bayonne, in the county of Hudson, now held by them in trust as the property, or for the use and benefit of the said society, of the said Bergen Neck Methodist Episcopal Church of the town of Bayonne, by Empowered to sell church property.

virtue of a deed made to them by Thomas McDonald of said place, bearing date June twenty-third, eighteen hundred and fifty-four, and for that purpose to make, execute and deliver a good and sufficient deed of conveyance therefor to the purchaser or purchasers of the same, and that such deed of conveyance shall be good and effectual in law.

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

Approved March 11, 1868.

CHAPTER CLV.

An Act to incorporate the Vineland Safe Deposit Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edwin M. Turner, William A. House, Willis T. Virgil, and such other persons as may be associated hereafter with them, their successors and assigns, shall be and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name,

Name.

style and title of the "Vineland Safe Deposit Company," and by that name, style and title shall be capable of purchasing, holding, leasing and conveying any lands, tenements, goods or chattels necessary or proper for the objects of the

Objects.

corporation hereby created, with power to have, use and adopt a common seal, and to alter and change the same at any time, to sue and be sued, to defend and be defended, in all courts of law and equity, with the power and privilege to receive and hold on deposit and in trust moneys, including the notes, bonds, obligations, bills of exchange, drafts, and accounts of estates and individuals, and of companies and corporations, and the same to purchase, collect, adjust and settle, and also to sell and dispose thereof in any market in the United States or elsewhere, and to receive on deposit for safe keeping stocks, United States bonds and money, upon terms to be prescribed by the by-laws of said company, and to pay or deliver the same upon orders or checks drawn by the person or persons in whose name they are deposited or left, and to collect

coupons of United States bonds, or interest due upon obligations when authorized so to do by parties depositing the same, to draw drafts, and to do a general exchange, commission and collecting business.

Stock.

2. *And be it enacted*, That the capital stock of said corporation shall be ten thousand dollars, with power to increase the same by a vote of the board of directors to one hundred thousand dollars, to be divided into shares of one hundred dollars each, which shall be deemed personal property; and the said company may organize and commence business whenever ten thousand dollars shall have been subscribed and fifty per cent. thereof paid in in cash; all stock subscribed shall be paid in at such times and upon such notice as the board of directors of said company may direct.

Powers of directors.

3. *And be it enacted*, That the business of said corporation shall be managed and conducted by a board of directors of not less than three nor more than five in number, who shall be stockholders in said company, and at the first meeting after every election they shall elect one of their number president, and shall have power to appoint such other officers and agents as they may deem necessary; said board of directors shall hold their office for one year and until others are chosen in their places.

Directors, and how elected.

4. *And be it enacted*, That the directors shall be elected at the annual meeting of the stockholders, which shall be held on the fourth Tuesday in December in each and every year, at such hour and place as the by-laws of said company may direct; and until such annual election shall take place the persons named in this act shall be the directors of said corporation, a majority of whom shall be competent to transact business.

Failure to elect directors not to dissolve

5. *And be it enacted*, That in case an election for directors shall not take place upon the day herein designated for that purpose, the corporation shall not be deemed dissolved, but the stockholders may proceed to hold an election on any other day, ten days' previous notice of the time and place of said election having been first given, at which election and at all meetings of the company each stockholder shall be entitled to one vote in person or by proxy for each share of stock held, and that the principal office of said company shall be at Vineland, Cumberland county, New Jersey.

6. *And be it enacted*, That the officers of said company shall be required to file in the office of the state treasurer bonds of

the United States or of the state of New Jersey or other good bonds to the full amount of stock to be issued before issuing said stock.

Annual statement.

7. *And be it enacted*, That the directors shall, at the annual meeting of the stockholders for the election of officers, exhibit a full and complete statement of the affairs of the company during the preceding year.

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

Approved March 11, 1868.

CHAPTER CLVI.

A Supplement to an act entitled "An Act to establish a system of Public Instruction," approved March twenty-first, eighteen hundred and sixty-seven.

Preamble.

WHEREAS, the annual appropriation from the income of the school fund, for the use of the public schools, exceeds the amount that may be derived from the school fund securities; and whereas there was a large deficiency at the close of the fiscal year ending November thirtieth, eighteen hundred and sixty-seven; therefore,

Appropriation to school fund

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of fourteen thousand eight hundred and seventy-four dollars and forty-seven cents, be and the same is hereby appropriated to the school fund to pay said deficiency, out of any moneys in the treasury belonging to the state and not otherwise appropriated.

Annual appropriation from school fund to public schools.

2. *And be it enacted*, That it shall be the duty of the trustees of the school fund of this state, on or before the first Monday of April in every year, to appropriate out of the annual income for the support of the public schools the sum of thirty-five thousand dollars; and if the annual income of said fund shall not have been received in full, or shall be insufficient for that purpose, then the said trustees are hereby authorized and empowered to draw for any sum necessary to make up the deficiency, by warrant signed by the comptroller upon the treasurer of the state, who is directed to pay the

same; which sum so drawn from the treasury aforesaid, shall be replaced by the annual income of said school fund so soon as the same shall be received.

3. *And be it enacted*, That from the revenue of the state the sum of sixty-five thousand dollars per annum shall be appropriated, in addition to the sum of thirty-five thousand dollars from the annual income of the school fund, as mentioned in the preceding section of this act. Annual state appropriation to schools.

4. *And be it enacted*, That the seventieth and seventy-first sections of the act to which this is a supplement, be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 11, 1868.

CHAPTER CLVII.

An Act to incorporate Morning Star Lodge, Number Seventy, of the Independent Order of Odd Fellows, of the village of Haddonfield, county of Camden, and state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard Snowden, John Stoy, William McKnight, Clayton Hollinshead, Charles F. Redman, trustees, and their associates, officers and members of "Morning Star Lodge, Number Seventy, of the Independent Order of Odd Fellows, of the state of New Jersey," and their successors, be and they are hereby constituted and declared to be a body corporate and politic in law, by the name, style and title of "Morning Star Lodge, Number Seventy, of the Independent Order of Odd Fellows, of the state of New Jersey," and by that name they and their successors shall and may at all times hereafter, be capable in law of having, purchasing, holding and possessing any lands, tenements, hereditaments and personal estate, purchased, devised or bequeathed by any person or persons, body corporate or politic, capable of making the same, and also to have a common seal, and use the same at pleasure; *provided always*, that the said corporation or body politic shall not at any time hold Corporators. Name. May hold real estate. Proviso.

or possess property, real, personal or mixed, exceeding in value the sum of ten thousand dollars.

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

Approved March 11, 1868.

CHAPTER CLVIII.

An Act to incorporate the Joseph Dixon Crucible Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Dixon, Orestes Cleveland, Daniel T. Hoag, Michael S. Allison, Joseph McCoy, Jeremiah B. Cleveland, Job Falkenburgh, David Smith, and William L. Dickinson, and such other persons as they may associate with them and their successors, shall be and they are hereby created a body politic and corporate, in fact and in law, by the name of "The Joseph Dixon Crucible Company," that the capital stock of the said corporation shall be five 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 installments as the directors of said corporation by their by-laws or otherwise may direct; that such payments shall be made either in money or in real or personal property, necessary for the business of said corporation; and in case of payment in real or personal property, the directors of said corporation may issue in payment therefor the stock of the said corporation, upon such terms as they may deem best for its interest; and that in case of the failure of any stockholder to pay any installment on his or her stock, at the place, and within thirty days of the time appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her share and shares of stock, and of all previous payments thereon, for the use of the said corporation.

Name.

Capital stock.

Forfeiture for non-payment of installments.

Capital stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be deemed personal property, and the shares of stock shall be transferable in such manner as the board of directors by their by-laws may direct; and every share of

stock shall entitle the holder thereof to one vote, either in person or by proxy.

Directors, and how elected.

3. *And be it enacted*, That the said corporation may be organized, and shall have all the rights and powers conferred by this act, when four hundred thousand dollars of its capital stock shall be subscribed; that the affairs of the said corporation shall after its organization, be managed by seven directors, to be chosen, except as hereinafter provided, by the stockholders of the corporation annually at such time and in such manner as the by-laws of the corporation may direct, and which directors shall serve for one year, and until others are chosen in their stead, notice of which election shall be previously given for two weeks in a newspaper published in the county of Hudson; the said directors shall from time to time elect a president from their own number, who shall hold his office until the next annual election for directors, and until another shall be elected in his place, and may also appoint such other officers as they may deem necessary; that a majority of the directors shall form a quorum capable of attending to any business; and any vacancy in the board of directors may be filled by the remaining directors until the next annual election; and if for any reason an election for directors shall not be held at the time appointed, the corporation shall not for that cause be dissolved, but such election may be held at any time within one year thereafter, *provided*, two weeks' notice shall be given of such election by the publication thereof in some newspaper published in the county of Hudson.

Not dissolved for failure to elect directors

Proviso.

Commissioners to open books of subscription.

4. *And be it enacted*, That Orestes Cleveland, Michael S. Allison, Job Falkenburgh, Joseph McCoy, Jeremiah B. Cleveland, David T. Hoag, and David Smith, shall be the first directors of the said corporation, and shall be authorized to receive subscriptions to the capital stock of the said corporation, and a majority of them shall as soon as convenient after the sum of four hundred thousand dollars of said capital stock shall be subscribed for, assemble and organize such corporation, and they shall continue in office until others, as hereinbefore directed, shall be chosen in their stead.

Business of corporation.

5. *And be it enacted*, That the said corporation be and the same hereby is authorized and empowered to carry on the business of manufacturing, buying, selling and dealing in plumbago, crucibles, pencils, stove polish, foundry facings, laundry blue, and other articles, and to take, hold, use, possess, convey, mortgage and dispose of real and personal pro-

perty of every description, but shall at all times have an office in this state where legal process may be served on said corporation.

Capital stock may be increased.

6. *And be it enacted*, That the amount of the capital stock of the said corporation may be increased from time to time, as the board of directors shall determine, to an amount not exceeding one million dollars.

7. *And be it enacted*, That the said directors may from time to time make, alter, and repeal by-laws for the government of the corporation, its officers and agents, the preservation and use of its property and the conduct and management of its business; *provided*, that no such by-law shall conflict with any law of this state.

Taxes.

8. *And be it enacted*, That the real and personal property of the said corporation shall be subject to taxation at the office of the company in Jersey City in like manner as the property of individuals, and that the said corporation shall not be subject to any other tax whatever, and its stockholders shall not be subject to any tax on any stock of said corporation held or owned by them, or any of them.

9. *And be it enacted*, That the said corporation shall possess all the rights and powers, and be subject to all the liabilities incident to a corporation, and particularly that it shall possess all the rights and powers, and be subject to the restrictions and liabilities provided for in an act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, and the several supplements thereto, so far as the same are applicable.

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

Approved March 11, 1868.

CHAPTER CLIX.

An Act to authorize a subscription on the part of this state to a new edition of Nixon's Digest of the Laws.

Subscription to Nixon's Digest.

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

hereby is authorized to subscribe for one thousand copies of a third edition of Nixon's Digest of the laws of New Jersey, which may be issued by the publishers of the previous editions; *provided*, that the work shall include the laws up to the end of this present session, and abstract of decisions of the courts of this state, and correspond in all respects to the editions heretofore issued. Proviso.

2. *And be it enacted*, That the sum of seven thousand dollars is hereby appropriated to pay for the said copies, when the same shall be delivered to the treasurer complete. Appropriation

3. *And be it enacted*, That the treasurer deliver to the governor, the secretary of state, the treasurer, the clerks of the supreme court and chancery, the justices of the supreme court, the attorney general, the clerk, surrogate, and board of chosen freeholders of the several counties, the judges of the courts of common pleas, the clerks of the respective townships, and to the members and clerks of the present legislature, each only one copy of said digest. Distribution of copies.

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

Approved March 11, 1868.

CHAPTER CLX.

An Act to facilitate judicial proceedings in the county of Hudson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter there shall be four judges of the inferior court of common pleas of the county of Hudson, in addition to the justice of the supreme court holding the circuit for the said county, one of which judges shall be a counsellor at law of this state, of at least three years standing, any two of which judges, or one of the said judges with the said justice of the supreme court, may hold the orphans court and court of general quarter sessions of the peace of said county. Authorizing four judges of common pleas

2. *And be it enacted*, That such additional judge by this act provided for, shall receive a salary of two thousand five hundred dollars per annum, payable by the board of chosen Salary of additional judge.

freeholders of said county, in quarterly payments, but shall receive no share of the fees or compensation now divisible among the judges in any of the said courts; *provided, nevertheless*, that he shall be at liberty to practice law otherwise than in the courts of said county.

Proviso.

President judge.

3. *And be it enacted*, That whenever the justice of the supreme court shall be absent, such additional judge shall be president judge of the court of common pleas, quarter sessions and orphans court.

Courts of common pleas may hold special terms.

4. *And be it enacted*, That the courts of common pleas and quarter sessions of the peace in and for said county, may hold adjourned and special terms of said court or either of them, under the same regulations already provided by statute in case of the circuit court and court of oyer and terminer and general jail delivery; *provided*, that no special term of said courts shall be held during the month of August.

Proviso

Indictments may be tried therein handed down from general quarter sessions.

5. *And be it enacted*, That indictments for all crimes within the jurisdiction of the court of general quarter sessions of the peace, shall be handed down by the court of oyer and terminer and general jail delivery, unto and be tried in the said court of general quarter sessions of the peace, whenever the said court of oyer and terminer and general jail delivery shall deem it necessary or proper in order to expedite the business of said court and to deliver the jail; *provided, nevertheless*, that the justice of the supreme court presiding in the said court of oyer and terminer and general jail delivery, shall, notwithstanding, be entitled to receive the same fee on each indictment so handed down from such court as now allowed by the law.

Proviso.

Special provisions for speedy trials.

6. *And be it enacted*, That whenever any person or persons shall be charged upon oath before any justice or police justice in the county of Hudson with any offence now triable by law before the court of general quarter sessions of the peace, and such person shall in writing, signed by him or her, addressed to the prosecutor of the pleas of said county, waive indictment and trial by jury and request to be tried immediately, it shall be the duty of said prosecutor, unless the presiding judge of the court of common pleas of said county constituted by this act shall think the public interest will be benefited by denying said request, to apply to the said presiding judge of the court of common pleas of said county for the immediate trial of said person, and said presiding judge shall thereupon call a court of special quarter

sessions, to be composed of himself and at least two other judges of said court, to meet at the court house in said county, which court is hereby empowered and required to try such person with all due speed, having due regard to the circumstances of the case, the public benefit, and the possibility of obtaining necessary witnesses, and to determine and adjudge the guilt or innocence of the person charged; if such person be acquitted by said court he shall forthwith be discharged; if he shall plead guilty or be convicted, said court shall thereupon forthwith render and record such judgment of imprisonment or fine, or both, as shall be authorized by law in case such person shall be duly indicted and convicted; and it shall be the duty of said prosecutor (in person or by deputy) to attend upon said trial, prefer to said court an allegation in writing, alleging the time, place and nature of the offence with which such person is charged, to which such person shall forthwith plead; and the proceedings for bringing such person for trial before said court, his accusation, plea, trial and sentence, subpœnaing of witnesses and the costs of such proceedings, shall be in conformity with law, and especially the proceedings of the thirty-fourth and thirty-fifth sections of the act entitled "An Act for the punishment of Crime," approved April sixteenth, eighteen hundred and forty-six; and the costs now taxable thereunder, and said costs if not paid by the party convicted, shall be paid by the board of chosen freeholders as in proceedings under said sections; *provided*, that no person charged with larceny in said county shall be tried otherwise than before said court or on regular indictment, according to the usual course of proceedings at law; *and provided further*, that if any person arraigned for trial before said court under this act shall be, or profess to be ignorant of the English language, it shall be the duty of said court to cause the writing by such person signed, and the nature of the proceedings to be interpreted and explained to such person, and not to proceed with said trial unless such writing shall be by such person thereupon again signed. Proviso. Proviso.

7. *And be it enacted*, That ten dollars shall be taxed for said prosecutor's attendance at coroners' inquests, and in each case disposed of under this act, as part of the costs aforesaid where a conviction of any person accused shall be had by a plea or otherwise. Fees of prosecutor in attending inquests.

8. *And be it enacted*, That it shall be lawful for said prosecutor to employ such assistants or deputies in the discharge Prosecutor may employ assistants.

of his duties, to be by him alone compensated and directed, as he shall deem necessary, subject to the approval of the court of oyer and terminer for said county as to the persons by him selected therefor.

Clerk. 9. *And be it enacted*, That the clerk of said county shall be the clerk of said court hereby provided for, and shall issue all process, whether of capias, subpœna or execution, which shall be required in carrying out this act, which process shall be delivered to the sheriff of said county, and shall be by him served and returned under the same regulations, and with the same compensation as heretofore; and said sheriff shall be the officer of said court and exercise the same direction and supervision of all constables and subordinate officers attending said court, and in all other things pertaining to the office as heretofore.

10. *And be it enacted*, That this act shall take effect immediately; but the commission of the judge shall bear date and take effect on the first day of April, eighteen hundred and sixty-eight.

Approved March 17, 1868.

CHAPTER CLXI.

An Act to incorporate the Trustees of the Districts of the Conferences of the Methodist Episcopal Church of the state of New Jersey.

Preamble. WHEREAS, it is represented, that according to the discipline and usages of the Methodist Episcopal Church, the district stewards thereof, for the time being, have the management of the temporalities of the districts of the conferences of said church, so far as relates to the support and maintenance of the presiding elders thereof; therefore,

Trustees, and how appointed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the district stewards of each district of the several conferences of the Methodist Episcopal Church in the state of New Jersey, as said districts and conferences are now or may hereafter be constituted, are hereby

authorized to assemble at such place of meeting within the district as the presiding elder for the time being of any such district may designate, he giving to each of the said stewards at least five days notice of the time and purpose of assembling, and when so assembled the said district stewards may, by plurality of votes of such as are present, elect three persons to be trustees of the said district, which said trustees and their successors in office, are hereby constituted a body politic and corporate in law, by whatever name they shall assume, agreeably to the directions of this act.

Name.

2. *And be it enacted*, That said trustees, when they take upon themselves a name, shall certify such name under their hands and seals, and transmit such certificate to the clerk of the court of common pleas of each county embraced in the said ecclesiastical district, whose duty it shall be to record the same, and thereupon the said trustees shall be known and distinguished in law by the name of incorporation so taken, certified and recorded.

May acquire and hold real estate in trust

3. *And be it enacted*, That said trustees and their successors shall, by such name of incorporation, be able and capable to acquire, purchase, receive, have and hold any lands, tenements, hereditaments, legacies, donations, moneys, goods and chattels, in trust for the use of the presiding elder for the time being of such district, to an amount in value not exceeding five thousand dollars a year, and the same or any part thereof to sell, grant, assign, demise, alien and dispose of; to sue or be sued, implead or be impleaded, in any court of law or equity; to make and use a common seal, and the same to alter and renew at their pleasure.

Trustees, how perpetuated.

4. *And be it enacted*, That for perpetuating a line of succession in the trustees of such districts, at their first annual meeting of the district stewards of each district, held after the election provided for in section one of this act, three trustees shall be elected to succeed those mentioned in said section, one of whom shall be elected for one year, one for two years, and one for three years; and thereafter, at the first regular meeting of said district stewards in each succeeding conference year, one trustee shall be elected to fill the place of the one whose term shall have expired; and in case of failure or neglect so to elect, the trustee in office shall be continued until his successor is chosen; said district stewards shall also have the power, at any time, to fill such vacancies as may occur in said board of trustees, by the death or resignation or removal

of any trustee, or his removing out of the limits of the said district, and also for cause deemed by themselves sufficient, shall have power, at any time, to remove from office any or all of said trustees, and elect another or others to fill the vacancy or vacancies thus created as above provided.

Custody of papers.

5. *And be it enacted*, That the said corporation may elect annually, or oftener if desired, one of their own number, who shall have the custody of the common seal, and the papers, deeds, writings, documents and books of or relating to the said corporation, who shall keep the minutes, and enter the orders, acts and proceedings of the corporation, in a book to be kept for the purpose, and who shall deliver the said seal, minutes, papers, deeds, writings, documents and books, when demanded, to the said corporation, under such pecuniary penalty as they shall have previously prescribed.

6. *And be it enacted*, That upon application, any member of the said board of trustees, or of the said board of district stewards, shall have free access to all the papers, deeds, writings, documents, and books of, or belonging to the said corporation.

7. *And be it enacted*, That the proceedings, orders and acts of a majority of all the members of the said corporation or board of trustees, but not of a less number, shall be valid and effectual in law.

8. *And be it enacted*, That no member of the said corporation shall be allowed to vote in any matter or thing which immediately affects himself, his private interest or emolument.

Property exempt from taxation.

9. *And be it enacted*, That all property held by the corporation aforesaid, for the uses aforesaid, shall be exempt from taxation the same as other church property.

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

Approved March 17, 1868.

CHAPTER CLXII.

A Supplement to an act entitled "An act to incorporate the Trustees of Camden Cemetery," approved February twenty-sixth, eighteen hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said trustees be and they are hereby empowered to purchase and acquire additional grounds, adjoining or near said cemetery lot, as may be required for the purposes of said cemetery, not to exceed twenty-five acres. May purchase additional grounds.

2. *And be it enacted*, That for the purpose of purchasing said additional grounds, the said trustees be and they are hereby empowered to issue bonds for an amount not exceeding three thousand dollars, which bonds shall bear interest at the rate of seven per centum per annum, payable semi-annually, and be made payable at such time or times as may be agreed upon by a majority of the said trustees. May issue bonds therefor.

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

Approved March 17, 1868.

CHAPTER CLXIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the villages, boroughs, towns and cities of this state where land for building is usually sold by the lot, the curtilage mentioned in the said act and supplements thereto shall consist of the lot, if only one, or lots, if more than one, whereon the building subject Curtilage defined.

to the lien claim shall be erected, unless the builder or owner shall in good faith have designated by fences or enclosures a different tract as the curtilage, and then the tract so designated shall be deemed to be the curtilage; and that in other cases the curtilage shall not exceed five acres in amount.

Description of curtilage may be altered before entry of final judgment

2. *And be it enacted*, That at any time before the entry of final judgment in a suit under said act, it shall be lawful for a justice of the supreme court, upon the application of either the owner, builder or lien claimant, and upon reasonable notice to the other, to alter the description of the curtilage as set forth in the lien claim, and, in the form of a rule of court in the suit, to determine the true size and description of the curtilage; and in all subsequent proceedings in such suit or in relation thereto, the curtilage so determined shall be treated as if the same had been described in the original lien claim; and such justice for his services under this act shall be entitled to a fee of two dollars, which shall be paid by the applicant, and may be taxed with the costs in such suit.

Repealer.

3. *And be it enacted*, That so much of said act and of the supplements thereto as conflicts with this act, be and the same hereby is repealed.

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

Approved March 17, 1868.

CHAPTER CLXIV.

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

May change route.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the Hibernia Mine Railroad Company to change or alter the location of the route of the said railroad at any point in the township of Rockaway, county of Morris, they may deem it advisable so to do.

May use steam.

2. *And be it enacted*, That the said Hibernia Mine Railroad Company shall have full right and lawful authority to use steam for the transportation of freight and passengers on their road.

3. *And be it enacted*, That the lands, rights, privileges and property necessary to carry into effect the object, purpose and intent of this act may be acquired by said company in the manner directed by the eighth section of the original act of incorporation; and the value of all land and premises, rights, privileges and property, and the damages for taking the same shall and may be ascertained and assessed by the commission to be appointed as in said original act is directed. May take lands as under original act.

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

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

Approved March 18, 1868.

CHAPTER CLXV.

An Act to incorporate the Bergen Point and Staten Island Ferry Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry C. Smith, John S. Hutchinson, John C. Darrow, John Taylor and Charles F. Smith, and such other persons as may hereafter be associated with them by becoming stockholders as herein provided, and their successors are hereby created a body corporate and politic, by the name of "The Bergen Point and Staten Island Ferry Company," for the purpose of establishing and maintaining a steamboat ferry company, in the county of Hudson, across the Kill Von Kull to the shore of Staten Island. Corporators. Name.

2. *And be it enacted*, That the capital stock of said company shall be the sum of twenty-five thousand dollars, to be divided into shares of one hundred dollars each, and that said Henry C. Smith, John S. Hutchinson and John C. Darrow, shall be commissioners to receive subscriptions for said stock and to distribute the same among subscribers, and they shall open books for receiving subscriptions to the capital stock of said company, at some place in the county of Hudson, having Capital stock. Commissioners to open books of subscription.

first given notice by advertisement published for twenty days in the public newspapers of said county, of the time and place of receiving such subscription; that the sum of five dollars shall be paid on each share at the time of subscribing, and the residue as called for by the company, and upon notice having been given in manner aforesaid of calling in any installment, the directors may for non-payment forfeit such stock.

Directors, and how elected.

3. *And be it enacted*, That as soon as a majority of said shares are subscribed for, and the first installment paid thereon, said company may commence business, and said commissioners shall thereupon give notice in the manner aforesaid, of a meeting of the stockholders to choose directors, and at the time and place so advertised for that purpose, and annually thereafter upon like notice, at such time as the by-laws of said company shall direct, the stockholders shall elect five stockholders to be directors of said company, who shall continue such for one year and until others are chosen in their stead, and if no election is held on the day provided by the by-laws, then it may be held on any day afterwards designated for that purpose by the directors upon like notice as aforesaid; and until directors are chosen said commissioners shall be the directors of said company.

Powers of directors.

4. *And be it enacted*, That said directors shall manage and control all the business and affairs of said company, shall choose a president out of their own number, and may appoint a secretary and such other officers as their by-laws may direct; and a majority of the directors and the president shall be residents of this state, and said directors shall have power to fill all vacancies that may occur in their number.

May establish a steamboat ferry.

5. *And be it enacted*, That said company shall have th right, power and authority to establish and maintain a steamboat ferry from any part of Bergen Point, in the county of Hudson, to any point or points on the shore of Staten Island on the opposite side of the Kill Von Kull; and it shall be the duty of said company to keep a steamboat running at said ferry from sunrise to sundown of all seasons of the year, for the accommodation of the public, except when the navigation of the Kill Von Kull shall be impracticable or dangerous.

Rates of charge.

6. *And be it enacted*, That said company shall be entitled to have and receive for transportation over said ferry, the following and no greater rates; for each passenger five cents, for each one-horse wagon and driver twenty-five cents, for each two horse wagon and driver thirty-seven cents, for each man

and horse fifteen cents, for horses, mules and neat cattle ten cents each; and for all other animals, carriages or merchandise, such rates in proportion to the above as the directors shall from time to time ordain.

7. *And be it enacted*, That all acts or parts of acts prohibiting the establishment of a ferry from any part of Bergen Point aforesaid, to the shore of Staten Island or any part thereof, and all acts and parts of acts inconsistent with, or contrary to the provisions of this act, be and the same are hereby repealed, and no other ferry shall hereafter be established or carried on at Bergen Point within half a mile of the pier opposite the Latourette house. Repealer.

8. *And be it enacted*, That this act shall continue in force for thirty years, and the legislature may at any time, when the public good may require, alter or repeal this act; and that if said company shall not establish and commence running their ferry within three years from the passage of this act, then this act shall be void. Limitation.

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

Approved March 18, 1868.

CHAPTER CLXVI.

A Further Supplement to an act entitled "An Act to ascertain by proper proof citizens who shall be entitled to the rights of Suffrage," approved April fourth, eighteen hundred and sixty-six, and the supplements thereto approved March fifth, eighteen hundred and sixty-seven, and April eleventh, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of Burlington, in the county of Burlington, shall be divided into two election districts, in the manner following, viz.: All that part of said township lying north of the Camden and Amboy railroad shall hereafter be the first district of said township, and all that part of said township lying south of said railroad shall be the second district of said township. Township divided into two election districts.

Judges of election.

2. *And be it enacted*, That the registrars and inspectors of elections elected last November, and those annually elected at the fall elections hereafter, after the passage of this act, shall preside at and conduct the annual spring elections or town meetings in the said first and second districts respectively; and each of said board shall appoint a clerk, who shall receive the same fees as other election officers for spring elections, and the said clerks shall perform such duties as is required in the act to which this is a supplement.

Time of opening and closing polls.

3. *And be it enacted*, That at elections to be held annually hereafter in the months of November, and the township elections on the second Tuesday in March of each and every year, the polls shall be opened at eight o'clock A. M., and be closed at seven o'clock P. M.

Repealer.

4. *And be it enacted*, That all acts inconsistent with this supplement or act be and the same is hereby repealed.

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

Approved March 18, 1868.

CHAPTER CLXVII.

An Act to amend an additional supplement to "An Act to regulate Elections," approved April sixteenth, eighteen hundred and forty-six, and the supplements thereto, which said supplement was approved April second, eighteen hundred and sixty-seven.

Assembly districts in Burlington county

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of electing members of the general assembly of this state the county of Burlington shall constitute four districts: the first to be composed of the townships of Bordentown, Chesterfield, Mansfield and New Hanover; the second to be composed of the townships of Springfield, Burlington, Beverly, Willingborough and Cinnaminson; the third district to be composed of the townships of Chester, Evesham, Lumberton and Northampton; the fourth district to be composed of the townships of

Medford, Southampton, Pemberton, Shamong, Woodland, Washington, Bass River, Egg Harbor and Westhampton.

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

Approved March 18, 1868.

CHAPTER CLXVIII.

An Act to incorporate the Woodbridge Town Hall and Improvement Company of Middlesex County.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alexander A. Edgar, Ellis B. Freeman, Charles M. Dally, William T. Ames, Simeon G. Phillips, John C. Barron, David P. Carpenter, Hampton Cutten, John H. Campbell, Alfred W. Jones, William B. Dixon, and all such persons as may hereafter be associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in name, by the name of "The Woodbridge Town Hall and Improvement Company of Middlesex county," and by that name shall be capable in law of purchasing, using, holding, letting, improving, manufacturing, selling and disposing of such real and personal estate in the county of Middlesex as may be necessary or expedient to the objects of this corporation, and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever necessary or useful for the purposes aforesaid; and shall be further entitled to all the privileges and immunities specified in a certain act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same is applicable to the objects of this company. Corporators. Name.

2. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by five directors, a majority of whom shall be residents of the county of Middlesex, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices Directors, and how elected.

respectively for one year and until others are elected; and that the said directors shall be chosen on the first Monday in April in every year, at such time and place as shall be provided for by the by-laws of said corporation, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and notice of the time and place of such election shall be published not less than two weeks previous thereto in the newspapers published in the county of Middlesex, and each stockholder shall be entitled to one vote for each share which he or she may hold in said corporation; and the persons having the greatest number of votes shall be directors, and the said directors may appoint such agents, officers and superintendents, and make such compensations and assign such duties to said agents, officers and superintendents as they shall think fit; and if at any time it shall happen that any vacancy or vacancies occur, from any cause whatever, among the directors of said company, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time, or a majority of them, shall appoint; and until other directors are chosen from the stockholders, the first directors shall be Ellis B. Freeman, Charles M. Dally, Simeon G. Phillips, David P. Carpenter and William P. Ames, who shall hold their office until the first Monday in April next, or until others are legally chosen.

Capital stock.

3. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, with the privilege of increasing it to two hundred thousand dollars, which shall be divided into shares of twenty-five dollars each; and as soon as two hundred shares of the capital stock shall have been subscribed, and the sum of ten dollars on each share so subscribed shall have been paid, or secured to be paid, it shall and may be lawful for said corporation to proceed to carry into effect the objects of said corporation; and after the first installment paid, each shareholder shall pay one dollar per month on each share held by him or her, until the sum of twenty-five dollars for each share is fully paid, and upon the failure of any stockholder to pay three of said installments, the board of directors may forfeit all sums of money theretofore paid by said stockholders, and no stock shall be issued to such defaulting stockholders; and the books of subscription for the stock of said corporation shall be opened at such time and place, and remain open such time in the village of Woodbridge as the directors shall appoint, notice being given pre-

vious thereto for two weeks in a newspaper printed in said county; and the shares of the said capital stock shall be deemed personal property, and be transferable in such manner as the corporation by their by-laws shall direct.

4. *And be it enacted*, That the said company is hereby authorized to let, rent, lease, mortgage, sell and convey all such lands and real estate as they may have and hold, from time to time, in whole or in parcels, and to improve the same by grading, paving, curbing, guttering or flagging, or by constructing sewers or drains, subject to the regulations of the municipal authorities of any cities or villages in which such improvements may be proposed, or by erecting, or causing to be erected thereon public or private buildings of every name, kind and description, and for all proper and legitimate uses and purposes, or by laying off said lands and real estate into lots, and to use the same for agricultural purposes, or in any other way that the said corporation may deem necessary and advisable, and to purchase, make up and manufacture, sell and dispose of, all material pertaining to the erection of such buildings; and the said company are authorized to issue their bonds, bearing interest not exceeding seven per cent. per annum, and to sell and dispose of the same at market value; to secure the payment of such bonds, the said company shall have power to convey or pledge, by way of mortgage, trust, or otherwise, such portion of the property of said company as the directors may deem necessary for the purpose; *provided*, that the amount of bonds issued shall not exceed two-thirds of the value of the real estate held by said company.

May purchase and hold real estate, &c.

May issue bonds.

Proviso.

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

Powers of directors.

Proviso.

6. *And be it enacted*, That in case it shall at any time happen that an election of directors shall not be made on the day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful to hold such elec-

Not dissolved by failure to elect directors

tion on such other day as the directors of said corporation shall direct.

Town hall. 7. *And be it enacted*, That upon said company agreeing to erect a town hall in the village of Woodbridge, Middlesex county, the committee of said town are hereby authorized to subscribe and pay for such amount of the capital stock of said Proviso. company not to exceed the sum of five thousand dollars; *provided*, said amount does not exceed the cost of said town hall; and the amount thus subscribed by them may be assessed, collected and raised by taxation, in the same mode and manner as township taxes are now assessed, collected and raised in said township; and upon the payment of said subscription, the chairman of said town committee shall be ex officio a director of said company.

Dividends. 8. *And be it enacted*, That the directors of said company are hereby authorized, at such times as they may deem proper, to declare, out of their net earnings, dividends in cash or in stock, or both; and if all or any portion of said dividends are declared in stock, then the capital stock of said company shall be increased to the amount of said stock divided, or the stock thereupon issued to the stockholders by said directors.

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

Approved March 18, 1868.

CHAPTER CLXIX.

An Act to incorporate the Irvington and Connecticut Farms Horse Car Railroad Company.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Abm. Parrot, C. Walsh, William A. Shannon, William E. Day, James Tatem, Andrew Hopper and Amos M. Lyon, and such other persons as may be hereafter associated with them, shall be and are hereby ordained, constituted and declared a body politic and corpo- Name. rate, in fact and in law, by the name of the "Irvington and Connecticut Farms Horse Car Railroad Company," and shall

be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the objects of this corporation.

2. *And be it enacted*, That the amount of the capital stock of said company shall be fifteen thousand dollars, with the privilege of increasing the same to thirty thousand dollars, and shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct. Capital stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said company, at such time or times and place or places, as they or a majority of them may think proper, giving at least twenty days' notice of the same in the newspapers published in the county of Essex; and if more than thirty 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 the road; that at the time of subscribing for said stock ten per centum shall be paid in cash upon the amount subscribed for, to the commissioners, or some one of them, and as soon as the sum of five thousand dollars of the capital is subscribed for, the said company shall be organized by the said commissioners, who shall be the first directors of this company, and continue such until such time in the year eighteen hundred and sixty-nine as said company by their by-laws may appoint for the annual election of directors, and the said directors, as soon as may be convenient after said sum is subscribed, and the directors chosen at every annual election of directors, shall choose out of their own 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 power and functions as the by-laws of the said corporation shall provide. Commissioners to open books of subscription. Directors, how appointed, &c.

4. *And be it enacted*, That the number of the directors of

Failure to elect directors not to work a dissolution.

the said compsny shall be seven; and in case it shall happen that an election of directors should not be made during the day, when pursuant to the by-laws of said company it ought to have been made, the said corporation shall not for that cause be deemed dissolved, but such election may be held at any other time, on giving at least twenty days' notice in the newspapers published in the county aforesaid, and the directors for the time being shall continue to hold their offices until others shall have been chosen in their place.

Powers of directors.

5. *And be it enacted*, That a majority of the directors of said company shall be competent to transact all business of said corporation, and shall have power to call in the remaining stock of said company, by such installments and at such times as they may direct, by giving thirty days' previous notice in the newspapers published in the county of Essex; *provided*, that no installment shall exceed five dollars on each share, and that no two installments shall be required to be paid within thirty days of each other; and in case of the non-payment of said installments, or any one of them, they shall have power to forfeit the share or shares upon which said default shall arise to the said corporation; and the said directors shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear useful and proper touching the management and regulation of the stock, property, estate, effects and business of the said corporation, and shall 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 to the president as to the said directors shall seem proper.

Proviso.

May survey, lay out, and construct a railroad, and the route.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some suitable point in the village of Irvington, in the township of Clinton, in the county of Essex, to some suitable point in the village of Connecticut Farms, in the township of Union, and county of Union, said route to run through Irving Place in said township of Clinton, and to locate and construct said railroad, not exceeding one hundred feet in width; and it shall be lawful for said president and directors, their agents, engineers, superintendents, and others in their employ, to enter at all times upon lands for the purpose of exploring, leveling, surveying, and laying out the route of such railroad and of

locating the same, and to make and erect all necessary works, buildings and appendages thereof and therefor, 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 secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, occupy and excavate any such lands, and to erect embankments and all other necessary works thereon, and to lay rails, and to do all 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.

Must obtain consent of township officers before laying rails on streets or highways.

7. *And be it enacted*, That if the said railroad shall be located on any public street or highway, except for the purpose of crossing the same, the said company shall not lay any rails along said streets or highways, nor commence the work for that purpose without first obtaining the consent, in writing, of the township committees, surveyors of the highways, and chosen freeholders of said townships, or a majority of them, to lay the same, which consent shall be filed in the offices of the clerks of the counties of Essex and Union, and the said railroad and the rails thereof shall be constructed in such manner and of such size and pattern as to impair as little as practicable the ordinary travel in any street or highway in which the said road may be located.

Proceedings when company and owners of property cannot agree.

8. *And be it enacted*, That if the said company, or its agent or agents, cannot agree with the owner or owners of such required land for the use or purchase thereof, or, if by reason of legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of the said company in the construction of the said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of said company, and also the name or names of the occupant or occupants, if any there be, 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 counties of Essex or Union, as the case may require, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or, if unknown

or out of this state, to make publication thereof as he shall direct for any time not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice as aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents of this state, commissioners to examine and appraise the said lands and assess the damages, upon such notice, not less than ten days, to be given to the persons interested, or otherwise, as shall be directed by the judge making the appointment of commissioners; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation, before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding), to meet at the time and place appointed, and to proceed to view and examine the said lands, the said commissioners at the same time taking into consideration all the benefits to be derived from or in consequence of said railroad, as the case may be, to the said owner or owners, and to make a just and equitable appraisement of the value of the same, and an assessment of 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 twenty days thereafter, together with the aforesaid description of the lands and the appointments, and oaths or affirmations aforesaid, in the clerk's office of said county, to remain of record therein, which report, or in case of an appeal, the verdict of a jury and the judgment of the court, and a copy thereof certified by the clerk of said county (the damages and costs assessed and adjudged being first paid as hereinafter mentioned), shall at all times be considered plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said lands; and either of the judges of the said court shall, on application of either party, on reasonable notice to the other, tax and allow such costs, fees and expenses to the judges of the said court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

9. *And be it enacted*, That in case the said company, or

owner or owners of the said lands, shall be dissatisfied with the report made by the said commissioners named in the preceding section of this act, the party so aggrieved may appeal to the circuit court of the county in which the land is situated, at the first term after the filing of the said report, by proceeding in the form of petition to said court, which proceedings shall vest in said circuit court full right and power to direct a proper issue for the trial of the said controversy between the said parties, and order a jury to be 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 in the next term of said court to be holden in said county, upon like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the jury to assess the value of the said land and the damages sustained, and if they shall find a greater sum than the commissioners have awarded, or the company have offered to the said owner or owners, then judgment thereon, with costs, shall be entered against the said company and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded or the company offered, then the costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury or execution awarded therefor, as the court shall direct, but such application shall not prevent the company from taking the said land upon filing the said report; *provided*, that in no case whatever shall the said company enter upon or take possession of the lands of any person or persons for the purpose of actually constructing said railroad, or making any erection or improvements whatever, or otherwise appropriating said lands to the use of the company, until they have paid the party or parties entitled to receive the same the amount found by the said commissioners as the value of the said lands or damages; in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners in case there shall be no appeal, or the amount found by the jury in case of 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 as-

Further proceedings upon an appeal to circuit court.

Proviso.

sessed, or found as aforesaid, into the circuit court of the county in which the land so taken is situated, shall be deemed a valid and legal payment; *provided also*, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being debarred thereby from an appeal from the report of the commissioners; and it shall be lawful for said company, and they are hereby authorized, with their road, to cross the line of any other railroad; *provided*, that the grade of the road hereby authorized, at the point or points of crossing such other railroad, shall correspond with the grade of the railroad so to be crossed, or otherwise, at such point or points shall be constructed a viaduct, at such a height as not to interfere with the passage of the trains upon such other railroad.

Proviso.

Proviso.

10. *And be it enacted*, That in case the said railroad is located on or across any road or highway, the said company shall restore such road or highway to such a state or condition as not to impair its usefulness.

May place cars, &c., on road, but not use steam power.

11. *And be it enacted*, That the president and directors of said Irvington and Connecticut Farms Horse Car Railroad Company shall have power to have constructed or to purchase with the funds of the company, and place and use on said railroad, cars, wagons, carriages, or vehicles, for the transportation of persons or any species of property, as they think reasonable, expedient or right, but that no steam power shall be used: 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 whatever thereon, as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than ten cents per mile for each passenger, and twenty-five cents 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 ton per mile for every ton, four cents per mile for every passenger carried on said railroad in the carriages of others, and four cents per mile for every empty carriage not the property of the company; and that the road authorized by this act shall be and is declared a public highway and free for the passage of any railroad carriage thereon, with passengers or property upon the payment of the tolls prescribed by this act; *provi-*

Rates of transportation.

Proviso.

ded always, that the carriages so used thereon shall be of the same description in the formation of 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 and their successors, shall be and remain their property for and during the continuance of the charter; *provided always*, that in case the said company, after the road is complete, shall abandon the same or cease to use or keep it in repair for two full successive years, in any village through which the said road may pass, the charter shall be annulled so far as it affects any of said villages, and the authorities thereof may remove the same and appropriate enough of the materials thereof to defray the expenses of such removal, and for repairing the street or streets; and in case of the abandonment or ceasing to use said road for two full successive years, the title of so much of the land over which the said railroad so abandoned or no longer used is located, shall be reverted to the person or persons who would have been legally entitled thereto if the said railroad had not been located; but the superstructure of the said railroad, and the materials of which the same is composed, shall in such case be deemed and taken to be personal property of the company and shall be by them removed and disposed of within a reasonable time, to and for the use of the said company.

Proviso.

Proviso relating to abandonment of road.

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

Dividends.

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 points along the line of said road as may be necessary for the convenient transaction of business, not exceeding five acres in each place, and may erect and build thereupon depots, warehouses and such other buildings and improvements as they

May purchase hold and convey real estate

may deem expedient for the safety of their property and the necessary uses appertaining to their business.

Route of railroad.

14. *And be it enacted*, That it shall and may be lawful for the board of directors of this company to authorize and empower the horse car railroad company to lay and open the track or tracks for their road, with proper and necessary turnouts and switches in, upon and along the public highway from a point in the village of Irvington to Stuyvesant avenue; thence along the said Stuyvesant avenue to Irving Place; thence along the Connecticut Farms road to Connecticut Farms, and the power and authority so to lay and operate said railroad and switches and turn-outs, when given by said board of directors, shall be sufficient to all intents and purposes to authorize and empower said horse car railroad company so to lay out and operate said railroad, switches and turn-outs in, upon and along the road as aforesaid, or by any other route the said company may elect to take.

Penalty for injuring road or its appurtenances.

15. *And be it enacted*, That if any person shall wilfully or maliciously injure the road, or any buildings, cars, vehicles, animals or works of said corporation, such person 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.

Shall file a statement of cost with secretary of state

16. *And be it enacted*, That as soon as the said railroad is finished, the president of the company shall file, under oath or affirmation, a statement of the amount of the cost of said railroad, including all expenses, in the office of the secretary of state, and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds and expenses of said road; and as soon as the company shall declare to their stockholders dividends equal to seven per centum per annum, from and after the commencement of the building of said road, and so long as the said company pays dividends of seven per centum per annum, the said company shall pay to the treasurer of this state a tax of one-half of one per centum on the cost of the said road, to be paid annually on the first Monday in January.

State tax.

May borrow money on bond and mortgage.

17. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money from time to time as shall be necessary to build, construct or repair said road and furnish the said company with all necessary lands, rails, buildings, cars, vehicles and animals for the use and ob-

ject of said corporation, and to secure the repayment thereof by bond and mortgage or otherwise on the said railroad, land, franchises and appurtenances of or belonging to the said corporation, at a rate of interest not exceeding seven per centum per annum; *provided however*, that the said company shall not plead the statute of usury in consequence thereof. Proviso.

18. *And be it enacted*, That it shall be lawful for the said corporation, at any time during the continuance of its charter, to make contracts and engagements with any other company or corporation, or with individuals, for operating said railroad, for transporting and 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 said company are entitled to demand and receive by virtue of this act for transportation and passage over their own road. General powers.

19. *And be it enacted*, That if the said railroad is not built and in working condition from Irvington to Irving place within two years from the fourth day of July next, and from Irving place to Connecticut Farms within four years from the fourth day of July next, then this act shall become void; but nothing herein contained shall be so construed as vacating the charter, if the said company shall build the said road to Irving place only, within the limitation. Limitation.

20. *And be it enacted*, That the said company shall have power to connect with any railroad running from Irvington into the city of Newark now built, or which may be hereafter built, and also any railroad in the said city of Newark now built, or hereafter to be built and established by any company incorporated by the New Jersey legislature, upon such terms and conditions as shall be agreed upon between them, and not inconsistent with their respective charters. May connect with other roads.

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

Approved March 18, 1868.

CHAPTER CLXX.

An Act to change the width of a certain part of Railroad Avenue in the city of Jersey City.

Preamble. WHEREAS, the southerly side of Railroad avenue in the city of Jersey City, in the county of Hudson, is laid down on the map of said city as a street forty feet wide; and whereas that part of the southerly side of said avenue, extending from a point one hundred feet westerly, from the westerly side of Gilbert street to the western boundary of said city, at the Mill Creek has been opened to the width of from thirty-three to sixty feet; therefore,

Width of Railroad avenue changed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of all that part of the southerly side of Railroad avenue, in the city of Jersey City, extending from a point one hundred feet westerly, from the westerly side of Gilbert street to the westerly boundary of said city at Mill Creek, which is now opened of a greater width than forty feet, be and the same hereby is reduced to the width of forty feet, and that it shall be lawful for all owners of land fronting on that part of said avenue, to take and use all the lands now used as a part of said street or avenue, between the said points which lie south of a line drawn parallel to the southerly line of lands now occupied by the New Jersey Railroad and Transportation Company, and forty feet southerly therefrom, and that all that part of the said street or avenue as now used, lying southerly of such line, be and the same hereby is vacated.

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

Approved March 18, 1868.

CHAPTER CLXXI.

An Act to fix the number of Chosen Freeholders of the county of Union.

Freeholders in Union county.

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 Union," shall consist of one member from each of the townships in said county, four members from the city of Elizabeth, and two members from the city of Rahway.

How elected.

2. *And be it enacted*, That the said members shall be elected annually, at the election held in the said cities and townships for the election of their city and township officers respectively, and in the same manner in the said cities as the mayor in each respectively is elected, and in the said townships in the same manner as other township officers are elected respectively therein, and their term of office shall commence on the second Wednesday in May of each year, and continue for one year therefrom, and until others shall be chosen and legally qualified in their stead.

3. *And be it enacted*, That the chosen freeholders now representing wards of said cities of Elizabeth and Rahway, shall continue in office until others are elected for the said cities respectively under this act.

Repealer.

4. *And be it enacted*, That all acts or parts of acts inconsistent with, or repugnant to this act, be and same is hereby repealed.

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

Approved March 18, 1868.

CHAPTER CLXXII.

An Act to incorporate the Everett Mills of Newark, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James G. Barnet, Robert Stoutenburgh, John McGregor, Francis Mackin, Timothy W. Lord, Cyrus W. Pomeroy, James L. Hays, Martial Dimock and Cyrus Curnir, and all such 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

Name.

in law, by the name of "The Everett Mills of Newark, New Jersey," for the purpose of manufacturing cotton, wool, silk and other fibrous materials, and the various kinds of knit or woven goods in their several branches in the city of Newark, and of selling the same, and carrying on the business incident thereto, and by that name they and their successors shall have succession, and continue a body corporate and politic, and shall in law be capable of contracting and being contracted with, suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts of law and of equity, or in any place whatever, and of doing and causing to be done, all acts needful for the proper management of the funds and property of the said corporation, and carrying on the business for which the said corporation is hereby created; to make and use a common seal, and the

May purchase, hold and convey real estate

same to alter and renew at pleasure; and they and their successors, by the same name, may be capable to acquire, purchase, receive, have, hold and enjoy, and again to sell or otherwise to dispose of, such personal and real estate as may be useful or necessary for the said corporation to carry on the manufacturing operations before mentioned, and such other real estate as shall have been bona fide mortgaged or pledged to them by way of security, or conveyed to them in satisfaction of debts or liabilities previously created in their business, or purchased at sales upon judgments which shall have been

Proviso.

obtained for such debts or liabilities; *provided, always*, that the funds of said corporation, or any part thereof, shall not be used in banking operations.

2. *And be it enacted*, That the stock, property and con-

cerns of said corporation shall be managed and conducted by seven directors, 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 first Thursday of January in every year, at such time as shall be directed by the by-laws of said corporation; and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in one or more newspapers published nearest the place where said election shall be made, 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 said company; and the persons having the greatest number of votes, being stockholders, shall be directors; and the directors chosen at one election be capable of serving by virtue thereof, until another shall be had; and the directors so chosen, may appoint such officers, superintendents and agents, and assign such duties and 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, officers or superintendents, 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 the first directors shall be James G. Barnet, John McGregor, Francis Mackin, Timothy W. Lord, James L. Hays, Martial Dimock, and Cyrus W. Pomeroy, who shall hold their offices until the first Thursday of January next, or until others are legally chosen.

Directors how elected.

First directors

3. *And be it enacted*, That the capital stock of said company shall not exceed five hundred thousand dollars, which shall be divided into shares of one hundred dollars each; but as soon as one hundred thousand dollars shall have been subscribed for and paid in cash, it shall be lawful for said corporation to commence their said business or any part of it, and with that capital to conduct and carry it on until they shall deem it expedient to extend the same; and it shall be lawful for the directors of said corporation or a majority of them, from time to time, to call for and demand from the stockholders, all such sums of money by them subscribed at such times and in such installments as they shall deem proper, under

Capital stock.

pain of forfeiting the shares of said stockholders and all previous payments thereon; if such payments shall not be made within sixty days after a notice shall have been published for the space of thirty days in one or more newspapers published in or near the place where such payment shall be required to be made.

Books of subscription to be opened by directors.

4. *And be it enacted*, That the subscription books shall be opened and kept open until the said sum of one hundred thousand dollars shall be subscribed, under the direction of the board of directors or some one or more of them as may be designated by said board for that purpose, and at such time and place as said board may designate.

Dividends.

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 transferred in such manner as shall be prescribed by the by-laws of the corporation; *provided*, that no dividends shall be made to and among the stockholders except from and out of the profits of the said corporation.

Proviso.

Not dissolved by failure to elect directors.

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

Powers of directors.

7. *And be it enacted*, That a majority of the directors for the time being shall form a board for transacting the business of said corportion, and shall have power when authorized by a majority in interest of the stockholders, to reduce the amount of the capital of said corporation, and 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, property, effects and concerns of the said corporation, and to execute and carry into effect the powers herein given; *provided*, the same are not contrary to the laws and constitution of the United States or of this state.

Proviso

Books of account to be kept.

8. *And be it enacted*, That the directors shall at all times keep or cause to be kept, proper books of account, in which shall be entered regularly, all the transactions of the said corporation, which books shall at all times be open to the inspection of the stockholders of the said company or their

legal attorney or attorneys, and no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

9. *And be it enacted*, That the said corporation may be dissolved at any time by any general meeting of the stockholders specially summoned for that purpose by the president of the said corporation by the direction of the board of directors or a majority of them; *provided*, at least three-fourths in value of the stockholders shall be present or represented therein, and upon such dissolution the directors for the time being, or the survivor or survivors of them, shall be the trustees for settling all the affairs of said corporation and dividing the surplus among the stockholders in proportion to their respective interests therein, unless the stockholders at such meeting shall appoint one or more persons for such purpose, in which case the persons so appointed shall be trustees for the purpose aforesaid. How dissolved. Proviso.

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

Approved March 18, 1868.

CHAPTER CLXXIII.

An Act to incorporate the Salem Creek and Woodstown Canal Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph K. Riley, Samuel H. Weatherby, Allen Wallace, Ewalt Richman, John Hunt, John R. Alderman, James C. Pancoast, Isaiah D. Clawson and Isaac V. Dickinson, of the county of Salem, be and are hereby appointed commissioners to receive subscriptions to the capital stock of the "Salem Creek and Woodstown Canal Company," at such times and at such places as they, or a majority of them may direct, giving notice thereof at least twenty days prior to the opening of the books, by publishing Corporators. Name.

the same in a newspaper printed and circulating in the county of Salem.

Capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be thirty-five thousand dollars, with the privilege of increasing it to seventy-five thousand dollars, to be divided into shares of fifty dollars each, and that ten dollars shall be paid on each share at the time of subscribing, and that the residue of such subscriptions shall be paid in such installments, and at such times and places and to such persons as the president and directors of said company shall from time to time direct and give public notice of; *provided*, that no installment to be called for shall exceed twenty dollars on each share; *and provided also*, that if the number of shares subscribed for shall exceed the number authorized by this act, the said commissioners shall apportion the said stock among the subscribers in the proportion of the number of shares by them respectively subscribed.

Proviso.

Proviso.

Directors, and how elected.

3. *And be it enacted*, That as soon as the sum of fifteen thousand dollars is subscribed and paid in cash, the persons subscribing or holding the same shall be and are hereby incorporated into a company, by the name of "The Salem Creek and Woodstown Canal Company," and by that name shall become capable of purchasing and holding, or otherwise becoming possessed of, and conveying real and personal estate, and shall have all other powers and privileges incident to a body corporate and politic and necessary to carry into effect the purposes of this act; and as soon as the said sum of fifteen thousand dollars is subscribed as aforesaid, it shall be the duty of the said commissioners, or a majority of them, or the survivors of them, to call a meeting of the subscribers at such convenient place in the said county of Salem as they shall direct, giving at least twenty days' notice of the time and place of such meeting in the manner herein directed with regard to opening the books, at which meeting the subscription books shall be laid before the stockholders who may be present, who shall proceed to elect by ballot from among the subscribers, nine directors to manage the affairs of said company, who shall hold their office for one year and until others are elected in their place, of which election the said commissioners shall be judges, and at the expiration of one year, and annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect the same number of directors, who shall hold their office in

manner aforesaid; and at every such election each stockholder may vote in person or by proxy, and shall have as many votes as he, or she, or they have shares of stock.

Directors, and their powers.

4. *And be it enacted*, That within twenty days after the first and every annual election of said company, the said directors shall choose one of their own number as president of said company, who shall hold his office for one year, who shall preside at all meetings of the board of directors, a majority of whom shall always constitute a quorum for the transaction of business, and the said directors shall also, within the time aforesaid, elect and choose a treasurer of said company, who shall hold his office during the pleasure of the board of directors, and who shall before he enters upon the duties of his office, enter into bond to the said president and directors with sufficient sureties for the faithful performance of his office; and the said directors shall have power to supply all vacancies occasioned in the board by death or otherwise, and at every annual election after the first to choose two discreet and impartial men to be judges of said election.

May construct a canal.

5. *And be it enacted*, That it shall and may be lawful for the said company, as soon as they are organized in manner aforesaid, to construct a canal or artificial navigation from Woodstown to Sharptown, in said county of Salem, upon such line or route as the said company may deem most advantageous, which canal shall not exceed sixty feet in width at the water line and seven feet in depth; and to deepen Salem creek at and below Sharptown to some navigable point between Sharptown and Courses Landing in said county of Salem, and for that purpose it shall be lawful for said company by their president and directors, or any agent, engineer or superintendent, to enter upon and explore any land lying between any points above mentioned or adjacent thereto, doing no unnecessary damage; and when the route of said canal shall be fixed, it shall be lawful for said company, by their agents, engineers, contractors or other persons, to enter upon and take possession of such lands as may be necessary for the construction of said canal, by first paying such compensation to the owner or owners thereof as hereinafter directed.

Proceedings when company and owners of land cannot agree.

6. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required land, for the use or purchase thereof, and the damage sustained by such owners, or when such agreement cannot

be made by reason of the absence or legal disability of such owner or owners, it shall be lawful for the president and directors of said company, or the owner or owners of such lands to apply to the judges of the court of common pleas of the county of Salem, who shall on such application appoint three of the board of chosen freeholders of said county, who are in no wise interested in the said lands or in said company, who shall, after giving notice to the parties concerned of the time and place of meeting, proceed to examine the said lands and appraise the value thereof, and the damages sustained by said owner or owners, and make report thereof in writing at the next subsequent term of the court of common pleas in and for said county, and the said company shall pay all the cost arising by the report of the said freeholders, and if either party shall be dissatisfied with such report, and signify the same to said court, the said court shall at the term subsequent to the term to which the said report shall be made, order and direct a proper issue for the trial of the controversy between the parties, and impannel a jury for that purpose, who are to determine the same upon evidence to be adduced by said parties, which determination shall be final and conclusive between the parties, and if the said jury shall find a greater sum than is reported by the said freeholders, then the said company shall pay the cost of such trial, and if they find a sum not exceeding the sum so reported, then the said owner or owners shall pay the cost of said trial; *provided*, the said trial is had at the instance of such owner or owners; and if the said trial is had at the instance of the said company, and the verdict of the jury shall not be less than the sum reported by the said freeholders, then the said company shall be at the cost of said trial, and if it be less than the sum reported, the said owner or owners shall pay the cost of such trial, and the said owner or owners shall be entitled to receive the amount so found by the jury against said company, upon the payment of which the title to said lands shall forthwith vest in said company.

Proceedings in case of appeal.

Proviso.

7. *And be it enacted*, That the said company may erect or cause to be erected on said canal one or more good and substantial locks or tide-gates, which they shall maintain and keep in good repair, to stop the water from flowing through said canal whenever they may think it necessary.

May erect locks or tide gates.

8. *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 the said canal where any public, pri-

Required to construct and keep bridges in repair.

vate, or by-road shall cross the same, so that the passage of carriages, horses, and cattle, on said road, shall not be prevented thereby.

9. *And be it enacted*, That if any person shall wilfully or maliciously injure said canal, its locks, gates, or anything thereunto pertaining; or shall obstruct the navigation thereof, he, she or they shall be liable to indictment, and fined or imprisoned, or both at the discretion of the court (the fine not exceeding twenty dollars, nor the imprisonment three months) before whom he, she or they shall be tried, and shall also be liable to make good all damages the company may sustain thereby. Penalty for injuring works.

10. *And be it enacted*, That as soon as the said canal shall be completed, the said company are hereby authorized to demand and receive such sum or sums of money for tolls and the transportation of persons and every species of property whatsoever on said canal as they shall from time to time think reasonable and proper; *provided*, that they shall not charge more than at the rate of four cents per ton per mile toll for the transportation of every species of property, nor more than five cents per mile toll for the carrying of each passenger on the canal. May demand toll. Proviso.

11. *And be it enacted*, That if any person or persons shall pass through said canal as aforesaid, without first paying the toll according to the rates aforesaid, he shall forfeit and pay to the said company a fine not exceeding forty dollars, to be sued for and recovered by action of debt, with costs, before any court having cognizance thereof. Penalty.

12. *And be it enacted*, That if any toll-gatherer, agent, or any person acting under the authority of said company, shall unnecessarily stop or hinder, or delay any boat, vessel, scow or craft that may navigate the same, or shall take more toll than by this act is authorized, he shall for every such offence forfeit and pay to the party injured the sum of twenty dollars, to be recovered by action of debt, with costs of suit, in any court having cognizance thereof, in the name and for the use of the party injured. Penalty.

13. *And be it enacted*, That the president and directors of said company shall, as soon as the affairs of the company will admit, declare and make such dividend as they may deem prudent and proper of the net profits thereof, and shall, semi-annually thereafter, if the affairs of said company will admit thereof, declare such further dividend or dividends, and pay the same to the stockholders of said company in proportion Dividends.

to the amount of shares held by them respectively, or, in case they fail to do so, assign their reasons to the stockholders in writing for not so doing.

Limitation. 14. *And be it enacted*, That if the canal shall not be commenced within five years after the passage of this act, or shall not be completed within ten years, this act shall be void.

Approved March 18, 1868.

CHAPTER CLXXIV.

An Act to incorporate the Citizens' Gas Light Company, of the city of Newark.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Moses Bigelow, William H. Murphy, John McGregor, John Hall, Andrew A. Smalley, George A. Clark, Nehemiah Perry, John H. G. Hawes, Orson Wilson, Isaac Pomeroy, Frederick G. Agens, James F. Bond, Frederick Stevens, James M. Durand, William D. Kinney, James H. Tichenor, David Anderson, 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

Name. "The Citizens' Gas Light Company of Newark," and by the said name the said corporation shall have corporate power in all courts of law and equity, and shall have power and authority to manufacture, make and sell gas, to be made of

Objects of corporation. coals or other materials, for the purpose of lighting the streets, buildings, manufactories, and other places in the city of Newark, in Essex county, and to enter into and to execute all contracts, agreements or covenants in relation to the

May purchase and hold real estate. objects of this corporation, and to enforce the same, and be capable of purchasing, taking, holding and disposing of such property, real and personal, as is necessary to give effect to the purposes of this corporation, and for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold, and dispose of for the purpose of securing debts which have become due to them in the course of the business of the said corporation;

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 being first obtained in writing from the owner or owners thereof. Proviso.

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 said city of Newark, and to do all things necessary to light the said city or any part thereof; *provided*, that the public travel shall at no time be unnecessarily affected or impeded by the laying of said pipes, or the erection of said posts, and the streets, side and crosswalks, public grounds, lanes, avenues and squares shall not be injured, but all be left in as good and perfect condition as before the laying of said pipes or the erection of said posts. Powers of corporation. Proviso.

3. *And be it enacted*, That Moses Bigelow, William H. Murphy, Andrew A. Smalley, John H. G. Hawes and John McGregor, are hereby appointed commissioners for receiving subscriptions for the sum of one hundred thousand dollars, to constitute the capital stock of said corporation, in shares of fifty dollars each, and the said commissioners, or a majority of them, shall open books for that purpose, at such time and in such place or places within said city of Newark, as they shall designate by a public advertisement, to be previously inserted for at least one week, in a public newspaper printed in the said city of Newark, and shall continue the same open until the said one hundred thousand dollars shall be subscribed, or at their discretion close the same after they shall have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof as aforesaid; and the sum of ten per centum upon each share so subscribed, shall be paid by each subscriber, at the time of subscription to the said commissioners or a majority of them; and each subscriber shall be entitled to receive a receipt for the installments paid by him on account of such stock, from said commissioners, and as soon as the said one hundred thousand dollars shall have been subscribed, the amount so received by the said commissioners, at the time of subscription shall by them or a majority of them, be paid over to the directors of the said company, to be elected as hereinafter directed, and all the power of said commissioners shall then cease and determine; and the said board of direct- Commissioners to open books of subscription.

ors when so elected, shall have power, and they hereby are authorized to open the books for the further subscription of stock hereinafter provided, until the whole amount of said stock is subscribed, and are also authorized to call upon the said subscribers for the payment of further installments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures of installment or installments already paid in, as they may deem expedient, until the whole amount due on said shares so subscribed, shall have been fully paid; *provided*, that no such installment shall exceed ten per centum upon each share, and that no installment shall be required to be paid by any subscriber, without public notice of said installment being due and payable, to be previously inserted for twenty days in a public newspaper printed in the said city of Newark.

Proviso.

Directors, how elected.

4. *And be it enacted*, That the management of the concerns of said company shall be vested in nine directors, to be selected from the stockholders, and the said directors shall choose by a plurality of votes a president from among themselves; and when one hundred thousand dollars of said capital stock shall have been subscribed as aforesaid, the beforenamed commissioners, or a majority of them, shall convene the said stockholders, by public notice to be given as first aforesaid, and at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their offices until the second Monday in January next succeeding their selection, and until others are chosen in their stead; and on the second Monday of January in each year, at such time and place as a majority of the directors may appoint, the said stockholders shall meet for the purpose of electing a board of directors for the ensuing year, and public notice shall be given of the time and place of holding such election, by advertisement, for ten days in a newpaper published in the city of Newark; and any vacancy in the said board of directors may be supplied by the board of directors until the next election, and all elections shall be by ballot of the stockholders or their proxies, allowing one vote for each share of stock held upon the books of the company.

Failure to elect not to work a dissolution.

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.

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, and have power to make by-laws, rules and regulations not repugnant to the constitution or laws of the United States or of this state, or the provisions of this act, for the government of the said corporation, the management and disposition of the stock and the property thereof, and the duty of the officers, clerks and persons employed therein, the election of directors and all other matters appertaining to their business or concerns, and may appoint as many officers, clerks and servants, and with such salaries and allowances as shall to them seem necessary; and the said board of directors shall have power to make and declare from the profits and earnings of the company such dividend and dividends among the stockholders from time to time, and make the same payable in such manner as to them may seem expedient. Powers of directors.

7. *And be it enacted*, That the capital stock of said corporation may be increased upon the consent of the stockholders representing a majority of the stock to any amount not exceeding five hundred thousand dollars; and all the stock of said corporation shall be transferable according to the by-laws and regulations of the company, and shall be considered personal property, and the stock and transfer books shall be open at all times to the inspection of the stockholders. Capital stock may be increased.

8. *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, roads, avenues, or public grounds of any of the townships of the county of Essex, adjoining the said city of Newark, excepting the township of East Orange, and with the same privileges, and upon the same conditions, and with the same limitations, as by the provisions of this act they can lay them in the said city of Newark. May lay down their pipes in the townships of Essex county.

9. *And be it enacted*, That if any person or persons shall wilfully do or cause to be done any act or acts whatsoever, thereby to injure any conduit, pipe, cock, metre, machine or structure whatsoever, or anything appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding three hundred dollars, and imprisonment at hard labor not exceeding two Penalty for injury to works.

Proviso. years, or both; *provided*, that such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit hereby authorized to be brought for any such injury as aforesaid, by and in the name of the said corporation in any court of this state having cognizance of the same.

Books of account to be kept. 10. *And be it enacted*, That the said company shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open for the inspection of the stockholders.

May divide profits with consumers. 11. *And be it enacted*, That any portion of the profits of this company may be divided to the consumers of gas supplied by this company at any time upon the written consent or vote of those persons holding two-thirds of the stock of said company, in such manner as may be provided in the by-laws, and in such case said company shall thereafter be known as "The Citizens' Mutual Gas Light Company," and under such name be entitled to all the privileges and subject to all the restrictions of this act.

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

Approved March 18, 1868.

CHAPTER CLXXV.

An Act to incorporate the National Lock Company of New Jersey.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Sherman Gould, A. M. Bradshaw and Henry C. Williams, and such other persons as may be hereafter associated with them, and their successors and assigns, be and are hereby made a body politic and corporate

Name. in law, by the name of "The National Lock Company of New Jersey," to be located at Farmingdale, in the county of Monmouth, for the purpose of manufacturing locks and all other kinds of building hardware of whatever description, of which iron, copper and other metals form the material part,

and of buying, selling and dealing in the same, and for that purpose may purchase, sell and convey, mortgage, lease, or otherwise dispose of such real and personal property as may be needful and proper for use in carrying on said business, or may accrue to them in consequence thereof.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, divided into shares of one hundred dollars each, and that the said company may increase their capital stock from time to time, and may issue shares accordingly; but said stock shall at no time exceed in amount the sum of one hundred thousand dollars.

Books of subscription to be opened.

3. *And be it enacted*, That it shall and may be lawful for the persons named in the first section of this act, or a majority of them, at such time and place as they may select, to open books of subscription to the capital stock of said company; and whenever the sum of twenty-five thousand dollars shall have been subscribed, and the sum of ten thousand dollars actually paid in, it shall and may be lawful for the said corporation to commence and carry on its said business under the provision of this act.

Real estate, &c., may be received in payment of stock.

4. *And be it enacted*, That any buildings, lands, materials or machinery, which may be purchased or leased by said corporation, may be received in payment for subscription to capital stock, at a valuation approved by a majority of the board of directors; and any such payments shall be deemed and taken to be part of the sum to be actually paid in as required by the third section of this act.

Election of directors.

5. *And be it enacted*, That the stock, property and affairs of the said corporation shall be managed by not less than three nor more than ten directors, to be chosen by the stockholders of said company annually, at such times and in such places as the by-laws of said company shall direct; and said directors shall also be stockholders in said company, and shall serve for the term of one year and until others shall be chosen in their stead, and notice of said election shall be previously given for three weeks at least in the newspapers published in the county where the election is to be held; that a majority of said board of directors shall constitute a quorum for the transaction of business; that the said directors shall from time to time elect a president out of their body, and shall also elect and employ such other officers as may be convenient and necessary; that said directors may fill vacancies in their own board until the next annual election, or until others shall be

chosen in their stead: and that Sherman Gould, A. M. Bradshaw and Henry C. Williams shall be the first directors of said company, who, or a majority of them, shall, as soon as convenient after the passage of this act, assemble and organize said company, and shall continue in office until others as hereinbefore directed shall be chosen in their stead.

Stock personal property.

6. *And be it enacted*, That all shares of the capital stock of said company shall be deemed personal property, and shall be transferable in such manner as shall be prescribed by the by-laws of said corporation; but no transfer of stock shall be valid unless it be entered and registered in the book or books to be kept by the directors for that purpose.

Stock forfeited if installments are unpaid.

7. *And be it enacted*, That it shall be lawful for the directors of said company to call for and demand from the said stockholders of said company all such sums of money by them subscribed, and in such proportions as they shall deem proper, under the penalty of forfeiting the shares by them respectively held, and all previous payments made thereon if such payments be not made in sixty days after notice in writing shall have been given to the person subscribing for such stock, or notice thereof shall have been published for the same length of time in the newspapers printed and published in the county of Monmouth.

By-laws, rules, &c.

8. *And be it enacted*, That the directors of said company may make such by-laws and regulations as they deem expedient for the government, management and disposition of the stock, effects, profits and concerns of the said company, not contrary to the constitution and laws of this state or of the United States.

9. *And be it enacted*, That 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, anno domini eighteen hundred and forty-six, and the supplements thereto, as far as the same are applicable.

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

Approved March 18, 1868.

CHAPTER CLXXVI.

An Act to incorporate the Rahway Co-operative Building Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Peter P. McIntyre, Horace H. Roberts, John C. Coddington, William M. Esler, Augustus T. Jennings, John D. Belmer, Edward Hulse, and their associates, shall be and they are hereby declared to be a body corporate and politic, in fact and in law, by the name of "The Rahway Co-operative Building Association," for the purpose of purchasing real estate and erecting buildings, and for that purpose shall be capable of purchasing, holding, leasing, mortgaging and conveying any lands, tenements, privileges, rights, goods and chattels as may be useful or necessary for the purpose aforesaid. Corporators. Name.

2. *And be it enacted*, That the capital stock of the said corporation shall be one hundred thousand dollars, with the privilege of increasing to two hundred and fifty thousand dollars, divided into shares of five hundred dollars each, and the persons named in the first section of this act shall be commissioners to receive subscriptions to said capital stock, at such place in the city of Rahway, and county of Union, as a majority of them may appoint, giving at least one week's notice thereof in two newspapers published in the city of Rahway; and as soon as twenty-five thousand dollars of said capital stock is subscribed, and five per centum thereof paid in cash, shall give thirty days public notice in the newspapers published in the city of Rahway of a meeting of the stockholders for the purpose of choosing directors, a treasurer, and completing the organization of said association; each stockholder shall be entitled to one vote, and only one, without regard to the number of shares of stock held by him; each stockholder shall vote in person and not by proxy; *provided*, that duly authorized agents may vote in the place and stead of their principals, but in no case shall any such agent be entitled to more than one vote, notwithstanding he may be agent for and acting on behalf of more than one stockholder. Capital stock. Completing organization. Proviso

3. *And be it enacted*, That the affairs of said association shall be managed by not less than five and no more than Directors, and how elected.

seven directors, one of whom shall be president, and a majority of whom shall constitute a quorum for the transaction of business, who shall hold their office for one year and until others are chosen in their stead; and every year thereafter, at such time and place, and upon such notice as the by-laws of said association may appoint, an annual election shall be held for directors, a treasurer, and such other officers as the by-laws may require.

Vacancies, how filled.

4. *And be it enacted*, That said association shall have power to make by-laws needful for the government thereof and concerning the management of its affairs; in case of vacancy in any of the offices of said association by death or otherwise, the office so vacated shall be filled by a vote of the association at any monthly meeting thereafter, a majority of the stockholders present being necessary for a choice.

5. *And be it enacted*, That the stock of said association shall be deemed personal estate, and shall be transferable on the books of the association in such manner as the by-laws shall direct, and no dividends shall at any time be made, except from the net profits of the association.

Not dissolved for failure to elect directors

6. *And be it enacted*, That in case an election for directors shall not be held on the day prescribed by the by-laws, the said corporation shall not therefor be deemed dissolved, but the said election shall be held on such other day as the directors may appoint.

7. *And be it enacted*, That it shall require a two-third vote of all the stockholders to alter or amend the constitution or by-laws of said association.

8. *And be it enacted*, That a regular book of accounts shall be kept in the office of the said association at the city of Rahway, in the county of Union, to which book every stockholder may have full and free access at all reasonable times for inspection.

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

Approved March 18, 1868.

CHAPTER CLXXVII.

Supplement to an act entitled "An act for the more effectual organization of the Militia," approved April sixth, eighteen hundred and sixty-five.

Proceedings to obtain military property in the hands of persons.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the quartermaster general of this state, or any military officer of this state, charged with the care and responsibility of public property, and who shall have given bonds to the quartermaster general for the safe keeping and return of the same, shall by petition verified by his oath or affirmation, represent to any court of common pleas that a certain person, whom he shall name in such petition, resident in said county, has in his possession and illegally detains, any arm or arms, article or articles of clothing or equipments, the property of this state (describing the same generally), for the safe keeping and return of which such person has not given bonds to the quartermaster general or to the state, after demand made for the same by the said military officer, or by any person by him duly authorized to receive the same, upon filing said petition it shall be lawful for the said court to cause a rule to be entered in the minutes of said court, ordering the party complained against to shew cause, at such short day as the said court shall appoint to deliver up the same to the said military officer by said day, or to show cause on that day before said judge why the same shall not be so delivered up, a copy of which said rule, certified by the clerk of said court, shall be served on said delinquent personally, at least two entire days before the day of hearing, or left at his residence or place of abode, at least four entire days before such day of hearing, which service may be made by any constable of the county.

Further proceedings.

2. *And be it enacted*, That if the said party complained against shall not deliver up said arm or arms, article or articles of clothing and equipments in said petition mentioned, at or before the day of hearing so appointed by the court, or show good cause to the contrary, on due proof by affidavit of the service of a copy of said rule according to law, it shall be lawful for the said court to issue forthwith an attachment for contempt against said party, and he shall be held as in

contempt, and dealt with accordingly until he shall comply with the order of the court, or deliver up said arm or arms, and article or articles of clothing and equipments to the said military officer filing the petition, or to the sheriff of the county for him, and pay the reasonable costs of such proceeding, to be taxed by the court for the use of the county.

May demand a trial by jury.

3. *And be it enacted*, That if the said person so complained against shall at any time before such day of hearing demand a trial by jury, it shall be the duty of said court to issue a venire facias to the sheriff of said county, to summon a jury of twelve men, competent as jurymen, according to law, to be and appear before said court, at such time as shall be expressed in such writ, to make a jury for the trial of such complaint made against the said person; if the verdict of the jury shall be against the party complained against, and if he shall fail within a reasonable time, to be fixed by the court, to deliver the property and pay the costs as aforesaid, he shall be deemed in contempt, and proceeded against as prescribed in the preceding section.

Prosecutor of county shall conduct proceedings.

4. *And be it enacted*, That the proceedings shall be conducted by the prosecuting attorney of the county where the petition is filed, and the costs shall be paid in the first instance by the sheriff of the county in which the complaint is made.

Commissioned officers must give bond for clothing.

5. *And be it enacted*, That it shall be the duty of the quartermaster general, before furnishing uniforms to the non-commissioned officers and privates who shall elect to be so furnished with such uniforms by the state, upon the requisition of the commandant of the company, countersigned by the commandant of regiment or battalion and corps to which said company is attached, to require the commissioned officers to give bond, with satisfactory security, that the said uniforms shall be kept in the armory of such company for safe keeping, for the use of the company, until the said uniforms shall be accounted for, as provided in section sixteen of the act to which this is a supplement.

Authority for quartermaster general to cancel bonds.

6. *And be it enacted*, That it shall and may be lawful for the quartermaster general of this state, at his discretion, to cancel the bonds given for arms or equipments, or other military property of this state, by any officer or officers of the militia of this state whenever said quartermaster general shall be satisfied by or from the accounting of, or on behalf of such officer or his surety or sureties for such arms, equipments or

other property, that the same has been lost or destroyed by misadventure, or in the service of this state or the United States, and without fraud or culpable negligence on the part of such officer or officers, or his or their surety or sureties.

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

Approved March 18, 1868.

CHAPTER CLXXVIII.

An Act to incorporate the Ridgefield Park Hotel Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edward K. Alburtis, Isaac Dayton, John J. Anderson, William S. Banta and John H. T. Banta, and their associates, and all other persons who shall become subscribers and owners of the capital stock hereby created, shall be and they and their successors are hereby incorporated and made a body politic, in fact and in law by the name of "The Ridgefield Park Hotel Company," Name. and by that name shall have power to lease or purchase and hold real estate in the county of Bergen, and to erect and maintain thereon a boarding house and boarding houses and hotels and other buildings and improvements for the accommodation of boarders and visitors, and to transact all such business as may be incident or appertaining to the erecting, furnishing, conducting, leasing or holding said premises or otherwise disposing of the same for the purposes aforesaid, and to mortgage or sell and convey said real estate or any part thereof in fee simple.

Capital stock.

2. *And be it enacted*, That said corporation shall have power to raise by subscription a capital stock of fifty thousand dollars, in shares of one hundred dollars each, with liberty to increase the same whenever a majority of the directors of said corporation shall so determine, which capital stock shall be personal property, and be transferable in such manner as the by-laws of said corporation shall direct; and each share of such capital stock shall entitle the bona fide

holder thereof to one vote, either in person or by proxy, at all meetings of the stockholders.

Commissioners to open books of subscription.

3. *And be it enacted*, That the persons named in the first section of this act are hereby appointed commissioners to secure subscriptions to said capital stock, at such time and place in the county of Bergen as a majority of them may appoint; and they shall convene the stockholders for the purpose of organizing said corporation; and the said stockholders when so convened may elect directors, not less than three nor more than five in number, who may appoint such officers as they shall deem necessary, and the said directors and other officers shall hold their respective offices until others are elected in their stead; and in case of a vacancy in the board of directors by death, resignation or otherwise, a majority of the remaining directors shall have power to fill such vacancy.

How dissolved.

4. *And be it enacted*, That the said corporation may be dissolved whenever the stockholders representing three-fourths of the amount of said capital stock shall so determine at a meeting held for that purpose, and of which all the stockholders shall have received five days' previous notice in writing specifying the object of such meeting; and in such case the directors for the time being shall be trustees to sell and dispose of the property of said corporation, who shall divide the proceeds of such sale, after payment of the debts and liabilities of said corporation, pro rata among the stockholders.

Debts not to exceed capital and may be secured by mortgage.

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, and the same or any part of said debts may, by order of the board of directors, be secured by mortgage upon said real estate.

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

Approved March 18, 1868.

CHAPTER CLXXIX.

A Further Supplement to the act entitled "An Act to revise and amend the Charter of the City of Newark," approved March eleventh, eighteen hundred and fifty-seven.

Proceedings upon repairing of streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when more than one-half of the owners of the frontage on the line of any street, or section thereof, which is now paved, shall apply to have such street or section repaved, it may be lawful for the common council to order and cause the repaving thereof, and they shall assess upon the owners of the lots fronting upon the line of such streets or sections thereof, two-thirds of the costs and expenses of such repaving, and the city treasury shall bear the remaining one-third; and the city shall be entitled to all the old material; said assessment to be made in all respects as were required by the act to which this is a supplement, and the supplement thereto, in cases of the original paving of streets.

City may issue street improvement bonds.

2. *And be it enacted*, That it may be lawful for the mayor and common council to issue temporary loan bonds to an amount not exceeding at any one time one hundred thousand dollars, to be called "Street Improvement Bonds of the City of Newark," not to be issued for a longer period than three years from the date thereof, and bearing interest not greater than seven per centum per annum; said bonds to be used for street improvements and for no other purpose whatever.

Manner of assessing damages and benefits.

3. *And be it enacted*, That hereafter in assessing and estimating the damages that any owner or owners of land and real estate will sustain by taking and appropriating such lands and real estate for public improvements, the commissioners appointed for such purpose by the common council, shall not have regard to the benefit to the owner or owners thereof by making such improvements as aforesaid, nor shall it be necessary for them to make any declaration thereof in their report; but the benefits acquired thereby shall, in all cases, be estimated and assessed under and in pursuance of the provisions contained in the one hundred and fifth section of the act to which this is a supplement.

4. *And be it enacted*, That it shall be lawful for the may-

May issue bonds for certain purposes.

or and common council of the city of Newark, to issue bonds under their corporate seal, and the signature of the said mayor, for an amount not exceeding one hundred and twenty-five thousand dollars, with coupons attached, bearing interest payable semi-annually, at a rate not exceeding seven per centum per annum, and payable at such time or times as may be agreed upon by the common council, not exceeding twenty years from the date thereof; "pledging the credit and the whole property of the city for the payment of the same," which bonds it shall be lawful for the said mayor and common council to sell at public or private sale as the proceeds of the same may be needed, for the best price they can obtain for the same, and they shall apply the net proceeds of the sale thereof to the following named purposes, and to no other purpose whatever, to wit: fifty thousand dollars for the extension of the alms house of the city of Newark, or if deemed best for the interests of the city, for the purchase of land, and building an alms house; fifty thousand dollars for the purchase of a site and building an hospital for the city of Newark, and twenty-five thousand dollars for the erection of a building to be used as an armory and other purposes; and if either of the amounts above named are more than sufficient for the purpose specified, then the unappropriated balance shall be paid over to the commissioners of the sinking fund hereinafter named, and added by them to the said fund.

Principal to be under control of commissioners of sinking fund.

5. *And be it enacted*, That the principal of the debt created under and by virtue hereof, shall be paid from the same sources as the permanent debt of the city authorized by the charter is now being liquidated, and the payment of the same shall be under the care and control of the "commissioners of the sinking fund of the city of Newark," created by an act approved March tenth, eighteen hundred and fifty-nine, and the said commissioners are hereby authorized to cancel an amount of the bonds of the city of Newark, known as the permanent debt bonds held by them, as shall equal the amount authorized to be issued by this act.

Fees for copies of papers in certiorari.

6. *And be it enacted*, That in all cases in which persons bring writs of certiorari directed to the mayor and common council of the city of Newark, it shall be lawful for the said mayor and common council to demand and receive from the parties bringing such certiorari, at the rate of ten cents per folio for the necessary returns thereto.

Repealer.

7. *And be it enacted*, That all acts and parts of acts incon-

sistent with this act are hereby repealed and this act shall take effect immediately.

Approved March 18, 1868.

CHAPTER CLXXX.

A Further Supplement to "An Act to incorporate the Hainesport Boarding House Company," approved March eighteenth, anno domini eighteen hundred and fifty-eight.

Capital stock may be increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors of "The Hainesport Boarding House Company" aforesaid, shall have power, and are hereby authorized to increase the capital stock of said company at any time or times to any amount not exceeding in all one hundred and fifty thousand dollars; and the directors of said company may, at their discretion, enforce payment of subscriptions to the capital stock of said company in the same manner as debts of like amount are by law recoverable.

2. *And be it enacted*, That it shall and may be lawful for the directors of said company to agree upon a seal for said company, with a suitable device, which seal the said directors shall have power to alter, break, or renew at pleasure.

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

Approved March 18, 1868.

CHAPTER CLXXXI.

A Supplement to the act entitled "An Act to prevent Animals from running at large in the borough of Bordentown and in the city of Newark," approved April third, eighteen hundred and sixty-five.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the above named act as relates to the city of Newark, be and is hereby repealed.

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

Approved March 18, 1868.

CHAPTER CLXXXII.

An Act concerning Roads in the township of Middletown, in the county of Monmouth.

Powers of township committee as to roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Middletown, in the county of Monmouth, shall have power to expend in the improvement of the roads of said township in such manner as they shall deem for the best interests thereof, such portion of the moneys voted at the annual town meetings of said township, for repairs of the said roads, as may be designated by the voters at such meeting, and for the purpose of such improvement the said committee shall have power to make any contracts that may be necessary or proper.

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

Approved March 18, 1868.

CHAPTER CLXXXIII.

A Further Supplement to the act entitled "An Act to incorporate the town of Orange," approved January thirty-first, anno domini eighteen hundred and sixty.

Collector of taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That instead of a collector being elected in and for each ward in said town as heretofore, there shall be hereafter but one collector of taxes for the whole town, to be chosen by ballot at the annual town election in each and every year, by the legal voters of the town at large; and such officer shall have the same powers and perform the same duties, and receive the same compensation and be subject to the same restrictions, in every particular, as the collectors of the several wards under existing laws.

Interest on unpaid taxes.

2. *And be it enacted*, That all taxes hereafter assessed, and which shall not be paid on or before the first day of December next thereafter, shall draw interest from such date until paid, at the rate of three per centum per month; and that no allowance or reduction shall hereafter be made in case of the payment of taxes prior to the twentieth day of October in any year.

Powers of common council.

3. *And be it enacted*, That the common council shall have power, in addition to the ordinances, by-laws and regulations authorized by the act to which this is a supplement, or by any supplements thereto, by a majority of their whole number, to pass all such ordinances, by-laws and regulations, for either or both of the following purposes, as they may judge proper, namely:

To clear sidewalks and gutters.

I. To enforce the removal of snow, ice or dirt from all sidewalks and gutters in said town, which may have been flagged or curbed, whether under an ordinance of the common council or otherwise.

To regulate building within certain limits.

II. To regulate and control, or to forbid and to prevent, the building or erection upon either side of Main street in said town, between High street and Park street, of any building or buildings of which the outer walls shall be constructed, either in whole or in part, of wood or other combustible material.

4. *And be it enacted*, That all taxes which shall be here-

Assessments made a lien on real estate, which may be sold if unpaid, giving right of redemption to owners, &c.

after levied or assessed, and all assessments which may hereafter be made, under and in pursuance of the said act, or any supplement or supplements thereto, against any person or persons or any corporation, or upon any lands and real estate, for the laying out, opening, altering, widening, straightening, grading or working of any street, avenue or highway, or any part thereof, or for working or altering the grade of any street, avenue or highway, or any part thereof, shall be liens upon all the lands, tenements and real estate of such person or persons or corporation, situate in said town, or upon the certain lands and real estate upon which the same shall be levied, assessed and made, as the case may be, and, with interest upon the same and all costs and fees, shall remain liens thereon for the space of three years from the twentieth day of May of the year in which said tax or assessment shall be levied, assessed and made, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereof, and notwithstanding any mistake in the name or names of the owner or owners, or omission to name the real owner or owners; and that such tax or assessment may be collected either in the way now or hereafter provided by law, or may be enforced by the sale of such lands, tenements and real estate; and that if the full amount of any such tax or assessment, with legal interest thereon, shall not be paid and satisfied within one year after the time when said tax becomes due and payable, according to the provisions of said act or of any supplement or supplements thereto, or when said assessment becomes due and payable as may be appointed by the common council for the payment thereof (which appointment they are hereby authorized to make by ordinances enacted in the usual manner), it shall and may be lawful for the said common council to cause such lands, tenements or real estate to be sold, at public auction, for the shortest term, but in no case exceeding fifty years, for which any person or persons will agree to take the same, and pay such tax or assessment, or any balance thereof remaining unpaid, with the interest thereon, and all costs, fees and expenses, such payment to be made before the close of the sale, or if not so made, the treasurer to resell the property, free from any claim of the first purchaser, and to execute, under the common seal of said town, a declaration of such sale, to be signed by the mayor and town clerk, and to deliver the same to the purchaser; and such purchaser, his or her executors, administrators and

assigns, shall, by virtue thereof, hold and enjoy the said lands, tenements or real estate, for his, her or their own proper use, against the owner or owners thereof, and all persons claiming under him, her or them, until said term shall be completed and ended; *provided*, the said common council shall first have caused said sale to be advertised for at least sixty days in the newspapers in said town, and, also, by advertisement put up in at least five public places in said town, which advertisement shall describe the said lands, tenements or real estate, and specify the amount of assessment or tax, and the recitals in such declarations of sale shall be evidence of the assessment, advertising and sale; *and provided, also*, that the said common council may, in such advertisement, correct any errors in the description of said property so as to properly identify the same; *and provided, also*, that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant, or other person interested therein, or by any other person or persons for or in behalf of the owner, mortgagee or claimant of such lands, tenements or real estate, at any time within three years after the sale for either taxes or assessments, or for both, by paying to the treasurer of the town, for the use of said purchaser, the purchase money, together with any other sum paid for tax or assessment, which the said purchaser may have paid, chargeable on such lands, tenements or real estate (and which he is hereby authorized to do), with interest thereon, at the rate of fifteen per centum per annum, in addition thereto; and the certificate of the treasurer of the town, stating the payments, and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; and any mortgagee shall have power to redeem at any time until the expiration of the one year's notice hereinafter specified; no mortgagee whose mortgage shall have been duly recorded before sale for any tax or assessment, nor any assignee thereof, shall be affected by such sale unless one year's notice in writing shall have been given to him or them by the purchaser, or those claiming under them, either personally, if resident in said town, or, if not to be found in said town, then such notice shall be deposited in the post office at or nearest to said town, directed to him or them at their last known place of residence, as stated in said mortgage or in any assignment thereof, but nothing therein contained shall be so construed as to impair the lien created by such tax, assess-

Proviso.

Proviso.

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Proviso ment or sale; *and provided also*, the said term of years for which any lands, tenements or real estate shall be sold so as aforesaid shall not commence, nor shall said purchaser, or those claiming under him, have a right of possession to said lands, tenements or real estate, until the three years limited for the redemption of the same shall have expired; and the said purchaser, or those claiming under him, shall, at the expiration of the time limited in such declaration of sale, quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereon, damage by the elements, as well as by natural wear and accidents, ex-

Proviso. cepted; *and provided also*, that the said sale may be adjourned or postponed from time to time, or suspended, as the said com-

Proviso. mon council or the town treasurer may direct; *and provided*, that if at any sale of lands, tenements or real estate for assessments or taxes the whole or any part thereof shall remain unsold for the want of any purchaser or purchasers, then it shall be lawful for the said town treasurer to adjourn the said sale, not less than thirty nor more than sixty days, and at least twenty days' notice shall be given as aforesaid of the said adjourned sale; and if at said adjourned sale there shall be no purchaser or purchasers for said lands, tenements or real estate, or for any part thereof, then it shall be lawful for the treasurer of the said town to purchase the said lands, tenements or real estate for the benefit of the town, for the term of fifty years, subject to the same redemp-

Proviso. tion as hereinbefore provided for; *and provided also*, that all moneys paid for the redemption of said lands, tenements or real estate as aforesaid, together with such taxes and assessments paid by any mortgagee or judgment creditor, shall be a lien upon said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per centum per annum, and such lien shall have the precedence over all other liens on said lands, tenements or real estate in like manner as if the same had been included in his mortgage or judg-

Proviso. ment; *and provided further*, that a complete record of all taxes and assessments shall be kept in the town clerk's office, which record shall contain the times when such assessments and taxes were laid, the times when the same respectively became due and payable, the times when they were paid, and (if the property has been sold therefor,) the times of said sale and to whom sold, and (if redeemed) when and by whom; and it shall be the duty of the town clerk to record in a book to

be called "record of sales," all declarations of sale and all assignments thereof, and to give certificates of search in relation to such liens, to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on certificate of the town treasurer of such redemption, and to file such certificate in the said clerk's office; and that no assignment of any such declaration shall have any effect until the same shall be recorded in the office of the town clerk; and that it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming and one to be filed in the said clerk's office as aforesaid, for which service the said person redeeming shall pay to the said treasurer the sum of one dollar, for the use of the town.

Repealer.

5. *And be it enacted*, That all acts and parts of acts conflicting with the foregoing provisions, shall be and the same are hereby repealed, and this act shall be deemed and taken to be a public act and shall take effect immediately.

Approved March 18, 1868.

CHAPTER CLXXXIV.

An Act to regulate the system and practice relating to the employment of hacks, stages and vehicles for passengers in the city of Cape Island, in the county of Cape May.

License required for hacks, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person who may not have been a resident for one year of the county of Cape May, in this state, to engage in the business of carrying passengers or their baggage by hacks, stages and vehicles for hire in the city of Cape Island, in said county, unless such person or persons shall first pay to the mayor of said city a license fee of one hundred dollars for each and every hack, stage or vehicle so hired or engaged for the benefit of said city.

Forfeiture for violation of law.

2. *And be it enacted*, That if any such person shall engage in the business of carrying passengers or their baggage by

hacks, stages or vehicles in said city without having first paid such license fee, such person for every such offence shall forfeit his hack, stage or vehicle, and horse or horses engaged in such business, and the same may be seized and secured and disposed of in the manner herein prescribed.

Proceedings thereon.

3. *And be it enacted*, That it shall be the duty of all constables and police officers, and may be lawful for any other person or persons resident in said county to seize and secure any such hack, stage or vehicle, or horse or horses employed as aforesaid, and immediately give information thereof to the mayor, recorder or alderman of the said city of Cape Island, who shall appoint a time and place to hear, try and determine the same, and who are hereby empowered and required to declare the same condemned, if the provisions of this act be violated; and in case the said hack, stage, vehicle, horse or horses be condemned by the proceedings of said mayor, recorder or alderman, the same shall be sold by the order and under the direction of such mayor, recorder or alderman, who, after deducting all legal costs, charges and expenses relative to said seizure and condemnation, shall pay one-half of the proceeds of such sale to the treasurer of said city of Cape Island, and the other half to the person who shall have seized the said property and prosecuted the same to condemnation.

Charges for hacks, &c.

4. *And be it enacted*, That the charges for employment of all hacks, stages or vehicles in said city of Cape Island shall not be more than two dollars and fifty cents ($2.50) per hour for five (5) persons, and at the rate of fifty cents per hour for each additional person conveyed; *provided*, that these rates shall not be construed to interfere with the rates adopted by any steamboat line plying to said city.

Proviso.

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

Approved March 18, 1868.

CHAPTER CLXXXV.

A Further Supplement to the act entitled "An act to incorporate the Elizabethtown Steam Manufacturing Company," approved March fourth, eighteen hundred and forty-six.

Power to issue bonds secured by mortgage.

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 board of directors of the said "The Elizabethtown Steam Manufacturing Company" to issue bonds, payable within ten years, to an amount not exceeding fifty thousand dollars, said bonds to be secured by a mortgage upon the real estate of the said company; *provided*, the said bonds shall not be issued in smaller denominations than five hundred dollars; *and provided further*, that the said bonds shall bear interest at the rate of seven per centum per annum, payable semi-annually.

Proviso.

Proviso.

2. *And be it enacted*, That it shall and may be lawful for the said board of directors to offer for sale, and sell at the market price the bonds by this act authorized to be issued.

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

Approved March 18, 1868.

CHAPTER CLXXXVI.

An Act to authorize the grading of Central Avenue, in East Orange.

Power to survey and establish grade on Central avenue.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the township committee of the township of East Orange to make, or cause to be made, a survey and profile of so much of said Central avenue as lies within the said township of East Orange, and to establish a grade thereon.

2. *And be it enacted*, That for the purpose of this act, the

Division thereof.

said avenue shall be divided into three sections or divisions, as follows: the first section extending from the Newark line to the centre of Grove street; the second section from the centre of Grove street to the centre of Munn avenue; the third section from the centre of Munn avenue to the Orange line.

When to be done.

3. *And be it enacted*, That the said township committee shall cause said avenue to be graded and worked to the grade line established as aforesaid so soon as in the judgment of said committee the money appropriated to road purposes in

Proviso.

said township will warrant the same; *provided*, that in prosecuting said work the committee shall cause each of the said divisions or sections to be graded and worked by itself, and shall ascertain the expense of working and grading each section.

May assess cost on property owners.

4. *And be it enacted*, That whenever the entire expense of the working and grading of any one of said sections shall have been ascertained, including the cost of the survey and profile, if in the judgment of the township committee any part of the said expense should be borne by the owners of property along the line of such section, the said committee shall have power to appoint three disinterested persons, who shall assess upon said owners of any lands along the line of such section, such part of the said entire expense as may be directed to be

Proviso.

assessed by the said committee; *provided*, the amount so assessed upon the land owners shall in no case exceed one-third the said entire expense; the basis of such assessment shall be the benefits which the persons so appointed as aforesaid shall deem the respective parcels of land along the line of such section to have received from the work done by virtue of this act; and the persons making the assessment shall give at least three days' notice to the land owners of the time and place of their meeting for the purpose of making said assessment; the said assessment shall be made in writing, and shall be reported to the town committee, and in case the said committee shall approve the same, they shall report the amounts to the township collector, who shall include them in the tax bills of the said land owners respectively; and the said sums so assessed are hereby made collectable in the same manner, at the same time, and by the same means with the ordinary township taxes levied upon real estate.

Repealer.

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

hereby repealed, so far as the same may affect the working and grading of said Central avenue in East Orange.

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

Approved March 18, 1868.

CHAPTER CLXXXVII.

An Act making an appropriation for lot of land and trestle work for landing coal at the State Lunatic Asylum, for the cost of erecting and improving outbuildings, &c.

Appropriation for certain improvements at state lunatic asylum.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of twenty thousand dollars be and is hereby appropriated to pay for land and trestle work required for landing coal at the State Lunatic Asylum; for bakery, building and fixtures; for stable and carriage house and hay scales; for fixtures and apparatus for extinguishing fire; for extension and renewal of laundry building and machinery, and completing new buildings as per report of managers; and the further sum of five thousand dollars, as per report of joint committee, to defray the expenses of making extraordinary repairs, improvements and refurnishing older parts of asylum buildings.

2. *And be it enacted*, That the said moneys shall be paid by the treasurer to the managers of the asylum upon the warrant of the comptroller, who is hereby authorized and directed to draw the same, at such times and in such sums as the managers may require.

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

Approved March 18, 1868.

CHAPTER CLXXXVIII.

An Act to facilitate the drainage of swamp and meadow lands in the township of Landis, in the county of Cumberland, and in the township of Buena Vista, in the county of Atlantic.

Preamble. WHEREAS, the interests of a large number of persons residing in the township of Landis, in the county of Cumberland, and in the township of Buena Vista, in the county of Atlantic, would be greatly promoted by the draining of large tracts of swamp and meadow land along certain streams; and whereas, the frequent overflowing of said swamp and meadow lands materially interferes with the cultivation of the same, and the construction, maintenance, and use of suitable highways of travel thereon for the accommodation of the people; therefore,

Power to ditch and drain low lands. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of the highways in the township of Landis, in the county of Cumberland, and in the township of Buena Vista, in the county of Atlantic, are hereby authorized and required to ditch and drain the swamp and low lands in their respective districts in the said townships where such ditching and draining shall seem to them necessary, and at all times to keep such ditches free and open for the proper drainage and improvement of the lands of the said townships.

Assessment of expenses on lands. 2. *And be it enacted*, That after the draining of any lands shall have been completed, it shall be lawful for the said overseers of the highways, and they are hereby required to assess, in their respective districts, upon the lands so drained, the price and expenses of draining them, and collect the same annually; *provided, however*, that if any of said overseers of the highway shall fail to keep any portion of said lands in his district properly drained, he shall not collect or cause to be collected any tax upon such portion of said lands in the year or years when such failure shall happen.

Proviso.

Assessments when unpaid a lien on land, but they may be sold subject to right of redemption. 3. *And be it enacted*, That the said overseers of the highways shall each year file a list of the unpaid assessments on said lands in their respective districts, in the office of the county clerk of the county wherein said lands are lo-

cated, and such assessments shall thereupon become a lien upon said lands, and in default of payment for the space of two months thereafter, said lands, after eight weeks' advertisement in one or more public newspapers of the county in which such lands are situated, shall be sold at public sale for the shortest term of years to any person or persons who will pay the amount of said tax and the expenses of said sale; and any of said lands so sold may be redeemed from such sale by the owner or owners thereof within three years from the date of said sale by paying to the overseer of the highways of the district in which such land may be, for the benefit of the purchaser, the sum paid by the said purchaser at said sale with interest thereon, at the rate of twelve per centum per annum; but if any of said lands are not so redeemed as aforesaid within three years from the date of the sale thereof, then the purchaser thereof shall continue to have, hold, use, enjoy, and possess such lands so sold during the full term for which said sale shall have been made.

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

Approved March 18, 1868.

CHAPTER CLXXXIX.

A Further Supplement to an act entitled "An Act to incorporate the New Jersey Building Company," approved March eleventh, eighteen hundred and sixty-four.

Change of corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporation created by the act to which this is a supplement, shall hereafter be called "The Derrom Building Company," and by that name may possess and exercise all the powers, rights and privileges conferred by said act and the supplement thereto, anything therein to the contrary notwithstanding.

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

Approved March 18, 1868.

CHAPTER CXC.

An Act in respect to the collection of tolls upon the turnpike roads of this state.

Preamble. WHEREAS, many turnpikes have been constructed in this state over public roads and through lands wherein the owners of the fee or parties interested have not made any claim for damages, and considerable moneys have been expended in the construction thereof, without any interference from the aforesaid persons; therefore,

Powers of turnpike roads. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all turnpikes or turnpike roads heretofore constructed and now in use, shall be and are hereby declared to be legally in the possession and control of the corporation controlling the same, so far as relates to the collection of toll thereon, or to the enforcement of penalties for interfering with or regulating the management or travel of said turnpikes or roads.

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

Approved March 18, 1868.

CHAPTER CXCI.

An Act to incorporate the Elm Ridge Cemetery Company.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Abraham J. Suydam, John S. Voorhees, Henry P. Cortelyou, Theodore Skillman, John B. Smith, Henry B. Skillman, Ralph Voorhees, junior, and their associates be and they are hereby constituted a body politic and corporate in law by the name of "The Elm Ridge Cemetery Company," with the general powers and privileges of a corporation.

Name.

Powers of corporation. 2. *And be it enacted*, That the said corporation shall have power to purchase and hold in fee a tract of land not exceed

ing five acres, situate in the township of North Brunswick, county of Middlesex, adjoining the ancient burying ground formerly upon the farm of the late John Van Cleef deceased, and to hold, occupy and improve the same, together with the said ancient burying ground, as a cemetery and to lay out and divide the said tract so purchased into sub lots, and to sell and dispose thereof for the purpose of burial, subject to such conditions, regulations and restrictions as may be established by the said corporation; *provided*, that it shall not be lawful for the said corporation, nor for any other person, to encroach upon lots now occupied as family burying places in the said ancient burying ground, nor deprive any person entitled to bury in the said ground of the right of burial therein, subject to such rules and regulations as may be prescribed by the said corporation for the better government thereof. Proviso.

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

4. *And be it enacted*, That the affairs of said company shall be managed by a board of seven managers; the first board shall be composed of the persons above named as corporators whose term of office shall continue until the first day of March eighteen hundred and sixty-nine, on which day and annually thereafter on such day, at such place, and subject to such regulations as the said corporation shall prescribe, an election for seven managers shall be held, who shall hold their office for one year, and until others are chosen in their stead. Election of managers.

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

6. *And be it enacted*, That the said corporation shall have the powers, privileges and immunities, and be subject to the restrictions and limitations contained in the seventh, eighth,

ninth and eleventh sections of the act entitled "An Act authorizing the incorporation of rural cemetery associations," excepting the words in section seventh, "on the maps filed as aforesaid," and the words in section eleventh, "a copy of which release shall be recorded in the clerk's office of the county within which the said cemetery shall be situated."

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

Approved March 18, 1868.

CHAPTER CXCII.

An Act for the protection of parks and other public grounds.

Penalty for injury to park or grounds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who shall wilfully remove, injure, deface, mutilate or destroy any fence, building or other structure situated on or surrounding any public park or grounds belonging to any association incorporated by the laws of this state, or shall wilfully destroy, cut, break, or injure any tree or other property thereon situated, shall be deemed guilty of a misdemeanor, any such offender shall be liable to an action of trespass, to be brought in the corporate name of the association suffering any such injury, and all moneys recovered therefor shall be applied by them for the use of such association.

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

Approved March 18, 1868.

CHAPTER CXCIII.

An Act to incorporate the Cedar Lawn Cemetery Association of the city of New Brunswick.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Lucius P. Porter, John W. Newell, Henry R. Baldwin, M. D., Levi D. Jarrard, Henry L. Janeway, Johnson Letson, A. D. Newell, M. D., Simon Van Wickle, and such other persons as are now or shall hereafter become stockholders, their successors and assigns, be and are hereby made and constituted a corporation and body politic, by the name of "The Cedar Lawn Cemetery Association of the city of New Brunswick."

Name.

Powers and objects of corporation.

2. *And be it enacted*, That the said association shall have power to purchase, to take and hold in fee a tract or tracts of land not exceeding one hundred acres, in the vicinity of New Brunswick, for the use and purposes of a cemetery, and erect thereon such buildings and other accommodations as the directors may deem suitable and necessary, and may sell or otherwise dispose of the sub-lots or plats in the said cemetery to the several purchasers or owners thereof, by a good and sufficient deed or deeds of conveyance, under the corporate seal of said association, and signed by the president and secretary thereof, to be used only as a cemetery, with the privilege of the several avenues, walks, passages and other accommodations therein and thereunto belonging, subject, however, to such regulations and restrictions as have been or may be established in relation thereto by any by-law or ordinance of said corporation; transfers of sub-lots or rights thereunto may be made by the owner or owners thereof by simple assignment annexed to said deed, but shall not be valid until the assignment is recorded on the books of said association.

May dispose of unsuitable lands.

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

Directors, and how elected.

4. *And be it enacted*, That the business and concerns of the said corporation shall be conducted and managed by a board of directors, consisting of seven persons, who shall be residents of this state, and who shall be elected annually at such time and place as the by-laws may direct, upon notice given at least ten days previous thereto, by advertisement in two newspapers published in the city of New Brunswick, at which election each share of stock shall entitle the holder thereof to one vote, and the said directors shall elect one of their number president, and shall appoint such other officers and agents as they may deem expedient, and fix the compensation to be paid them; they shall have power to fill all vacancies in their own number until the annual meeting next ensuing; and the said board of directors shall have power to make and establish all needful rules, regulations, ordinances and by-laws, and affix from time to time to the several plats and lots such price as they shall deem reasonable and proper; and shall have the sole charge, superintendance and control of said cemetery; and until the first election of directors the persons named in the first section of this act shall be the directors, and may act as such until others are chosen in their stead, and in case it should happen that an election of directors should not be made during the day fixed by the by-laws, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time upon due notice given by the directors; and the directors, for the time being, shall continue to hold their office until others are chosen.

Capital stock.

5. *And be it enacted*, That the sum which the said corporation may agree to pay for the tract or tracts of land hereinbefore mentioned, and the sums which shall be expended in embellishing, improving, beautifying, erecting fences, buildings, and other necessary accommodations, shall be the capital stock of said association, and shall be divided into shares of one hundred dollars each; and that not less than twenty-five per centum of the net proceeds of all sales of lots, parcels and plats shall be appropriated or funded for the further embellishment and maintaining the improvements, fences and other accommodations of said cemetery grounds, and the balance received shall belong to and be divided among the stockholders according to their several interests; and whatever sum shall be funded as aforesaid, the same shall be free

from all taxes or assessments, and no taxes or assessments shall be imposed on lot owners therefor.

Directors may call in capital stock.

6. *And be it enacted*, That it shall be lawful for the directors, or a majority of them, to call in the subscriptions to the capital stock at such times and in such sums, and upon such notice, as they may deem reasonable; and a failure to comply with such notice on the part of any stockholder shall, at the option of the directors, or a majority of them, be cause of forfeiture of all moneys thereon and all rights by virtue of his subscription to such stock.

Property exempt from taxation.

7. *And be it enacted*, That the said corporation shall have, use and exercise all the rights and privileges incident to a corporation herein stated, and shall be exempt from all taxes, assessments and charges upon their capital stock and the property which they may acquire, hold or possess; and the real estate of said corporation and the said lots and parcels, when conveyed by the said corporation, or when sold to individual proprietors, or held by any person, shall be exempt from all taxation or assessment whatsoever, and shall not be liable to be sold in execution, or subject to attachment or applied to the payment of debts by assignment, under any insolvent or bankrupt laws, but may be conveyed under such regulations as the said directors may adopt.

No public street to run through cemetery without consent.

8. *And be it enacted*, That no public street or road shall hereafter be opened through the cemetery grounds without the consent of the said corporation.

9. *And be it enacted*, That any association of persons for benevolent purposes, and also any religious society, may purchase and hold lots in said cemetery, adjacent to each other, in which they may bury agreeable to any peculiar rites or ceremonies of their own, subject only to the rules and regulations prescribed by said board of directors.

May take and hold grants for certain purposes.

10. *And be it enacted*, That the said corporation may take and hold any grant, donation or bequest of property upon trust, to apply the same or the income thereof under the direction of the board of directors for the improvement or embellishment of the said cemetery, or for the erection, repair, preservation or renewal of any tomb, monument or gravestone, fence, railing or other erection; or for the planting and cultivation of trees, shrubs, flowers or plants in or around any cemetery lot, or for improving the said premises in any other manner or form consistent with the design and purposes

of this act, according to the term of such grant, donation or bequest.

11. *And be it enacted*, That the provisions of the eighth section of the act entitled "An Act authorizing the incorporation of Rural Cemetery Associations," approved March fourteenth, eighteen hundred and fifty-one, be and the same is hereby made part of this act.

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

Approved March 18, 1868.

CHAPTER CXCIV.

An Act to confirm the proofs and acknowledgments of deeds and other writings taken by Augustus Blackwell, late a commissioner to take the proof and acknowledgment of deeds, and so forth, in and for the county of Hunterdon.

Preamble.

WHEREAS, it is represented that Augustus Blackwell, of the township of Raritan, in the county of Hunterdon, late a commissioner appointed and duly commissioned to take the proof and acknowledgment of deeds, and so forth, under a misapprehension as to the time when his term of office as such commissioner commenced, took the proof and acknowledgment of certain deeds and other writings after his term of office had expired; therefore,

Acknowledgments declared valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the acknowledgments of deeds and other writings taken and certified by the said Augustus Blackwell after his term of office expired, be and the same are hereby declared and made valid and effectual in law, and shall in all courts be held and taken and adjudged to have the same force and effect as if the same had been taken before the expiration of his term of office.

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

Approved March 18, 1868.

CHAPTER CXCV.

An Act to consolidate the railroad lines of West Jersey.

Preamble. WHEREAS, the West Jersey Railroad connects directly with the Millville and Glassboro' Railroad, and by means of the latter, with the Cape May and Millville Railroad, and also connects directly with the Salem Railroad, forming altogether one entire system of railroads which can be operated with greater economy under one management; and whereas, the West Jersey Railroad Company and Millville and Glassboro' Railroad Company, have entered into an agreement bearing date the twelfth day of October, in the year eighteen hundred and sixty-seven, providing amongst other things, for a consolidation of the two companies, so that all their corporate powers and franchises shall be merged into, and all their corporate property shall be owned by the West Jersey Railroad Company, to which the Millville and Glassboro' Company is by said agreement to assign and transfer all its corporate powers and franchises, and all its railroad and appendages and other property and assets of every kind, on or before the first day of April next; by which agreement it is also agreed, that at or before the said assignment and transfer, the capital stock of the West Jersey Railroad Company shall be increased by a stock dividend to sixteen thousand and eighty-three shares, amounting at par to eight hundred and four thousand dollars, and that the capital stock of the Millville and Glassboro' Railroad Company shall be as now, eight thousand one hundred shares, or four hundred and five thousand dollars, at par; and that said amounts shall then be deemed and considered the relative values of all the corporate powers and franchises and properties of said parties; that the consideration of such assignment and transfer shall be eight thousand one hundred shares of the capital stock of the West Jersey Railroad Company to be then issued, as a new issue of stock by that company, to the several stockholders of the Millville and Glassboro' Railroad Company in lieu of the like number of shares then severally held by them in the last named company, they, at the time of accepting said new stock respectively, surrendering their cer-

tificates of stock in said last mentioned company; that at or before the time of such assignment and transfer each of said companies shall pay off and discharge all its debts and liabilities except the funded debt of the West Jersey Railroad company, existing when said agreement was made; that each company at its then next usual dividend day, might declare and pay a cash dividend, not exceeding the per centage of its last cash dividend; and that all their other assets shall on such assignment being made, pass to the West Jersey Railroad Company with full power to sue for collect and apply the same to its own use; and lastly, that the board of directors of the West Jersey Railroad Company shall be increased from thirteen to twenty directors; and that seven of them in the first board that shall be elected after such assignment and transfer, shall be on the nomination of those persons who, at the time of such assignment and transfer, shall constitute the board of directors of the Millville and Glassboro' Railroad Company or a majority of them; with a proviso, that the legislature at its present session may provide that the number of directors may be reduced to a number less than twenty at any time after the expiration of one year from the time when the first board of that number shall be elected; as by the said agreement substantially appears; therefore,

Agreement for consolidation ratified and confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said agreement for the consolidation of the said companies be and the same is hereby validated and confirmed. and that they be authorized to make said consolidation in the manner provided in and by said agreement, and that when such assignment and transfer of the corporate powers, franchises and property of the Millville and Glassboro Railroad Company, as is provided for in said agreement shall be made, the same shall be valid and effectual to convey and transfer the said powers, franchises and property to, and vest them in, the West Jersey Railroad Company, subject, however, to all the debts, liabilities and obligations of both of said companies; and the West Jersey Railroad Company shall thereupon be authorized to issue the requisite shares of its capital stock as a new issue of stock of said company to the stockholders of the Millville and Glassboro Railroad Company, in exchange for their stock in the last-named company, and in consideration of said assignment and transfer, according to the provisions of said agreement;

and when such consolidation shall be effected as aforesaid, it shall be lawful for the stockholders of the West Jersey Railroad Company to elect for one year twenty directors, as provided in said agreement, seven of whom shall be nominated as therein contained; *provided, however*, that the said consolidation shall not go into effect unless the assent in writing of three-fourths in interest of the stockholders of each of said companies be given to the said consolidation prior to the first day of July next; *and provided further*, that if the assent of such three-fourths in interest of the stockholders of each of said companies shall be given as aforesaid, the consolidation shall go into effect; but, nevertheless, if any stockholder of either of said companies who shall not have given such assent shall be dissatisfied therewith, and shall signify his or her dissent by notice in writing, served on the president, secretary or treasurer of said West Jersey Railroad Company, at any time within six months after the said assignment and transfer shall have been made as aforesaid, he or she shall receive from said company the fair value of his or her stock, which, if not agreed on, shall be appraised by three disinterested persons resident in this state, to be appointed by the chancellor or supreme court of this state, on reasonable notice, on the application of either party; and thereupon such stockholder shall deliver up his or her certificate of stock, if any such has been issued; and the said company may reissue the same amount of stock to any other person or persons.

Proviso.

Proviso.

2. *And be it enacted*, That after the term of office of the said first twenty directors to be elected as aforesaid shall have expired, the number of directors of said West Jersey Railroad Company may, at any annual meeting of stockholders of said company, by a vote of the majority of shares represented at such meeting, be reduced to any less number than twenty, to be elected by the stockholders in the usual manner.

Number of directors may be reduced.

3. *And be it enacted*, That the said West Jersey Railroad Company shall be and hereby is authorized to take a lease of and to operate the Cape May and Millville Railroad and the Salem Railroad, or either of them, and all the franchises connected therewith; and for that purpose the Cape May and Millville Railroad Company and Salem Railroad Company are hereby respectively authorized and empowered to lease their said railroads respectively to the West Jersey Railroad Company for such period of time, and on such terms and con-

May lease and operate certain railroads. Increase of capital stock.

ditions, as may be agreed upon between the said companies
Proviso. respectively; *provided however*, that any such lease shall be assented to in writing by three-fourths in interest of the stockholders of each of the two companies respectively be-
Proviso. tween whom the same may be made; *and provided further*, that any stockholder not thus giving his or her assent, and being dissatisfied with such lease, shall, on giving notice as aforesaid, within six months after the execution of such lease, receive the fair value of his or her stock from the company in which he or she is such stockholder, the value to be ascertained in the manner prescribed in the first section of this act.

Increase of capital stock. 4. *And be it enacted*, That the said West Jersey Railroad Company may, at any time after the consolidation provided for in the first section of this act shall have taken effect, increase its capital stock to any amount not exceeding two million of dollars.

Approved March 18, 1868.

CHAPTER CXCVI.

An Act for the relief of Anette Bierwirth.

Preamble. WHEREAS, one Augustus Seibt, of Egg Harbor City, in Atlantic county, was on the ——— day of June, in the year eighteen hundred and sixty-six, arrested in said county upon a charge of assault and battery with intent to kill; and whereas, Anette Bierwirth entered into recognizance to the state of New Jersey, in the sum of one thousand dollars, for the appearance of the said Augustus Seibt at the December term of the court in and for said county; and whereas, the said Augustus Seibt afterwards, to wit: after said arrest and before the next sitting of the court, absconded from said county, and could not then, and cannot now, be found, and in consequence thereof the recognizances of the said Augustus Seibt have been forfeited; and whereas, the said Anette Bierwirth is a widow (her husband having been killed in battle in the late war against rebellion,) and is in moderate

circumstances, and the payment of said forfeiture would wholly ruin her; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Anette Bierwirth be, and that she is hereby released from the payment of said one thousand dollars so forfeited and from all liability on said recognizance. Relieved from payment of forfeited recognizance.

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

Approved March 18, 1868.

CHAPTER CXCVII.

An Act to incorporate the Manchester and Camden Railway Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That General John S. Schultze, Samuel S. Osborn, George W. Cowperthwait, Ralph B. Gowdy, N. C. Whiting and Thomas Hooper, of Ocean county; Edward Carpenter, James A. Fenwick and Eayre Oliphant, of Burlington county; and Benjamin D. Shreve, of Camden county, and such other persons as may hereafter be associated with them, shall be and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Manchester and Camden Railway Company," and by that name they and their successors and assigns shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter, and they and their successors by that name and style shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient to the objects of this incorporation. Corporators. Name.

2. *And be it enacted*, That the capital stock of said company shall consist of two hundred and fifty thousand dollars, Capital stock.

with liberty to increase the same to five 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 by-laws of the said corporation shall direct.

Commissioners to open books of subscription.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to 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, by giving ten days' previous notice in two newspapers published in Ocean and Burlington counties, and at the time of subscribing for said stock ten per centum on each share subscribed shall be paid to said commissioners; that whenever there shall be one thousand five hundred shares of said stock subscribed, the said commissioners shall give like notice as above for a meeting of the stockholders to choose nine directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of capital stock entitling the holder thereof to one vote; and the said commissioners, or a majority 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 and the money paid in to said directors; and the time and place of holding the first meeting of directors shall be fixed by the persons who act as inspectors aforesaid; 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 will provide.

Election of directors.

Annual elections.

4. *And be it enacted*, That annual elections for directors shall be held at such times and places as the board of directors shall hereafter direct, of which election notice shall be

given at least two weeks in a county newspaper published in Ocean and Burlington counties; and 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 the said election shall be held as soon thereafter as possible, and public notice shall be given as hereinbefore directed, and the directors for the time being shall continue to hold their office until others shall have been chosen in their places.

Directors may call in capital stock, appoint officers, &c.

5. *And be it enacted*, That a majority of said directors 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 installments, not to exceed ten dollars on each share at any one time, and at such times as they may direct; *provided*, that such installments shall not be called for, at a shorter period than thirty days from each other; and in case of the non-payment of said installments, or any part of them, to forfeit the share or shares upon which such default shall arise, to and for the use of said corporation; and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation, and also shall have power to appoint such officers, engineers, superintendents, 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.

Proviso.

May lay out and construct a railroad.

6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey and lay out and construct a railroad from some suitable point at or near the village of Manchester in Ocean county, to some suitable point at or near the village of Pemberton or Vincentown, in Burlington county, passing through or near Hanover, Brown's Mills and New Lisbon, with the privilege of connecting at either terminus with any railroad or railroads now or hereafter to be built, and of constructing a branch railroad to any marl beds or deposits in the townships of Pemberton or Southampton, in Burlington county, the said railroad not to exceed one hundred feet in width, except in such places where, from the depth of the excavation or the height of the embankment, it is necessary to take more land for the slope and protection of the side banks of

said railroad, in which case so much land as will be necessary for the purpose, and no more, shall be taken, with as many sets of tracks and rails as they may deem necessary.

May enter on lands, &c.

7. *And be it enacted*, That it shall be lawful for the said company, their officers, agents, engineers, superintendents, and others in their employ, to enter at all times upon lands, bridges and waters, for the purpose of exploring, leveling, surveying and laying out the route of such railroad and branches, and of locating and subsequently altering the location thereof, doing no unnecessary damage to private property; and when any part of the route and location of such road or its branches, or the alteration of location shall have been determined upon, and a survey thereof desposited in the office of the secretary of state, then it shall be lawful for the said company its officers, engineers, agents, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, and all other works necessary, to lay rails and to do all other things which shall be suitable, or necessary for the completion or repair of the said road, subject to such compensation as is hereinafter provided; *provided, always*, that the payment, or tender of payment of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such land be first had and obtained.

Proviso.

Proceedings when the company and owners of property cannot agree.

8. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required lands or materials for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of the said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this

state, or if unknown, or out of this state, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the county in which the lands or materials in controversy lie, or the owner resides, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding) to meet at the time and place appointed, and proceed to view and examine the said land or materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages as shall be paid by the said company for such lands or materials and damages aforesaid; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situated, to remain on 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 lands or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall, from time to time, constitute a lien upon the property of the company in the nature of a mortgage, and the said justice of the supreme court shall, on application of either party, and on reasonable notice to the other, tax and allow such costs, fees and expenses to the justice of the

supreme court, commissioners, clerks and other persons performing any of the duties prescribed in this section as they or he shall think equitable and right, which shall be paid by the said company.

Further proceedings in case of an appeal.

9. *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 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 or materials 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 owners thereof being under any legal disability, the same being first paid into the court of chancery.

Must construct bridges and wagon ways.

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 and passages over or under the said railroad where any public or other road shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be impeded thereby; and also where the said railroad shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under the said road.

11. *And be it enacted*, That the said corporation shall have power to borrow, from time to time, such sum or sums of money as shall be necessary to secure rights of way, make surveys, to construct or repair said railroad, and to furnish the said corporation with the necessary engines, machinery, cars, boats and buildings, for the uses and objects of said corporation, and to secure the repayment thereof by bond and mortgage, or otherwise, on the said road or roads, lands, property, privileges, franchises and appurtenances of, or belonging to said corporation, at the rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said corporation to plead any statute or statutes of this state against usury in any court of law or equity in any suit instituted to enforce the payment of any bond or mortgage executed under this section of this act. May borrow money on bond and mortgage, or otherwise. Proviso.

12. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company for its use, and to place on any railroad constructed by them under this act all machinery, engines, cars, wagons, carriages or vehicles, and boats for the transportation of persons or any species of property, as they may think fit, 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 they shall not charge more than at the rate of eight cents per ton per mile for the transportation of property, and four cents per mile for carrying each passenger on said railroads; and no charge shall be required to be less in the aggregate than ten cents; and that the railroad or roads, and their appendages, and all the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatever belonging to the said company at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns during the continuance of this act. Rate of transportation of property.

13. *And be it enacted*, That the said company may have and hold real estate at or near either terminus of their railroad, not exceeding six acres at each place, and at any other points along the line of said road, where the directors may think proper to establish depots, not exceeding two acres at each place, and may erect and build thereon houses, ware- May hold real estate.

houses machine shops, wharves, slips, and other such buildings and improvements as they may deem expedient for the safety of the property and the construction of carriages, engines, and other necessary uses, and take and receive the rents, profits, and emoluments thereof, and shall have the profits, and emoluments thereof, and shall have the privilege and authority to erect, build and maintain over such rivers, creeks and streams as the road may cross, such piers, bridges, and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act; *provided*, that the said company, whenever it may become necessary to cross any navigable river or creek, with their road, shall construct a bridge or bridges with suitable and sufficient draws so as not to unnecessarily impede the navigation thereof.

Proviso.

Dividends.

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

May make contracts with other companies.

15. *And be it enacted*, That it shall be lawful for the said corporation at any time during the continuance of its charter to make contracts and engagements with any other corporation or with individuals for transporting or carrying any kind of goods, produce, merchandise, freight, or passengers, and to enforce the fulfilment of such contract.

Penalty for injury to road, &c.

16. *And be it enacted*, That if any person shall wilfully injure, impair, destroy, or obstruct the use of any railroad constructed under the provisions of this act, or any of their necessary works, wharves, bridges, carriages or machines, such person or persons so offending shall forfeit and pay to the said company three times the amount of damages sustained by means of such injury, to be by them recovered with costs of suit, in any court having competent jurisdiction in an action of debt.

When to go into operation

17. *And be it enacted*, That when ten (10) miles of the said railroad 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.

18. *And be it enacted*, That as soon as the said railroad, or any part of it, is in operation, the president of the said

company shall file under oath or affirmation a statement of the amount of the cost of said railroad, including equipments, appendages, and all expenses, in the office of the secretary of state, and annually thereafter on the first Monday in January of each year, he shall under oath or affirmation, make a statement to the secretary of state of the cost, equipment, appendages and expenses of said road; and after the said railroad, or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws and until the said railroad or any part thereof shall be in operation shall be regularly assessed and pay tax for the value of its real estate including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate and in the same manner, for the same purposes, and by the same person or persons as other taxes assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

Must file statement of cost, &c., with secretary of state.

Annual tax to be paid to the state.

Proviso

19. *And be it enacted*, That at any time after the expiration of thirty-five years from the completion of said road the legislature of this state may cause an appraisement of the said road, and the appendages thereof, to be made, by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature within one year from the time of their appointment, or if they cannot agree, they shall choose a seventh, who with the aforesaid six, or a majority of them, shall report as aforesaid; or, in case the said company shall neglect or refuse to appoint the said three persons on their part for two months after notice of the said appointment by the said chief justice, then the three so appointed by him shall proceed to make such appraisement, which shall be binding on the said company; or in case the six commissioners shall be appointed, and they cannot agree upon a seventh man, then upon two weeks' notice to the said company the said chief justice shall appoint said seventh man as aforesaid, to

State may take road.

make such appraisement as aforesaid, and thereupon the state shall have the privilege for two years of taking the said road with its appendages upon the payment to the company of the amount of said report within one year after electing to take the said road, which report shall be filed in the office of the secretary of state, and the property and interests of said road and appendages thereof, shall be vested in the state of New Jersey upon the payment of the amount so reported to the said company; and it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the cost of said road, and of the receipts and disbursements of the said company; *provided always*, that the aforesaid valuation shall be made without any reference to the receipts and disbursements of the company or the advancement of stock, and the said valuation shall, in no case, exceed the first cost or valuation of said road with the appendages thereof.

Proviso.

State officers to pass free.

20. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors and appeals of this state, the state superintendent of public schools and the principal of the normal school, whilst travelling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, during the year for which they were elected shall pass and repass on the railroad of said company free of charge.

Limitation.

21. *And be it enacted*, That if the said railroad shall not be completed and in use from Manchester to Pemberton or Vincentown within four years from the fourth day of July next ensuing, then and in that case this act shall be void.

22. *And be it enacted*, That this act shall be taken and deemed to be a public act, and shall at all times be recognized as such in all courts and places whatsoever; *provided*, that this corporation shall not be exempted from the provisions of the act entitled "An Act to increase the revenues of the state of New Jersey," approved March sixth, eighteen hundred and fifty-eight, as qualified by the supplement thereto, approved March eighteenth, eighteen hundred and fifty-nine.

Proviso.

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

Approved March 18, 1868.

CHAPTER CXCVIII.

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

Increasing commissioners of deeds in certain townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful to appoint four commissioners for taking the proof and acknowledgment of deeds, in each of the townships of Washington and Hohokus, in the county of Bergen.

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 are hereby repealed, and that this act shall take effect immediately.

Approved March 18, 1868.

CHAPTER CXCIX.

An Act to authorize the sale of lands of the "First Congregation of the Presbyterian Church at Springfield," in the county of Union.

Preamble.

WHEREAS, The trustees of the "First Congregation of the Presbyterian Church at Springfield," in the county of Union, are the owners of a certain tract of woodland of about one hundred acres, more or less, situate in Millburn, in the county of Essex, conveyed to the trustees of said congregation by Philemon Dickenson, David Brainard Dickenson and John Cleve Symmes, by deed dated May twenty-four, seventeen hundred and seventy-four, to be held by the trustees of said congregation as a glebe for the use of the minister of said congregation for the time being, forever, and not to be sold or disposed of for any other use; and whereas, it appears that the income or profits

from said lands are now and must continue to be of far less value than the yearly interest of the sum which the same would bring if authorized to be sold, and that the keeping of said tract in its present unproductive and unavailable condition is prejudicial to the interests of the congregation intended to be benefitted thereby, as well as to the improvement of the neighborhood wherein said lands are situate, and that the sale of the same will better promote the benefits intended to be secured by said grant; now, therefore,

Empowered to sell church lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said the trustees of the "First Congregation of the Presbyterian Church at Springfield," aforesaid, be and they are hereby authorized and empowered to make sale of said tract of land, either at public or private sale, at the best price they can obtain for the same, not less, however, than one hundred dollars per acre, and to execute and deliver to the purchaser or purchasers thereof, a deed or deeds of conveyance for the same, in fee simple absolute, and that said purchasers shall, by virtue of such sale and deeds, take, have, and hold a good and valid title in fee simple to said lands, to themselves, their heirs and assigns forever.

Custodian of the proceeds of sale, and how to be invested.

2. *And be it enacted*, That the minister, elders and trustees of said congregation, or a majority of them, shall appoint a custodian of the proceeds of moneys arising from such sale or sales, whose duty it shall be to receive and invest the same in any of the following securities, to wit: in bonds of individuals secured by mortgage on unincumbered real estate in this state worth without buildings double the amount loaned, except said mortgage shall be upon said lands sold as so much of the price thereof, in which case two-thirds of said price may be secured by mortgage thereon, on the registered bonds of the United States or of this state, or in the first mortgage bonds of the Morris and Essex Railroad Company, or of the New Jersey Railroad and Transportation Company, or of the Central Railroad Company of New Jersey; said custodian shall before receiving said proceeds enter into bond to said trustees in their corporate name with security to be approved by them in double the amount of said proceeds conditioned for the faithful performance of the duties of his appointment, which duties shall be to keep said proceeds well invested at the highest rate of lawful interest

in some of the above named securities, and to pay over the interest arising therefrom as the same shall accrue every six months to the said trustees, to be appropriated by them in the first place to the payment of the salary of the minister for the time being, of said congregation, and then to the necessary expenses of the church belonging thereto.

Custodian must make yearly report.

3. *And be it enacted*, That the said custodian shall make report yearly to said trustees, and oftener if required, of the funds or securities in his hands, his receipts therefrom and his payments thereof; and that he may be removed by the minister, elders and trustees aforesaid, or a majority of them, and a new custodian appointed in his place with like duties and powers; and that he may receive compensation for his services not exceeding two per centum on the amount of the yearly interest received and paid over by him.

Trust continued.

4. *And be it enacted*, That said proceeds of sale shall be and remain invested as aforesaid for the purpose above named, and shall not be used for or applied to any other object or purpose whatever.

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

Approved March 19, 1868.

CHAPTER CC.

A Further Supplement to the act entitled "An Act revising and amending an act to incorporate the city of Paterson," approved March fourteenth, eighteen hundred and sixty-one.

Boundaries of first ward.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the North ward of the city of Paterson lying on the norteasterly side of Hamburgh avenue, beginning at the intersection of the centre line of said Hamburgh avenue with the West street bridge over the Passaic river, and running from said bridge and along the centre line of said Hamburgh avenue in a northwesterly and northerly course to its intersection with the line dividing the

township of Manchester from the city of Paterson, shall be and is hereby set off into a separate ward, and shall be designated and known as the First ward of said city.

Second ward. 2. *And be it enacted*, That all that part of the North ward of the city of Paterson lying on the northwesterly side of Hamburgh avenue, beginning at the intersection of the centre line of said Hamburgh avenue with the northwesterly terminus of the West street bridge over the Passaic river, and running from said bridge and along the centre line of Hamburgh avenue in a northwesterly and northerly course to its intersection with the line dividing the township of Manchester from the city of Paterson, shall be and is hereby set off into a separate ward, and shall be designated and known as the Second ward of said city.

Third ward. 3. *And be it enacted*, That all that part of the East ward of the city of Paterson lying on the northerly side of Broadway, beginning at the intersection of the centre line of Broadway with the centre line of Main street, and running thence in an easterly direction from Main street and along the centre line of Broadway to the Passaic river, shall be and is hereby set off into a separate ward, and shall be designated and known as the Third ward of said city.

Fourth ward. 4. *And be it enacted*, That all that part of the East ward of the city of Paterson lying on the southerly side of Broadway, beginning at the intersection of the centre line of Broadway with the centre line of Main street, and running thence in an easterly direction along the centre line of Broadway from Main street to the Passaic river, shall be and is hereby set off into a separate ward, and shall be designated and known as the Fourth ward of said city.

Sixth ward. 5. *And be it enacted*, That the West ward of the city of Paterson shall hereafter be designated and known as the Sixth ward of said city.

Seventh ward. 6. *And be it enacted*, That all that part of the South ward in the city of Paterson lying on the easterly side of Mill street, beginning at the intersection of the centre line of Mill street with the centre line of Congress street, and running along the centre line of Mill street in a southerly and southwesterly course from Congress street to its intersection with the line dividing the township of Acquackanonk from the city of Paterson, shall be and is hereby set off into a separate ward, and shall be designated and known as the Seventh ward of said city.

7. *And be it enacted*, That all that part of the South ward in the city of Paterson lying on the westerly side of Mill street, beginning at the intersection of the centre line of Mill street with the centre line of Congress street, and running along the centre line of Mill street in a southerly and south-westerly course from Congress street to its intersection with the line dividing the township of Acquackanonk from the city of Paterson, shall be and is hereby set off into a separate ward, and shall be designated and known as the Eighth ward of said city. Eighth ward.

8. *And be it enacted*, That there shall be the same ward officers in each of the wards of said city as is now provided for in the act of the legislature to which this is a supplement, or in any other act regulating the election of such ward officers, and that nothing herein contained shall change or alter the term of office of any alderman of the said city holding over and beyond the next annual charter election. Same ward officers.

9. *And be it enacted*, That the ward officers heretofore elected in said city and now in office shall remain in office as the officers of the ward in which they reside at the time of the passage of this act, until the expiration of their legal term of office; and that in the wards hereby created, in which there are no ward officers, there shall be elected at the next charter election two aldermen, of whom one shall hold his office for two years and one for one year, so that the aldermen shall be divided into classes as heretofore; and that in each of the other wards one alderman shall be elected as heretofore; and that in all the wards the other ward officers shall be elected as heretofore. Election of aldermen.

10. *And be it enacted*, That the next annual charter election in and for the said First ward of said city, shall be held at the house of Engine Company Number Five, and that Peter D. Hopper, William S. Hockenbury and Henry C. Post shall act as judges of said election, and that Cornelius F. Crouter shall be the clerk of said election. Elections, when held, and the judges and clerks in the several wards.

11. *And be it enacted*, That the next annual charter election in and for the Second ward of said city, shall be held at the hotel now kept by Benjamin Brown, and that Columbus Force, James Field and William H. Chamberlain shall act as judges, and Robert Gillmore as the clerk of said election.

12. *And be it enacted*, That the next annual charter election in and for the Third ward of said city, shall be held at the house now occupied by John Shubert, on the northeaster-

ly corner of Broadway and Washington streets, in said city, and that William Paige, Henry W. Cole and Jacob Fitzmier shall be the judges, and Charles N. Taylor clerk of said election.

13. *And be it enacted*, That the next annual charter election in and for the Fourth ward of said city, shall be held at the hotel of Michael Courtad, and that Henry Van Houten, John O'Neill and John C. Vandervoort shall be the judges, and John G. B. White the clerk of said election.

14. *And be it enacted*, That the next annual charter election in and for the Fifth ward of said city, shall be held at the house of Engine Company Number Two, and that Dewit C. Simonton, James H. O'Neill and James Atchinson shall be the judges, and Zebulon Townsend the clerk of said election.

15. *And be it enacted*, That the next annual charter election in and for the Sixth ward of said city, shall be held at the house of Engine Company Number Three, and that Edgar Taylor, Richard Van Iderstine and William A. Carr shall be the judges, and Edward Swift the clerk of said election.

16. *And be it enacted*, That the next annual charter election in and for the Seventh ward of said city, shall be held at the hotel of Etienne Mercier, in Congress street, in said city, and that George I. Van Riper, Joseph McNeill and William Eakins shall be the judges, and Harvey Beyea the clerk of said election.

17. *And be it enacted*, That the next annual charter election in and for the Eighth ward of said city, shall be held at at the house of Engine Company Number Four, and that Lewis P. George, James Doherty and Nathan Laudrum, shall be the judges, and Peter V. A. Westervelt the clerk of said election.

General powers of inhabitants of wards.

18. *And be it enacted*, That the inhabitants of the several wards hereby created, shall be vested with and entitled to all the rights, powers, authorities, privileges and advantages, and be subject to the same regulations, government and liabilities to which the inhabitants of the several wards of said city, as they existed before and at the time of the passage of this act, were or may be entitled or subject, except as may be otherwise directed in this act.

Alteration.

19. *And be it enacted*, That so much of section seventy-nine, title eighth, of the act to which this is a further supplement, as gives to commissioners on opening streets ninety

days in which to file their report, is hereby altered, and the time therefore fixed at forty-five days.

Duties of the comptroller.

20. *And be it enacted*, That in addition to the certification of expenses of grading, paving or planking any street or section of a street, provided for in section seventy-two, title eighth, of the act to which this is a supplement, the comptroller of the city shall certify to the correctness of the statement of the superintendent of streets, and file the same in his office.

Opening or altering streets.

21. *And be it enacted*, That upon the opening or altering of any street in said city upon proceedings under section seventy-nine, title eighth, of the act to which this is a supplement, the mayor and aldermen shall not be required to work, or make such street passable unless a majority of the owners of property fronting thereon shall make application to have the same graded pursuant to section seventy-two of said title and act.

Elections for certain officers.

22. *And be it enacted*, That the election for chief engineer, assistants, and judge of election, authorized by section eighty-nine, title eighth, of the act to which this is a supplement, shall hereafter be held at such place or places in said city, and between such hours of the day, and subject to such rules and regulations as the said mayor and aldermen shall by ordinance appoint and prescribe.

Recorder to investigate origin of fires.

23. *And be it enacted*, That it shall be the duty of the recorder of said city, whenever a fire shall occur therein, to investigate the origin and cause of the same, and when he shall believe such fire to be the work of an incendiary, to cause the arrest of any suspected person or persons; and the said recorder shall have power in the prosecution of such investigation, to cause all necessary evidence to be brought before him.

Sidewalks.

24. *And be it enacted*, That all sidewalks in said city of Paterson which are or shall be paved to the full width with good, substantial blue flagging, shall be kept in good order and repairs by and at the expense of the city.

Further powers as to grading streets, &c.

25. *And be it enacted*, That the mayor and aldermen of said city may authorize the grading, paving or macadamizing of any street or streets in said city, and provide for the payment of the cost thereof by general tax; and, in addition to the powers now conferred upon the mayor and aldermen of said city by section seventeen, title fifth, of the act to which this is a supplement, they are hereby empowered to pass all

such ordinances, rules, regulations and by-laws as they may judge proper to control the erection of buildings in said city.

Extending fire and water limits.

26. *And be it enacted*, That all property lying in the North ward of said city not now subject to fire and water tax, shall hereafter be included in the assessment for the same, excepting that portion of said ward contained within the following boundaries: beginning in the northerly line of the Passaic river in line of lands of the "Roman Catholic Church of Saint John the Baptist, Paterson," and Adrian Van Houten, and running thence (one) along the line of lands between said "Roman Catholic Church of Saint John the Baptist, Paterson," and Adrian Van Houten, in a northwesterly course to the old patent line; thence (two) easterly along said patent line to the westerly line of the Paterson and Hamburg turnpike company's road; thence (three) southerly along the westerly line of said road to the northerly line of the Oldham brook; thence (four) along the northerly line of said brook in a southwesterly direction to the northerly line of said Passaic river; thence (five) along the same in a westerly direction to the place of beginning.

Salaries of certain officers.

27. *And be it enacted*, That the several following named officers of the city of Paterson shall, for the term of their respective offices, be entitled to receive the annual salaries hereinafter mentioned, that is to say: the recorder of the city at the rate of one thousand dollars by the year; the city clerk at the rate of seven hundred dollars by the year; and the comptroller of the city at the rate of eight hundred dollars by the year, which shall be paid as heretofore.

Repealer.

28. *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.

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

Approved March 24, 1868.

CHAPTER CCI.

An Act to prevent Cattle and Sheep from running at large in the township of Fairfield, in the county of Cumberland.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "An Act to prevent horses, cattle, sheep and swine from running at large in the township of Clinton, in the county of Essex, and the township of Rahway, in the county of Union," approved March fourth, eighteen hundred and fifty-eight, so far as said act relates to cattle and sheep, be and the same are hereby extended to the township of Fairfield, in the county of Cumberland. Provisions of act extended.

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

Approved March 24, 1868.

CHAPTER CCII.

Supplement to the act entitled "An Act to complete the Geological Survey of the State," approved March thirtieth, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act to which this is a supplement, as directs and requires the geological survey of this state to be completed within a period not to exceed four years, be and the same is hereby repealed. Repealer.

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

Approved March 24, 1868.

CHAPTER CCIII.

An Act to incorporate the Masonic Association of the city of Paterson.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Edwards, John C. G. Robertson, William Ower, Robert McCullock, Alpheus S. Allen, and their associates, and the survivors of them, free and accepted masons of the state of New Jersey, and their successors, be and they are hereby created a body politic and corporate in law, by the name, style and title of "The Masonic Association of the City of Paterson," for the purpose of having, holding, purchasing and possessing any lands, tenements, hereditaments and personal estate in the city of Paterson, purchased, devised or bequeathed by any person or persons, bodies corporate or politic, capable of making the same, and shall have such power to purchase, take, receive, have, possess and enjoy all such lands, tenements, property, goods, chattels and effects as may be required for the purpose of the said corporation, and the same to grant, bargain, sell, alien, convey, lease, demise, mortgage, change, encumber and dispose of at their will and pleasure.

Name.

Capital stock. 2. *And be it enacted*, That the capital stock of the said corporation shall be fifteen thousand dollars, with the privilege of increasing the same to fifty thousand dollars, to be divided into shares of twenty-five dollars each, which shall be deemed personal property, and may be transferred on the books of said corporation in such manner as shall be prescribed by the by-laws; and whenever ten thousand dollars shall have [been] subscribed and paid, or satisfactorily secured to be paid, the said persons or a majority of them shall convene a meeting of the stockholders by ten days' previous notice served upon said stockholders, or published in two newspapers in the city of Paterson for the same space of time, which notice shall specify the time, place and object of meeting; at which meeting the said stockholders shall proceed to elect such directors as they may deem necessary, who shall hold their office for one year and until others are duly elected in their stead, and make such by-laws as they shall deem proper for the purposes aforesaid, not inconsistent with the

Directors how elected.

laws of this state or of the United States; *provided, however*, that the persons named in the first section of this act shall be the first directors, with power as above provided, and may continue in office until the first annual election prescribed by the by-laws, and until their successors shall be duly elected; *and provided further*, that the worshipful masters of such masonic lodges in the city of Paterson as shall be interested in the capital stock of the said association, shall be ex-officio directors of the said corporation during such time as the said lodges shall be interested in the capital stock of the corporation. Proviso. Proviso.

3. *And be it enacted*, That no part of the capital stock shall, at any time or under any pretence, be withdrawn or refunded to the stockholders until all debts and liabilities of the corporation are fully paid, and each stockholder, at all elections for directors or other purposes, shall be entitled to one vote for every share of capital stock held by such stockholders, which vote may be given in person or by proxy. No part of capital stock shall be withdrawn.

4. *And be it enacted*, That at every annual meeting of said corporation the directors shall submit to the stockholders a written statement of their president or treasurer, of the amount of capital stock paid in, the amount of all existing debts and claims against the corporation, and of their receipts and credits of the preceding year; and such dividends may from time to time be declared by the directors as they shall deem proper, and be paid to the stockholders, but no dividend shall be declared except from the net profits of the said corporation. Annual statement. Dividends.

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

Approved March 24, 1868.

CHAPTER CCIV.

An Act to incorporate the Empire Brick Manufacturing Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ira A. Hutchinson, Samuel E. Ogden, Jacob A. Kline, Joshua Vanbremmer and Hiram Bliss, junior, and such other persons as may be associated with them, and their successors, are hereby created and declared to be a body politic and corporate in law, by the name and title of "The Empire Brick Manufacturing Company," and by that name shall continue in force for thirty years, and have all the privileges and franchises belonging or incident to a corporation.

Name.

Capital stock.

2. *And be it enacted*, That the whole amount of the capital stock of said company shall be five hundred thousand dollars, to be divided into shares of fifty dollars each, which shall be personal property, and transferable only on the books of said company; but the company may be organized and commence operations whenever two hundred thousand dollars of the said capital stock shall have been subscribed and paid as hereinafter provided.

Commissioners to open books of subscription.

3. *And be it enacted*, That the above-named corporators, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of said company, at such time and place or places in this state, and upon such notice as they shall direct; and at the time of subscribing for said stock, such amount on each share shall be paid, satisfied, or satisfactorily secured to said commissioners as they, or a majority of them, shall determine; and the residue of the subscriptions shall be paid, satisfied or secured as the directors may determine, in such installments, at such times and places, in such manner, and to such person or persons as said directors shall from time to time appoint and direct giving notice of such time and place, and person or persons, by a notice served upon each subscriber two weeks previously to said time, or published in the newspapers printed in the city of Paterson in this state, for two weeks, at least three times in each week; and upon the failure of any person to pay, satisfy or secure the payment of the installments, or any of them, as aforesaid, the said directors shall have power to forfeit the shares of each and every person so

Forfeiture for non-payment of installments.

failing, or any of them, to and for the use and benefit of the said company; and any shares of stock so forfeited as aforesaid, may be held by the said company, or any person or persons for its benefit, and may at any time be sold or disposed of for the benefit of the company, or divided proportionately among the remaining stockholders, as said directors may direct, to be by them held and enjoyed, or sold and transferred with all the rights and benefits incident thereto, the same in all respects as if they were original shares by them subscribed; and any land, or interest therein, machinery, engines, tools, or other property or materials, used or to be used in the business of the said company, may be received in payment or satisfaction of subscriptions for such stock, at such valuation as shall be approved by a majority of the above-named corporators; and said commissioners may reserve such portion of said capital stock as a majority of them may determine, for the use of the company as working capital, and to be sold by the directors as they shall see fit.

Directors, and how elected.

4. *And be it enacted*, That whenever two hundred thousand dollars of the capital stock aforesaid shall have been subscribed, the said commissioners, or a majority of them, shall, as soon as they may deem expedient, give notice in such manner as they may determine of a meeting of the stockholders, at such time and place as they may designate, to choose five directors, who shall hold their office for one year and until others are duly elected; such election shall be made at the time and place so appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of stock entitling the holder thereof to one vote, and the directors chosen at such meeting, or at the annual election of said corporation shall, as soon as conveniently may be after every election, choose out of their own number a president, who shall hold his office for one year, and until his successor shall be duly appointed; *provided*, the persons named in the first section of this act shall be the directors of said company, and shall hold their office until others are legally chosen as above provided for; and in case of the death, resignation or incapacity of the president or any director, such vacancy may be filled by the remainder of the directors for the time being, or a majority of them.

Proviso

Powers of corporation.

5. *And be it enacted*, That the said company shall be and are hereby authorized and empowered to establish and carry on the business of manufacturing bricks, tiles, pipes, and all other

articles from clay or earth, and of manufacturing or procuring to be manufactured, machines, engines, tools and other articles to be used in the manufac ure of bricks, tiles, pipes and other articles from clay or earth, and of transporting and vending the same, and for such purposes to purchase, rent, take, hold, occupy and enjoy, grant, demise, lease and convey in this state, such lands, and such parts, shares and interest therein as they may deem proper, in fee simple, or any less estate, and to purchase, rent, hire, erect, build, hold, maintain and use, grant, demise, lease and convey such buildings, machinery, engines, tools, kilns, works and other real and personal property, as they may deem necessary and proper for developing their property and carrying on their business.

Powers of directors.

6. *And be it enacted*, That the board of directors of said company shall have power to make and adopt a common seal for said corporation; to appoint from their own number or otherwise, a treasurer and secretary, and such other officers, clerks and agents as they may think necessary, and to fix their salaries or compensations; to borrow such sums of money as they may from time to time deem advisable, for the purposes of said company, not to exceed in amount at any one time two-thirds of the capital stock paid in or secured, and secure the payment of the same by mortgage or mortgages on the lands, estate, property and rights of said company, or any part thereof; and to make such by-laws, not inconsistent with the provisions of this act, as they may think proper, regulating the issue and transfer of stock, and for the general government and the affairs of said company; and the principal office of said company shall be in the county of Passaic, and that the said company may, in addition to their office in the county of Passaic, have and maintain an office in the city of New York, for the transaction of business, the transfer of stock, and the meetings of the directors and stockholders of the said company.

May borrow money on bond and mortgage.

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

Approved March 24, 1868.

CHAPTER CCV.

An Act to authorize the Trustees of St. James Church, Knowlton, and the Rector, Wardens and Vestrymen of St. James Church, Knowlton, to make sale of certain lands.

Preamble.

WHEREAS, Robert Allison and Jane his wife, by deed bearing date on the twenty-fifth day of July, anno domini, seventeen hundred and eighty-nine, conveyed a small lot of land lying in the township of Knowlton, in the now county of Warren, in the state of New Jersey, to the trustees of St. James Church, Knowlton, and their successors in office, to erect a house of worship thereon; and whereas Henry Hartung and Susan Ann his wife, by deed bearing date on the eighth day of May, anno domini, eighteen hundred and forty-one, conveyed a small lot of land immediately adjoining the lot above mentioned, to the rector, wardens and vestrymen of St. James Church, Knowlton, on which last lot a church has been erected, which has recently been destroyed by fire; and whereas the Warren railroad runs immediately in front and over a portion of said lots, which renders it impossible to build a church on either of said lots of land; and whereas the trustees of St. James Church Knowlton, and the rector, wardens and vestrymen of St. James Church, Knowlton, are desirous of erecting a house of worship in a new place, and to sell and convey the lots above named,

Power to sell church lands.

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 trustees of St. James Church, Knowlton, and the rector wardens and vestrymen of St. James Church, Knowlton, to sell and convey the said lots by them held with the appurtenances, and that any conveyance by them made, shall be good and effectual in the law, and shall vest in the purchaser or purchasers thereof, a complete, perfect and absolute title in fee simple to the lots of land in question.

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

Approved March 24, 1868.

CHAPTER CCVI.

An Act to incorporate the Franklin Gold Company of Colorado.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William R. Morton, Joseph B. Heishon and Isaac N. Morton, and all such persons as may be hereafter associated with them, their successors and assigns shall be and they are hereby constituted a body corporate

Name.

and politic, in fact and in law, by the name of "The Franklin Gold Company of Colorado," for the purpose of mining gold, silver or other ores and minerals in the territory of Colorado or elsewhere, and of selling and disposing of the same, and of transacting all business necessary or expedient to be connected therewith.

Principal office.

2. *And be it enacted*, That the said company may carry on its business and establish necessary offices, under the directions of its officers, in such places as they may deem expedient, but the principal office shall be located in the city of Salem, in this state.

Powers.

3. *And be it enacted*, That for the purpose aforesaid the said corporation shall have the right to purchase, hold, possess and enjoy such real and personal estate in the territory of Colorado or elsewhere as they may deem neeessary, and of leasing, mortgaging or disposing of the same.

Capital stock.

4. *And be it enacted*, That the capital stock of the said corporation shall consist of three hundred thousand dollars to be divided into shares of five dollars each, and that the said corporation shall have the privilege of increasing the capital stock to one million dollars, or to reduce said capital stock at the pleasure of a majority of the stockholders of said company.

Directors, how elected.

5. *And be it enacted*, That the business of the said corporation shall be managed and conducted by not less than three nor more than nine directors, all of whom shall be stockholders, and one of whom shall be president, and that the persons named in the first section of this act shall be the first directors of said corporation, and shall hold their offices for one year and until their successors be elected, and every year thereafter at such time and place as the by-laws of the said

corporation shall appoint, an election for directors shall be held, at which every stockholder shall be entitled to one vote either in person or by proxy, for every share of the stock which he or she may own, and the directors shall hold office for one year and until their successors shall be elected, and in case a vacancy shall occur in such board of directors by death, resignation or otherwise, the remaining directors shall have power to fill such vacancy by the appointment of any stockholder.

Not dissolved by failure to elect directors

6. *And be it enacted*, That in case it shall at any time happen that an election for directors shall not be made on the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as the directors of the said corporation shall direct.

Powers of directors.

7. *And be it enacted*, That the directors of the said corporation shall have power to make such by laws, ordinances and regulations as they may deem necessary for the government of the said corporation; *provided*, the same be not contrary to the laws of the United States or of this state.

How dissolved

8. *And be it enacted*, That the said corporation may be dissolved by a general meeting of the stockholders especially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein, and upon such dissolution the directors at the time being, and the survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for the settling all the affairs of the company, collecting and disposing of its assets, paying its debts, and dividing its surplus amongst the stockholders in proportion to their respective interests in the stock.

Proviso.

Limitation.

9. *And be it enacted*, That this act shall continue in force for thirty years, and shall take effect immediately, and that it shall possess the general powers, and be subject to the restrictions and liabilities set forth in an act entitled "An Act concerning corporations," approved February, eighteen hundred and forty-six, and the several supplements thereto, so far as the same are applicable.

Approved March 24, 1868

CHAPTER CCVII.

An Act to incorporate the Scotch Plains Mutual Theft Detecting Society.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Clark, George R. Nicholl, Joseph M. Osborn, William H. Brower, William C. Stansbury, James C. Lyon, James A. Baker, Nathan Marsh, John Robison, Jacob V. Cole, Loftus Hollinsworth, O. M. Putnam, and their successors are hereby constituted a body

Name.

corporate by the name of "The Scotch Plains Mutual Theft Detecting Society," and to remain and continue for the space of twenty years next ensuing.

Directors, and how elected.

2. *And be it enacted*, That the affairs of the said society shall be managed by six directors to be chosen by the members of the said society, annually, at such time and manner as the by-laws of the society may direct, who shall serve for one year and until others shall be chosen in their stead, notice of which election shall previously be given for two weeks by notices posted in three of the principal places in the village of Scotch Plains, and that Joseph Clark, George R. Nicholl, William H. Brower, Joseph M. Osborn, William C. Stansberry and James A. Baker, shall be the first directors, who shall as soon as convenient after the passage of this act, assemble and organize said society, and continue in office until others, as hereinbefore directed, shall be chosen in their stead; the said directors shall from time to time elect a president from their number, and may also appoint such other officers as may be convenient and necessary.

Power conferred.

3. *And be it enacted*, That every member of said society shall be empowered to make arrest of any person or persons whom they may find stealing, or in whose possession stolen property may be found, and bring them before a magistrate to be dealt with according to law.

Policies of insurance against theft.

4. *And be it enacted*, That when the funds of this society shall amount to one thousand dollars, the said directors may issue policies of insurance against theft on any property belonging to any member of said society, on such terms as the society may make in their by-laws.

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

Passed March 24, 1868.

CHAPTER CCVIII.

A Further Supplement to the act entitled "An Act creating the office of Comptroller of the Treasury, and defining the duties thereof," approved March seventeenth, eighteen hundred and sixty-five.

Appointment of comptroller of the treasury.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the comptroller of the treasury shall hereafter be appointed by the senate and general assembly of this state in joint meeting assembled; and in case a vacancy shall happen by death or otherwise at any time during the sitting of the legislature, then and in such case, the vacancy so happening shall be filled during such sitting by the senate and general assembly of this state; and if a vacancy by death, or otherwise howsoever, shall happen during the recess of the legislature, then the governor of the state, or in case of his death, absence or other disqualification, the person administering the government for the time being may make a temporary appointment until the next meeting of the legislature, which shall then fill such vacancy; and the term of office of the person appointed as aforesaid shall commence from and after the expiration of the term of the present incumbent, and he shall hold his office three years and until his successor is appointed.

Duties as auditor and register of accounts.

2. *And be it enacted*, That it shall be the duty of the treasurer forthwith, upon the receipt of any interest, or other moneys belonging to the state or to the school fund, or other funds in his custody, to report the same to the comptroller for audit and registry before any acquittance or discharge is given therefor; and the same duty is imposed upon all public officers or other persons, who as agents for the state receive license fees or other moneys belonging to the state.

3. *And be it enacted*, That every sheriff, officer prosecuting

Sheriffs, prosecutors and clerks must pay over moneys.

the pleas or clerk of any court who shall collect or receive any moneys on recognizance before or after execution, or from fines and amercements, and which belong to the state by the fifth section of the act entitled "An Act regulating proceedings on forfeited recognizances, and appropriating the moneys arising from the same, and from fines and amercements," approved April fifteenth, eighteen hundred and forty-six, shall pay over the same to the treasurer within ten days after its collection or receipt, after deducting five per centum thereof for his trouble in collecting or receiving and paying the same; and every such sheriff, officer or clerk neglecting or refusing to pay over such moneys as aforesaid within the time herein allotted, shall forfeit all claim to compensation or commissions, and shall moreover for each neglect or refusal, be subject to the same forfeiture and penalty, and to the same action of debt or trespass on the case, as are prescribed in the said fifth section of the said act, approved April fifteenth, eighteen hundred and forty-six.

Clerks of courts must make abstract of fines, amercements, &c.

4. *And be it enacted*, That it shall be the duty of the clerk of every court of this state to make out and within ten days after the regular session or term of his said court shall commence, transmit a true abstract from the minutes, of all fines and amercements awarded and the amount of all judgments entered on forfeited recognizances for the use of the state during the next preceding regular session or term of said court; he shall transmit the same in duplicate, one copy to the treasurer and one copy to the comptroller, which abstract shall contain the names of the persons fined and amerced, and against whom judgment as aforesaid has been entered, and also the names of the sheriff and collector of the county for the time being; for furnishing these duplicate copies the clerk shall receive five dollars for both, and for every neglect or refusal to transmit the same within the time hereby appointed, he shall forfeit and pay two hundred dollars, to be recovered by action of debt with costs, to be instituted by the comptroller of the treasury, in the name and for the use of the state.

Judge must endorse taxed bills of costs.

5. *And be it enacted*, That the taxed bill of costs in the case of every convict sentenced to imprisonment in the state prison shall have endorsed thereon a certificate of the presiding judge of the court who tried the cause, stating that he has examined the taxed bill and that the same is correct, and the comptroller shall issue his warrant for the payment

of no bill of costs that is presented to him without this endorsement, and for this service such judge shall receive the sum of one dollar for each certificate, to be included in the taxed bill of costs.

Duties of comptroller as to stationery.

6. *And be it enacted*, That it shall the duty of the comptroller on or before the first day of December in each year, to advertise for at least two weeks in one or more of the newspapers published in the city of Trenton, for proposals to supply the necessary stationery, specifying the kinds and amount required, for the use of the legislature at the organization of the next succeeding session, and to contract for the same upon the most advantageous terms that may be offered, which proposals shall remain of record in his office; *provided*, that the whole cost of the stationery so furnished shall not exceed the sum of five hundred dollars.

Proviso.

Repealer.

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

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

Passed March 24, 1868.

CHAPTER CCIX.

A Supplement to an act entitled "An Act to incorporate the Ridgefield Park Railroad Company," approved April fourth, eighteen hundred and sixty-seven.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fifth section of an act entitled "An Act to incorporate the Ridgefield Park Railroad Company," approved April fourth, eighteen hundred and sixty-seven, be amended by inserting the words "and to" between the words "railroad" and "or."

Power to build a bridge.

Proviso.

2. *And be it enacted*, That the said company shall have power to build a suitable bridge for the purposes of said act over the Hackensack river; *provided*, that a suitable draw shall be constructed therein, with the same provisions and un-

der the same regulations for building said bridge and draw as are contained in an act entitled "An Act to incorporate the Hackensack and New York Railroad Company," approved March fourteenth, eighteen hundred and fifty-six.

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

Approved March 24, 1868.

CHAPTER CCX.

A Further Supplement to the act entitled "An Act to incorporate Jersey City," approved March eighteenth, eighteen hundred and fifty-one.

Power to compel attendance of witnesses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of Jersey City shall have power to compel the attendance of witnesses to testify before them, and before the standing and special committees of said common council, and to send for persons and papers to be used as evidence in all investigations lawfully to be had before said common council and any of the said committees.

Proceedings thereon.

2. *And be it enacted*, That whenever any person shall be required to give evidence before the said common council or any of the committees thereof, or it shall be necessary to send for any papers to be used before said board, or any of its committees, a subpœna shall be issued by the clerk of said common council, in the name of the state of New Jersey, under the seal of the board, to be signed by said clerk and tested in the name of the president of said board, directed to such witness or witnesses, or person or persons, demanding him, her or them to appear before said common council or such committee, at a time and place to be named therein, to give evidence before such board or such committee in the matter that may be under investigation; and if any person to whom such subpœna may be directed shall have in his or her possession any papers which may be required by the said board or committee, such person may be required to produce

said papers before said board or committee upon being legally served with a subpœna duces tecum issued as hereinbefore provided.

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

Approved March 24, 1868.

CHAPTER CCXI.

An Act to appoint commissioners to superintend the drainage of certain lands lying in the township of Passaic, county of Morris.

Commissioners to superintend drainage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Elijah P. Oliver, Jonathan Miller and Oscar Lindsley, are hereby appointed commissioners for the purpose of employing one or more persons to dig, excavate, and make all such water courses, ditches and drains as are necessary to effectually drain and carry off the water from certain lands hereinafter described, and to do all other acts necessary and expedient to be done to carry out the objects and purposes of this act.

Boundaries of district drained.

2. *And be it enacted*, That the said draining shall commence with and in the Great Brook, at its junction with the Passaic river, and continue with it in an easterly course to where it receives the Tichenor ditch, and to extend to other ditches, water courses and drains emptying into the Great Brook, to drain the low lands lying in the township of Passaic.

3. *And be it enacted*, That the said commissioners, or a majority of them, shall have power and authority to employ an engineer to locate the route or routes of said ditches, water courses and drains, and ascertain the proper depth and grade of the same, which, in their judgment shall be necessary to make the said drainage effectual, and to remove the earth and other substances a sufficient distance from the bank to prevent the same from falling or washing in to obstruct said ditches, water courses and drains; and to assess the cost and expenses of the same, together with the pay allowed

Powers of commissioners.

said commissioners for the performance of their duties under this act, upon the owners of the lands through which the said ditches, water courses and drains may be made, and upon the owners of such other lands lying immediately near, and which, in the judgment of the said commissioners, are benefitted thereby; said costs and expenses shall be assessed pro rata according to the valuation of the lands benefitted thereby, and the same shall be a lien upon the said lands benefitted; and if any person or persons shall refuse to pay his, her or their assessment, after due notice, the said commissioners, or a majority of them, shall have power and authority, after one week's advertisement of the same in the newspapers of said county, and five days' notice in five of the public places in the township, to sell any crops, pastures, wood, timber, or the land of the person or persons so making default as aforesaid, sufficient to pay his, her or their assessment, with fifty per centum additional added; and the said commissioners, or a majority of them, shall have power and authority to appoint their successors in office, and the said commissioners shall each receive for their services two dollars per day, for each and every day that they are actually engaged in the performance of their duties under this act.

4. *And be it enacted*, That the said commissioners, before entering upon their duties, shall take and subscribe to an oath, to faithfully and impartially perform their duties under this act; and as soon as said oath is taken they shall organize their commission and appoint one of their number, who shall have power to perform all the duties under this act, except as to making the valuation of property and assessing the costs and expenses of said work upon the owners of the same; and that the record and report of said commissioners shall be a sufficient evidence of the indebtedness in each case respectively, and a defence for all their acts done under and by authority of this act.

Limitation.

5. *And be it enacted*, That the said work and drainage shall be commenced on or before the first day of June, eighteen hundred and sixty-eight, and shall be completed as soon thereafter as may be, with due diligence of the same, and continued yearly thereafter; and that immediately after the said work shall have been completed, the costs and expenses of the same shall be assessed upon the owners of the land benefitted thereby, which assessment shall be due and payable immediately upon a notice of the same being served

upon or left at the residence of the person or persons so assessed.

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

Approved March 24, 1868.

CHAPTER CCXII.

A Further Supplement to an act entitled "An act to authorize the construction of works for supplying Jersey City and places adjacent with pure and wholesome water," approved March twenty-fifth, eighteen hundred and fifty-two.

Names of water commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of water commissioners of Jersey City shall hereafter consist of four members, to wit: Jacob R. Wortendyke, Noah D. Taylor, Andrew Clerk and George McLaughlin, together with the president of the board of aldermen of Jersey City for the time, who shall be ex-officio a member of said board; the said commissioners shall elect annually one of their number president of the board, and shall determine by lot or otherwise the terms during which the four of their number, other than the president of the board of aldermen, shall hold their offices, and these shall be as follows: one of them shall remain in office until the first Monday of May, eighteen hundred and sixty-nine; one until the first Monday of May, eighteen hundred and seventy; one until the first Monday of May, eighteen hundred and seventy-one; and one until the first Monday of May, eighteen hundred and seventy-two; and three of the members of said board shall be a quorum for the transaction of business.

When elected, and vacancies how filled.

2. *And be it enacted*, That at the annual charter election to be held in said city in the year eighteen hundred and sixty-nine, and in every year thereafter, there shall be elected one commissioner, to fill the place of him whose term of office shall have expired, who shall hold his office for four years from the first Monday of May next ensuing such election; and any vacancy that shall occur in said board of commis-

sioners by death, resignation or otherwise, shall be filled by the common council of Jersey City, but the person so appointed to fill such vacancy shall hold his office only for the residue of the term for which the member whose place is filled by such appointment was elected or appointed; and each of said commissioners, except the president of the board of aldermen, who are appointed by this act, or who shall be appointed or elected under the provisions of this act, before entering upon the duties of his office, shall give a bond of twenty thousand dollars, with two good and sufficient sureties, to the mayor and common council of Jersey City, the same to be approved by them, for the faithful performance of their duties as such commissioners.

Powers.

3. *And be it enacted*, That the board of water commissioners of Jersey City, as herein constituted, shall have and possess all the powers, shall perform all the duties, and be liable to all the restrictions and penalties which the board of water commissioners of Jersey City heretofore created, and existing at the passage of this act, had and possessed, or were liable to; and in the settlement of all contracts for work finished or unfinished, and for liabilities of every kind, the board of water commissioners under this act shall be held accountable, in the same manner and to the same extent as the said former board would have been held if continued in office.

Qualifications.

4. *And be it enacted*, That the said commissioners so appointed and elected shall be citizens of this state, residents of Jersey City, of the age of at least thirty years, and shall have been residents of said city for at least three years next before their appointment; and that they shall before entering upon their duties as commissioners, each take and subscribe an oath faithfully to perform the duties of water commissioners of Jersey City according to law, which oath shall be administered by any notary public of this state, or the city clerk of Jersey City, and filed by said city clerk in his office.

Power to demand and receive water works, &c.

5. *And be it enacted*, That the commissioners appointed under this act, or any three of them, may, after their organization, apply to the commissioners now having the same in charge, who shall thereupon immediately relinquish, resign surrender and deliver over to said applicants the care, custody and management of the Jersey City water works and drainage works, and all parts thereof, and all property of every kind and character belonging thereto or connected therewith, including all moneys, bonds, notes, books of ac-

count, registers, plans, drawings, specifiations, maps, vouchers and papers, or things in any way relating to or connected with the business or management of the said water or drainage works which may be in their possession or under their control or in the possession or control of their officers, agents or other persons employed by them for the care and management thereof, and they shall thereupon cease to hold office under their existing appointments as water commissioners.

Duties of commissioners.

6. *And be it enacted*, That it shall be the duty of the president of the board of said water commissioners to take the general charge, supervision and direction of the Jersey City water and drainage works, and of all officers, agents, overseers, inspectors, workmen and others employed in the care and management of the same, subject to the special direction and general rules of the board; and it shall also be the duty of the said president and at least one of the other commissioners to visit the engine house and inspect the pumping engines and other machinery, the reservoirs and other parts of the water works, once in each month, or oftener if necessary; and to make and preserve, in a book to be provided for that purpose, a record of all such visits, with remarks upon the condition in which the several parts of the water works were found, and upon the conduct of those having charge thereof.

Contracts void in which the commissioners are interested.

7. *And be it enacted*, That all contracts in which said commissioners or either of them shall be personally interested, either directly or indirectly, or in which either of them shall be security for the faithful performance thereof, shall be null and void, nor shall either of said commissioners be directly or indirectly interested or concerned in any work, material or supplies made and ordered by the said board.

8. *And be it enacted*, That all moneys now deposited in banks by the water commissioners of Jersey City, or which hereafter may be deposited shall be payable to the joint order of the president and two other members of said board.

Tax for cleaning and repairing sewers.

9. *And be it enacted*, That for the purposes of clearing and repairing the sewers and receiving basins in Jersey City, it shall be lawful for the said board of water commissioners to assess and collect in the same manner that other assessments by them are now collected, a sum not exceeding fifty cents on each piece or parcel of land containing twenty-five hundred square feet or less, within the limits of said city, benefitted thereby.

10. *And be it enacted*, That hereafter the publication of

assessment lists of any and all sewers built shall be sufficient and lawful if made in two newspapers printed and published in said city.

Real estate belonging to city exempt from taxation.

11. *And be it enacted*, That all real estate belonging to the mayor and common council of Jersey City and held within the county of Hudson for purposes connected with the works for supplying said city with water, shall hereafter be exempt from taxation.

Salary of president.

12. *And be it enacted*, That the salary of the president of said board of water commissioners shall not exceed the sum of five hundred dollars per annum to be paid out of money belonging to said board.

Repealer.

13. *And be it enacted*, That the act entitled "A Further Supplement to the act entitled 'An act to authorize the construction of works for supplying Jersey City and places adjacent with pure and wholesome water, approved March twenty-fifth, eighteen hundred and fifty-two,' approved March twenty-seventh, eighteen hundred and sixty-six," and all other acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 24, 1868.

CHAPTER CCXIII.

An Act to enable the Camden and Amboy Railroad and Transportation Company to lease the Camden and Burlington County Railroad, and the Vincentown Branch of the Burlington County Railroad.

Power to lease railroads

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Camden and Amboy Railroad and Transportation Company to take, and for the Camden and Burlington County Railroad Company to give, a lease of the railroad franchises and property of the latter company, for such length of time and on such terms and conditions as may be agreed on by the said companies; and that it shall also be lawful for the said first named company to take, and for the Vincentown Branch of the Burlington County Railroad Company or its assigns to

give, a lease of the railroad franchises and property of the latter company, for such length of time and on such terms as the respective parties may agree upon; and when such lease or leases shall be made, it shall be lawful for the said Camden and Amboy Railroad and Transportation Company to operate the said railroads respectively, and take the tolls, fares and freights thereof, and exercise the franchises of said companies respectively; *provided*, that if any stockholder of either of said companies shall dissent from such lease from or to the company in which he or she may be such stockholder, and shall, within six months after the execution of such lease, give notice of his or her dissent to the said Camden and Amboy Railroad and Transportation Company, the said company shall take his or her stock and pay to him or her the full value thereof, to be appraised (if the parties cannot agree upon such value) by three disinterested commissioners, to be appointed by the supreme court or the court of chancery of this state, on reasonable notice given of the application therefor by either party; and when so appraised, and the amount paid or tendered, the certificate for said stock shall be delivered to the said Camden and Amboy Railroad and Transportation Company, which shall have power either to hold the same or to sell and re-issue the same to any other person or persons. Proviso.

Approved March 24, 1868.

CHAPTER CCXIV.

A Supplement to an act entitled "An Act to incorporate the Ridgefield Land and Building Company," approved April fourth, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of an act entitled "An Act to incorporate the Ridgefield Land and Building Company," approved April fourth, eighteen hundred and sixty-seven, be amended by inserting between the words "Bergen" and "only" the words "and Hudson"; and also that the fourth section of said act be amended by inserting Amendment.

between the words "Bergen" and "into" the words "and Hudson"; and also that the first and fourth sections of said act be further amended by striking out the word "county" and inserting the word "counties."

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

Approved March 24, 1868.

CHAPTER CCXV.

A Supplement to an act entitled "An Act to incorporate the Phœnix Manufacturing Company," passed November eighteenth, eighteen hundred and twenty-four.

Preamble. WHEREAS, the said company, in accordance with a resolution passed by its board of directors, have executed a mortgage under the corporate seal, and the signatures of the president and secretary of said company, to Thomas D. Hoxey, trustee, upon the property of said company in the city of Paterson, which mortgage bears date the first day of January, eighteen hundred and sixty-eight, and is given to secure the payment of bonds of said company to the amount of seventy thousand dollars, of the denomination of one thousand dollars each, with interest warrants or coupons attached, payable semi-annually at the rate of seven per centum per annum, said bonds being payable in five years from the date thereof; therefore,

Mortgage declared valid. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said mortgage be and the same is hereby approved and ratified, and declared to be a valid and subsisting lien upon the property of the said company therein described for the payment of the bonds of the said company, issued or to be issued by virtue of the resolution of the board of directors as above mentioned, to an amount not exceeding in the aggregate seventy thousand dollars, as provided for in the said mortgage, and the authority of the said company to issue said bonds is hereby confirmed.

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

Approved March 24, 1868.

CHAPTER CCXVI.

An Act to authorize the Trustees of the Methodist Episcopal Church of Flemington, New Jersey, to sell and convey certain Real Estate.

Power to sell church property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Methodist Episcopal Church of Flemington, New Jersey, or their successors in office, be and they are hereby authorized and empowered to sell and convey all the real estate, with the appurtenances to the same belonging, or in anywise appertaining, conveyed by George C. Seymour and wife to Joakin Hill, Aaron C. Hoagland, James Hoagland, Peter Gulick, Samuel Atkinson, Job Silvers and Charles Green, as trustees of said church, by deed bearing date the first day of April, in the year of our Lord one thousand eight hundred and forty-six, and recorded in volume eighty-seven of deeds for Hunterdon county, page three hundred and twelve, &c., and to make, execute and deliver a good and sufficient deed to the purchaser or purchasers therefor, and such deed being in due form of law, and executed according to law, shall pass and convey to the purchaser or purchasers all the estate, right, title and interest of the said body politic and corporate in law of, in and to said land and premises.

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

Approved March 24, 1868.

New Jersey State Library

CHAPTER CCXVII.

An Act to incorporate a hotel company in the city of Perth Amboy, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alfred Hall, Nathaniel H. Tyrrell, William King, John L. Boggs, John C. Tully, James M. Chapman, William Hall, Charles N. Buck, and all such persons as may be hereafter associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in law, by the name

Name.

of "Raritan Hotel Company," and by that name shall have power to lease, purchase and hold real estate at or near the city of Perth Amboy, in the county of Middlesex, and state of New Jersey, and to erect and maintain a hotel, and other buildings and improvements thereon, or upon any part thereof, for the accommodation of the public, and to mortgage said real estate with the appurtenances, or any part thereof, and to transact all such business as may be incident or appertaining to the managing, erecting, furnishing, conducting, leasing, holding or mortgaging of said premises or otherwise controlling or disposing of the same.

Capital stock.

2. *And be it enacted*, That the said corporation shall have power to raise, by subscription, a capital stock of fifty thousand dollars, which capital stock shall be divided into shares of fifty dollars each, and shall be transferable in such manner as the by-laws of said corporation shall direct, and each share of the capital stock shall entitle the bona fide owner thereof to one vote at all meetings of the stockholders, which vote may be given in person or by proxy.

Commissioners to open books of subscription.

3. *And be it enacted*, That the persons named in the first section of this act are hereby appointed commissioners to receive subscriptions to said capital stock, at such places and time, in the said county of Middlesex, as a majority of them may appoint, giving previous notice thereof in a newspaper published in said county, and putting up notices in five public places in said city, for at least two weeks; and as soon as twenty thousand dollars of said capital stock is subscribed, the commissioners, or a majority of them, shall call a meeting of the stockholders for the purpose of organizing said corpo-

ration and electing directors, giving notice thereof in a newspaper of said county, as said commissioners, or a majority of them shall deem expedient, and the remainder of the stock shall be disposed of under the direction of the directors of the corporation, or a majority of them.

4. *And be it enacted*, That the directors shall be elected from among the stockholders, and shall be seven in number, who shall hold their offices until others are duly elected and qualified in their stead; and in case of a vacancy in the board of directors, by death, resignation or otherwise, a majority of the remaining directors shall have power to fill such vacancy, and any election or elections of directors after the first election aforesaid, shall be held at such time and manner as the by-laws of said corporation shall provide. Election of directors.

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

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

Approved March 24, 1868.

CHAPTER CCXVIII.

A Supplement to an act entitled "An Act to authorize the inhabitants of the township of Manalapan, in the county of Monmouth, to raise bounty money and to legalize the acts of said township for bounties paid heretofore," approved March tenth, eighteen hundred and sixty-five.

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

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

Approved March 25, 1868.

CHAPTER CCXIX.

A Supplement to an act entitled "An Act to alter and amend the charter of the city of Bordentown, in the county of Burlington."

City officers, and incorporated name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the better ordering of the said city of Bordentown, and the inhabitants thereof, there shall be henceforth in the said city, one mayor, who shall be a resident within said city, and who shall be keeper of the city seal, a recorder or city clerk, and nine common councilmen, which mayor, recorder and common councilmen shall be one body politic and corporate, in deed, fact, name and law, by the name, style and title of "The Inhabitants of the city of Bordentown," and by the same name shall have perpetual succession; and they and their successors at all times hereafter, by the name of "The Inhabitants of the city of Bordentown," shall be persons capable in law to have, purchase, take, receive, possess and enjoy all necessary lands, tenements, hereditaments, liabilities, franchises and jurisdictions, goods, chattels and effects, to them and their successors forever, or for any other or less estate, and the same to grant, bargain, sell, alien, convey, demise and dispose of, to sue and be sued, implead and be impleaded, in any court of justice whatever; and to make and use a common seal, and the same to alter and renew at pleasure.

Amount of taxes to be raised for necessary and contingent expenses.

2. *And be it enacted*, That it shall be lawful for the common council of said city to raise by tax from year to year, such sum or sums of money as they may deem expedient or necessary for defraying the necessary and contingent expenses of said city, not exceeding the sum of seventy-five cents on each and every hundred dollars to be assessed by the assessor, and collected by the collector of said city, in the manner in which taxes are now assessed and collected in said city.

3. *And be it enacted*, That it shall not be lawful hereafter for the voters of said city to direct to be raised, by ballot or otherwise, any tax whatever from year to year, in addition to the tax so as aforesaid authorized to be raised by the common

council, except in cases where it may be necessary to raise money to pay off a loan authorized by the common council.

4. *And be it enacted*, That the said city of Bordentown shall be hereafter divided into two election districts or wards; the first ward shall comprise all the territorial limits and boundaries of said city, lying on the west side of Main street in said city; the second ward shall comprise all the territorial limits and boundaries of said city lying on the east side of Main street aforesaid. Divided into two election districts.

5. *And be it enacted*, That the present inspectors of registry and of election in the township of Bordentown shall act as inspectors of the next ensuing spring election in said city, in said wards respectively, shall have power to elect a clerk and fill vacancies, and shall in all respects conduct said election as the same is now prescribed and regulated by the provisions of the charter of said city.

6. *And be it enacted*, That at the next annual spring election in said city, and at each election thereafter, the qualified voters of said city, in addition to the officers now required to be elected, shall elect in each of said wards, three inspectors of election, whose duty it shall be to hold all elections for officers in said city; they shall have power to appoint a clerk, if the city clerk is not a resident of said ward, and also to fill all vacancies caused by death, resignation or otherwise, and shall in all respects conduct said elections in the manner now prescribed by the charter of said city. Inspectors of election.

7. *And be it enacted*, That the city clerk or recorder of said city shall act as clerk of the board of inspectors in the ward in which he shall reside, and he shall publish the result of said election in both of said wards in the manner in which the same is now prescribed.

8. *And be it enacted*, That all acts and supplements to said charter 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 25, 1868.

CHAPTER CCXX.

An Act to authorize Charles Bennett to sell Real Estate held in trust.

Preamble.

WHEREAS, a deed of trust was executed on the fourteenth day of July, in the year of our Lord eighteen hundred and sixty-four, by Hannah Ann Ruderow to Charles Bennett, whereby a certain house and lot of land situate in the town of Mount Holly, in the county of Burlington and state of New Jersey, and particularly bounded and described in the above deed of trust recorded in book D seven of deeds, page thirty-seven, &c., in the clerk's office of the county aforesaid, containing one-eighth of an acre of land, be the same more or less, was conveyed to the said Charles Bennett in trust, that Catharine Milbine, widow of John C. Milbine, deceased, should possess and enjoy the profits of the same during the term of her natural life, under certain provisions and limitations set forth in said deed of trust, and after her death in trust to convey the said house and lot of land to Joseph B. Milbine, Elizabeth Milbine and Sarah Milbine, the only children and heirs at law of the said John C. Milbine, deceased; and whereas, the said property is considerably out of repair and no provision is made in the said deed of trust for keeping the same in proper repair, and all the parties above mentioned who are interested in the same are willing and desirous that the said house and lot of land may be sold, and the proceeds of the sale be invested in other property, subject to all the trusts, limitations and provisions contained in the trust deed aforesaid; therefore,

Power to sell real estate held in trust.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said Charles Bennett to sell the said house and lot of land either at public or private sale, and convey the same to the purchaser or purchasers; and the conveyance made by the said Charles Bennett for the said house and lot of land in the said deed of trust particularly bounded and described, shall vest in the purchaser or purchasers, their heirs and assigns, all the estate and title which the said Hannah Ann Rudderow had.

therein at the time of her conveyance of the same in trust to the said Charles Bennett.

2. *And be it enacted*, That the proceeds arising from such sale, after the payment of the necessary costs and expenses of said sale, shall be invested by the said Charles Bennett in other real estate to be conveyed to him by a deed of trust, containing the same trusts, limitations and provisions as are contained in the deed of trust mentioned in the preamble of this act, to be held by him, the said Charles Bennett, subject to the same trusts, limitations and provisions as aforesaid, and no other. Trust continued.

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

Approved March 25, 1868.

CHAPTER CCXXI.

An Act in relation to Dead Bodies.

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, whenever the body of any person found dead or killed in any county, shall be brought into any other county, and any coroner of such other county shall be duly notified to hold an inquest thereon, the expense of such inquest shall be a legal charge upon and shall be paid by the county wherein such person was killed, or such body was found, upon presentation of the certificate of the coroner holding such inquest. Costs of inquest in certain cases, how paid.

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

Approved March 25, 1868.

CHAPTER CCXXII.

A Supplement to an act entitled "An act to incorporate the Orange Gas Light Company," approved February seventeenth, eighteen hundred and fifty-seven.

Capital stock may be increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "The Orange Gas Light Company" are hereby authorized to increase their capital stock from one hundred thousand dollars, its present limit, to the sum of two hundred and fifty thousand dollars, in the whole; and that the directors of said company may, in their discretion, from time to time, open books of subscription for such increased capital stock, or any part or parts thereof, in such manner, and upon such terms, and subject to such forfeiture or forfeitures in case of non-payment of any installment or installments of such stock as are prescribed and set forth in the third section of said act; and that such increased stock shall, in every other particular, be treated and regarded the same as the original stock.

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

Approved March 25, 1868.

CHAPTER CCXXIII.

An Act to repeal an act entitled "A Supplement to an act entitled 'An act concerning Inns and Taverns,'" approved April seventeenth, eighteen hundred and fifty-nine.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act entitled "A supplement to an act entitled 'An act concerning inns and taverns,'" approved April seventeenth, eighteen hundred and fifty-nine, as relates to the county of Gloucester, be and the same is hereby repealed.

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

Approved March 25, 1868.

CHAPTER CCXXIV.

An Act to incorporate the Seven Mile Beach Railway Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That W. B. Miller, Ebenezer Westcott, John Kandle, R. B. Swain, and Samuel R. Magonagle, and such other persons as may hereafter be associated with them, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name by the name of "The Seven Mile Beach Railway Company," and by that name they and their successors and assigns shall and may have continual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors, by the same name and style, shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the object of this incorporation. Corporators. Name.

2. *And be it enacted*, That the capital stock of said company shall be two hundred thousand dollars and shall be divided into shares of fifty dollars each; but said company may increase the same to an amount not exceeding the cost of the railway and appurtenances, which are hereinafter authorized; and the said capital stock shall be deemed personal property, and shall be transferable in such manner as the by-laws of the said company shall direct. Capital stock.

3. *And be it enacted*, That the above named persons, or a majority of them, may open books and procure subscriptions Corporators to open books of subscription.

to the capital stock of the said company, at such time or times and place or places, as they or a majority of them may think proper; and whenever there shall be one thousand shares of the said stock subscribed and ten per cent. thereon paid in cash, the said corporators or a majority of them shall give notice at least three weeks, in the newspapers printed in the county of Cape May for a meeting of the subscribers to choose five directors, and such election shall be made at the time and place appointed in the said notice, by such subscribers as shall attend for that purpose, either by lawful proxy or in person, each share of the capital stock entitling the holder thereof to one vote; and the above named corporators, or a majority of them shall be inspectors of such election, and shall certify under their hands the names of those persons duly elected as directors, and deliver over the subscription books to the said directors at the first meeting of the said directors; and the said directors so chosen as aforesaid, shall at their first meeting or annually at the annual election of the said company, or as soon as may be after every such election, choose out of their own number a president; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the said board of directors or a majority of them; and in case of the absence of the president the said board of directors or a majority of them may appoint a president pro tempore who shall have such power and functions as the by-laws of the said company shall provide.

Election of directors.

Failure to elect directors not to dissolve

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

Directors may call in capital.

5. *And be it enacted*, That three directors of the said company shall be competent to transact all business of the said company, and they shall have power to call in the capital stock of said company by such installments not to exceed five dollars on each share at any one time, and at such times as they may direct; *provided*, that such installments shall not be called for a shorter period than thirty days from each other, and in case of the non-payment of said installments or any of them,

Proviso.

to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said company, and also shall have power to appoint a treasurer and 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 said board shall appear proper. Failure to pay installments to work forfeiture.

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 or expedient to survey, lay out and construct a railway from some point on the Cape May and Millville Railroad, in Cape May county, to the Atlantic Ocean, on the seven or five mile beach in the same county; said railway shall not exceed one hundred feet in width, unless more land shall be required for the slopes of cuts and embankments, with as many sets of tracks and rails as said company may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents or others in their employ to enter at all times upon all lands or water for the purpose of exploring, surveying, leveling and laying out the route or routes of such railway, and of locating the same, and to locate and erect all necessary works, buildings, conveniences, appurtenances and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such railway and the location or locations of other works, buildings, conveniences, appurtenances and appendages thereof shall have been determined upon, and a survey of such route or routes, location or locations, deposited in the office of the secretary of state, then it shall be lawful for the said company by its officers, agents, engineers, superintendents, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, and all other necessary works, lay rails and to do all other things which may be suitable or necessary for the completion, repairs or management of said railway, and for the conveyance of passengers and freight to and from the terminus thereof, subject to such compensation as is hereinafter provided; *provided always*, that the payment or tender of the payment of all damages for the occupancy of lands through or upon which the said railway May lay out and construct a railroad. May enter on lands, &c. Proviso.

and its conveniences, appurtenances and appendages may be laid out or located be made before the said company or any person under their direction or employ shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said railway and its conveniences, appurtenances and appendages, and of locating the same, unless the consent of the owner or owners of such lands be first had and obtained.

Proceedings when the company and owners of property cannot agree.

7. *And be it enacted*, That if the owner of the land on which such survey or location for said company shall be made shall not be willing to give the same for such purpose, and said company and owner cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court, who is disinterested in the premises, upon the application of either party, and after giving ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners to assess the price of value of said land, who shall be sworn or affirmed, faithfully to execute the duties of such appointment, and after like notice 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 decision and award, together with a description of the said land, and the quantity taken, by whom owned, and how situated and bounded, and described in writing, under their hands and seals, or under the hands and seals of any two of them, to the justice who appointed them, to be by him returned and filed in the office of the clerk of the county wherein the lands lie, together with all the papers before him relating thereto, there to be kept as a public record, and copies taken if required, by either party, and if either party shall feel aggrieved by the decision and award of the said commissioners, the party so aggrieved may appeal to the circuit court at the next term after such decision and award, by proceeding in the form of petition to the said court, with five days notice in writing to the opposite party of such appeal, which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and if required, they shall award a venire in proper form for a jury before them, who shall hear and finally determine the same, and it shall be the duty of the said jury to assess the value of the said lands and all damages sustained; and if the said jury be demanded by the said

Proceedings in case of appeal.

company, and they shall find a greater sum than the said commissioners, then judgment shall be given with cost against the said company, and execution issue if need be, but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then costs shall be paid by the owner or owners, and shall be deducted out of the said sum awarded by the said commissioners, or execution issue therefor, as may be directed by the said court, and upon payment or tender of the sum so found by the said commissioners or by the jury with costs, if any, the said company shall be deemed to be seized and possessed, in fee simple, of all such lands and real estate appraised as aforesaid.

Further proceedings in case of an appeal.

8. *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 company to pay the amount of any award or report so made in behalf of any such person into the court of chancery to the clerk thereof, subject to the order of the said court for the use of any such owner or owners, all of which said proceedings as well under this as the preceding section of this act, shall be at the proper costs and charges of the said company, except in cases of appeal above provided for, and the said justice shall and may order and direct as to the amount of costs and charges of such valuation and appraisement and witness fees, and as to the payment thereof in cases where an appeal is made.

Must construct bridge and wagon ways.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges over or under the said railway, where any public or other road shall cross the same, so that the passage of carriages, horses and cattle across the said railway shall not be impeded thereby, and if the company neglect to perform the same after giving twenty days' notice to the company by the person or the public officers having charge of the repairs or maintenance of said road so to do, such person or public officer may do the work, or cause it to be done, and recover the value thereof from the company by common process of law.

Rate of transportation of property.

10. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of said company, and to place on the railway constructed by them, all machines, engines, wagons,

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

Proviso

Dividends.

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

Penalty for injury to road, &c.

12. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of the railway constructed under the provisions of this act by the said company, or any of its necessary ferry boats, or other boats or vessels, wharves, bridges, carriages, machines or appendages, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by it recovered in any court having competent jurisdiction, in an action of debt, with costs, and further, shall be liable for all damages.

May hold real estate.

13. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said railway, and at its several stations on the lines of the said railway to a sufficient extent to provide accommodations and conveniences for the business of said railway, and may erect and build thereon houses, warehouses, machine shops and such other buildings and improvements as it may deem expedient for the safety of property and construction of carriages and other necessary uses, and take and receive the

rents, profits and emoluments thereof; and shall have the privilege and authority to erect, build and maintain such bridges over any rivers or streams of water on the line of its railway as it may find expedient and necessary for full enjoyment of all the benefits conferred by this act.

Must file statement of cost, &c., with secretary of state.

14. *And be it enacted*, That as soon as the said railroad, or any part of it, is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages, and all expenses, in the office of the secretary of state, and annually thereafter on the first Monday in January of each year, he shall under oath or affirmation, make a statement to the secretary of state of the cost, equipment, appendages and expenses of said road; and after the said railroad, or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power, for the purpose at the time of the passage of such law or laws, and until the said railroad or any part thereof shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate and in the same manner, for the same purposes, and by the same person or persons as other taxes assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

Annual tax to be paid to the state.

Proviso.

Limitation.

15. *And be it enacted*, That the said railway or some part thereof shall be commenced within five years and completed within ten years from the fourth day of July next ensuing, otherwise this act shall be void.

May make contracts with other companies.

16. *And be it enacted*, That it shall be lawful for said company to make contracts and engagements with any other corporation or individuals for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contract.

May borrow money on bond and mortgage.

17. *And be it enacted*, That the said company shall have the power, and it is hereby authorized to make its bonds, and

for the purpose of securing their payment to mortgage its real estate and personal property, railway or railways, and all the appurtenances, franchises, powers and privileges and rights belonging thereto, which it may possess under its act of incorporation, to such amount as it may deem expedient, and to sell or negotiate the same at such rate of interest or discount as it may deem for the best interest of the company without invalidation thereof by virtue of any statute of this state, and the said bonds and mortgages so sold or negotiated shall be valid and binding in law and equity, and the purchaser or purchasers under a decree in equity or foreclosure founded upon any such bond or mortgage, shall be invested with all the estate, rights, franchises, powers and privileges which are or may be conferred upon or possessed by said company under or by virtue of its act of incorporation and any supplements thereto, subject, nevertheless, to all restrictions, conditions and limitations contained therein.

18. *And be it enacted*, That it shall and may be lawful for any corporation to subscribe for, purchase and hold the stock and bonds of the said railway company.

State officers to pass free.

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

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

Approved March 25, 1868.

CHAPTER CCXXV.

An Act to incorporate the Bartlett Zinc Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Franklin Osgood, Edwin R. Bennett, and Robert Reid, their associates, successors and

assigns are hereby created a body politic and corporate by the name, style and title of "The Bartlett Zinc Company."

2. *And be it enacted*, That the corporation hereby created is authorized to acquire and hold by purchase, lease or otherwise, such amount of real or personal property as may be necessary for the transaction of its business, and to sell, mortgage, lease or otherwise dispose of the same. May purchase and hold real estate, &c.

3. *And be it enacted*, That the corporation hereby created is authorized to carry on the business of mining for and smelting, manufacturing or otherwise working zinc or other ores, vending or disposing of the same or the products thereof, and the business operations of said company may be carried on at such places as the board of directors may determine. Powers and objects of corporation.

4. *And be it enacted*, That the affairs of this corporation shall be managed by a board of not less than three directors, and the persons named in the first section of this act shall be the directors of the company for the first year, or until their successors shall be duly elected, but the number of said directors may be increased from time to [time] as the by-laws may prescribe. First directors

5. *And be it enacted*, That the amount of the capital stock of this company shall be one million of dollars, and shall be divided into shares of not less than five dollars each; and the amount of said stock may be increased, or the par value of the said shares altered on such terms and conditions as the directors of said company shall prescribe or determine. Capital stock.

6. *And be it enacted*, That the directors of said company are hereby authorized to receive subscriptions to stock in real or personal estate appropriate to the business of the company, or to purchase the same, and to issue stock in payment therefor, and all stock so subscribed or issued as above provided, shall be declared to be full stock, and not liable to any further call. Subscriptions to stock.

7. *And be it enacted*, That the said directors shall have power to adopt such by-laws as they may deem necessary for the regulation of the business of the company, the number of certificates of which it shall consist, and their par value, the form of its certificate of stock and the mode in which it shall be transferred. Powers of directors.

8. *And be it enacted*, That the company may have an office for the transfer of its stock, and the holding of meetings of the board of directors at such places as its by-laws may prescribe.

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

diately, and the corporation hereby created shall possess the powers, and be subject to the restrictions and liabilities set forth in "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same are applicable.

Approved March 26, 1868.

CHAPTER CCXXVI.

A Further Supplement to an act entitled "An act to incorporate the City of Burlington."

Boundaries of wards.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city of Burlington shall be divided into two wards in the manner following, viz: all that part of said city lying north of the Camden and Amboy railroad shall be the first ward of said city, and all that part of said city lying south of said railroad shall be the second ward of said city.

Common council shall appoint inspectors of registry and elections.

2. *And be it enacted*, That it shall be the duty of the common council of said city within ten days after the passage of this act, to appoint six persons, three in each of said wards, who shall act as inspectors of registry and election for said wards; each of the political parties shall be represented in said appointment; that the inspectors thus appointed, and those who shall be elected hereafter at the annual charter election of said city, shall sit at the polling places of their several wards from the hours of nine o'clock in the morning until nine o'clock in the evening on a day two weeks prior to said election, to prepare a correct list of persons qualified to vote at said election, and shall also sit on the Thursday prior to said election, during said hours, and at such places for the purpose of revising, correcting and completing said list, and shall give ten days' public notice of such sittings by handbills setting forth the time of commencing the registry, of revising the same, and of election, designating the place where they will sit, and signed by them, which said bills shall be set up in twenty of the most public places of each ward, and said

registrars and inspectors in each ward, or a majority of them, shall appoint a clerk, who shall prepare a correct list of the voters for the use of said registrars and inspectors on the day of election, said clerk to receive for his services the same fees as the other election officers; they shall also appoint one of their number as judge of election, who shall receive the ballots of those voting, and who shall designate one of the board who shall check off the name of each voter from the list before he has voted; *provided*, that no person shall be permitted to vote whose name is not registered on said list of voters. Proviso.

3. *And be it enacted*, That the common council of said city shall consist of twelve members, who shall be elected at the next charter election of said city after the passage of this act, which said members of common council shall, at their first meeting, divide themselves into three classes by lot; the seat of the first class shall be vacated at the expiration of the first year, of the second class at the expiration of the second year, and of the third class at the expiration of the third year, so that four members of common council shall be chosen at each and every annual election thereafter to take the place of the four whose term of service shall then expire. Common council to be divided into classes.

4. *And be it enacted*, That the registrars and inspectors so as aforesaid appointed, and those annually elected hereafter, and the clerks shall, before they enter upon the duties of their office, take the like oaths or affirmations as required of the other officers of said city, and before the same officer by the tenth section of the act to which this is a supplement. Registrars to take oath.

5. *And be it enacted*, That the ninth section of the act to which this is a supplement be so far amended that the word "six" therein be stricken out, and the word "seven" be inserted instead of the same.

6. *And be it enacted*, That at the next ensuing annual charter election of said city, and annually thereafter, there shall be elected in each of the wards thereof three inspectors of registry and election for the term of one year, who shall be residents of said wards respectively, and qualified to vote therein at such election; and no ballot shall contain more than two names for such inspectors, and in case more than two names therefor shall appear on such ballot, the same shall only be void, and not counted as to said inspectors; the three persons who receive the highest number of votes therefor shall be taken to be elected inspectors of registry and To be elected annually.

election; and in case two persons shall receive an equal number of votes, the first-named on the ballot for inspector of registry shall be taken to be elected as such, and in no case shall all of the inspectors of either of said wards be of the same political party.

Registry lists to be arranged and corrected.

7. *And be it enacted*, That the said inspectors of each ward shall arrange the registry lists of their several wards alphabetically as to the name of each voter, and set opposite thereto his residence; no name of any person shall be placed on said lists on the Thursday prior to the election unless of such person as shall apply in person to said inspectors at the place of registry, who may examine such person under oath or affirmation as to his right to have his name placed thereon; and to whom the same oath shall be administered by the inspectors as may by law be administered to persons offering to vote at an election; and said inspectors shall have the power to revise, correct, add to and subtract from and complete said lists, and their proceedings shall be open to the citizens of each ward, who shall be heard by said inspectors in relation to corrections or additions to said lists.

Money for current expenses.

8. *And be it enacted*, That it shall and may be lawful for the common council of the city of Burlington hereafter to order and cause to be assessed and raised by tax in any one year such sum or sums of money, not exceeding the sum of seven thousand dollars, as they shall deem expedient for the current expenses of said city, and for all other objects and purposes, and in such manner as is set forth in the twenty-seventh section of the act to which this is a supplement; and whenever hereafter a greater sum of money than said sum of seven thousand dollars is necessary to be raised in any one year for the uses of said city, that then and in such case the same resort and proceedings shall be had as is required in the twenty-eighth section of the said act of incorporation.

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

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

Approved March 26, 1868.

CHAPTER CCXXVII.

An Act to incorporate the United States Rubber Coated Leather Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John J. Fields, Albert H. King, Henry W. Joslyn, and such other persons as may hereafter be associated with them, and their successors and assigns, be and they are hereby made and constituted a body corporate and politic, in fact and in law, by the name of "The United States Rubber Coated Leather Company," for the purposes of coating leather and other fabrics with India rubber, and manufacturing, making, finishing and selling such coated fabrics, and any articles which may be made from the same, and of granting to others the right, under patents, to be possessed by said company, to manufacture said fabrics and articles, and for the transaction of such business as may be necessarily connected therewith, and may hold and erect such mills, buildings and other works as may be required to carry on such branches of manufacture and business. Corporators. Name.

2. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such real estate as may be required for the purposes of said corporation, and may sell, mortgage, lease, or otherwise dispose of the same at pleasure, and may sue and be sued, plead and be impleaded in all courts of law or equity, and may have and use a common seal, and may change and alter the same at pleasure, and may make such by-laws for their regulation and government as they may see proper. May hold real estate.

3. *And be it enacted*, That the capital stock of said company shall be two hundred thousand dollars, and that the same may be increased from time to time by the order of the board of directors, but shall at no time exceed three hundred thousand dollars, and that said stock shall be divided into shares of one hundred dollars each, and shall be deemed personal property. Capital stock.

4. *And be it enacted*, That the persons above named shall be commissioners to receive subscriptions to said capital stock at such times and places in the county of Hudson as a ma- Commissioners to open books of subscription.

jority of them shall appoint, giving ten days previous notice to that effect in the newspapers published in said county, and when one hundred shares of said stock, shall be subscribed for, and ten dollars on each of such shares so subscribed for, paid to said commissioners, they shall call a meeting of the subscribers to said stock for the purpose of organizing the company; and when said company is organized, said commissioners shall deliver to the president of the company all money, books and papers in their hands as such commissioners.

Directors.

5. *And be it enacted*, That the business of said company shall be managed by a board of directors, consisting of not less than three nor more than seven persons, as the stockholders may determine from time to time; that said board may elect from their number a president, and may also appoint such subordinate officers, superintendents and agents, as they may deem necessary; that said directors and their president shall hold their office for one year, and until others are elected in their stead, and that elections for directors shall be held at such time and place, and upon such notice as the by-laws of the company shall provide.

Powers of directors.

6. *And be it enacted*, That a majority of the board of directors shall have power to transact all the business of the company, to call in all installments of stock subscribed for, in such amounts and at such times as they may direct; and also to forfeit to said company all shares upon which default in paying installments shall arise, and all previous payments thereon, and that said company and directors shall transact their business, hold their meetings, and keep their office and books at any place or places within this state or elsewhere, as the interests of said company may require.

May issue stock for goods, &c.

7. *And be it enacted*, That the said company shall have power to issue stock in payment or in exchange for any goods, wares and merchandise, patent rights, or for any lands, estate or leasehold property therein, required to be used for and in the business of the said company, and that the stock of the said company shall be transferable in such manner as the by-laws may direct, and no transfer shall be valid until the same is duly entered in the books of the company.

How dissolved.

8. *And be it enacted*, That this corporation may be dissolved at any time by a general meeting of the stockholders summoned specially for that purpose by the board of directors or a majority of them, giving notice of such meeting once a

week for three weeks, in the newspapers published in said county; *provided*, that three-fourths in value of the stockholders be present or represented therein; *and provided*, that before such dissolution the directors, for the time being, or the survivor or survivors of them, or such other person or persons as the board shall appoint for that purpose, shall be trustee or trustees for settling the affairs of the company and paying its debts, and the property of the company shall be liable for the payment of all such debts, and the individual stockholders shall be liable for the payment thereof, in case the company's property be not sufficient to pay the same, and divide the surplus among the stockholders according to their respective interests. Proviso. Proviso.

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

Approved March 26, 1868.

CHAPTER CCXXVIII.

An Act to incorporate the Board of Education of Gloucester City.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edmund Hoffman, Samuel D. Mulford, J. C. Stinson, John Borough, Thomas Hallam, William N. Brown, George W. Dickensheets, Frederick Shindle and Joseph B. Ellis, trustees of the school districts of Gloucester city, being the trustees of the school districts formerly known as districts number two and three of the township of Union, in the county of Camden, be and the same are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Board of Education of Gloucester City," and by that name they and their successors forever shall and may have perpetual succession, and shall be capable of sueing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in any court of law Names of members of board of education. Corporate name.

or equity, and that they and their successors may have a common seal, and alter the same at their pleasure.

Actions, how brought.

2. *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 or on account of any injury to any school house, or any out buildings, fences, trees or other improvements thereto belonging, or to any school furniture or school books, in any school house or building used for school purposes belonging to or under the charge of the said board of education, shall be in the name of "The Board of Education of Gloucester City," whether the legal title of such property be vested in said board or otherwise, and all damages which may be recovered in such action or proceedings shall be appropriated by said board to the support of public schools in said city.

Annual and other meetings.

3. *And be it enacted*, That the said board of education shall hold an annual meeting in said city on the first Monday of April yearly and every year, and such adjourned and special meetings as they see proper, at such place as they themselves shall agree upon; and when met shall have power to make and adopt such rules, regulations and by-laws for their own government, and the dispatch of business as they shall think proper, and in general to do and perform, and do all such other acts and things as are provided for and warranted by this act; *provided*, that no by-law, and no resolution ordering the raising or expenditure of money shall be passed, amended revoked or repealed without the concurence of at least four votes,, which number shall be a majority and constitute a quorum of said board.

Proviso

Tax for school purposes.

4. *And be it enacted*, That the said board of education shall determine the amount of tax to be raised each year in said city for school purposes, and shall order and direct the assessors of the said city to assess and raise such sum or sums of money, not exceeding in any one year four mills in the dollar on the assessed value of the property assessed in Gloucester city, as they shall think necessary and expedient to support and maintain the public schools, and for the purchase of lots of land and buildings for the use of said schools, and for erecting school houses in the said city; which tax when raised and collected shall be paid immediately over unto the treasurer of the board of education for the time being, and his receipt and it alone shall be a discharge for the same to the officers collecting the said tax; *provided*, that nothing in this act con-

Proviso.

tained shall be construed to prevent any constable, collector or other officer from being sued, or the bond that any such officer shall have given from being prosecuted on account of any such tax in the name of Gloucester city for the use of said board.

May purchase and hold real estate for school purposes.

5. *And be it enacted*, That the said board are hereby authorized to purchase and hold in the name of "The Board of Education of Gloucester City," suitable lots of ground in the said city and to erect thereon such buildings and improvements as shall be required for the use and proper management of the public schools of said city, and to sell, pledge, mortgage or otherwise dispose of said lots as they shall deem best for the interest of said schools.

May raise money by loans.

6. *And be it enacted*, That for the purpose mentioned in the foregoing section, the said board of education shall have power from time to time, to raise by loan such sum or sums of money as they may require, and may make provisions for the payment of such loans and interest thereon, by appropriating therefor a portion of the school moneys that come into their hands; *provided nevertheless*, that the amount of such loans shall not at any one time exceed the sum of three thousand dollars.

Proviso.

City superintendent of schools, &c

7. *And be it enacted*, That the said board of education shall have power from time to time to appoint a city superintendent of public schools of said Gloucester city, and such other officers and agents as they may deem necessary for the proper maintenance of the public schools of said city, prescribe their duties and fix their compensation, which appointment shall continue during the pleasure of the board of education and no longer.

Statement of moneys received and expended.

8. *And be it enacted*, That it shall be the duty of the said board of education, once in each year, to make out a statement of all moneys received and paid out by them during the year, showing the source from whence received and to what applied; the amount of indebtedness of the said board and the balance of funds, if any, in the hands of their treasurer, which statement the said board shall cause to be published in pamphlet form and published with the annual report of the city council of said city in the newspapers of Camden county at least two weeks previous to the annual election for city officers.

School fund.

9. *And be it enacted*, That Gloucester city shall be entitled to its just proportion of the annual appropriations of the school

fund of this state and of all other moneys appropriated by the state for the support of common schools, and to its just proportion and quota of the interest on the surplus revenue apportioned to and received or to be received by the state of New Jersey, to be ascertained in the same manner as the proportion or quota of the townships of this state now are or hereafter shall be ascertained, which said moneys shall be paid over to the treasurer of the said board of education for the time being, and be applied to school purposes in said city.

Annual poll tax for schools

10. *And be it enacted*, That every male inhabitant of Gloucester city liable to taxation, shall pay an annual poll tax of one dollar for the public school purposes in addition to the sum ordered to be raised by the said board of education for the same; which said poll tax shall be assessed, collected and paid over in like manner as the school taxes in said city.

Board of education, how elected.

11. *And be it enacted*, That the inhabitants of Gloucester city at the annual election for city officers to be held on the second Tuesday in March, in the year eighteen hundred and sixty-nine, shall elect in the same manner and form, and at the same time as the officers of said city are elected, six members of said board of education, two of whom shall serve for one year, two for two years amd two for three years; the time for which said members shall serve shall be determined among themselves by ballot at the annual meeting of said board next after said election, and at every subsequent annual election in said city there shall be elected at the same time and place and in the same manner, two members of the said board of education to serve for the term of three years, and in case there shall be any vacancy in the office of any of the members of said board, the same shall be filled at the next annual election after such vacancy shall occur and for such unexpired term, and that the trustees of the said districts hereby incorporated now acting, shall be and remain members of the said board of education until the members of the said board shall be elected and qualified as herein provided.

12. *And be it enacted*, That the members of the said board of education shall, before they take upon themselves the execution of their respective offices, take and subscribe an oath or affirmation before the mayor of said Gloucester City, or a justice of the peace of said city, who are hereby authorized to administer the same, faithfully and impartially to execute the trust reposed in them according to the best of their ability and understanding, which oath or affirmation when so taken

and subscribed, shall be filed and preserved by the clerk of said city in his office.

13. *And be it enacted*, That all acts and parts of acts, so far as they conflict with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 26, 1868.

CHAPTER CCXXIX.

A Further Supplement to an act entitled "An Act authorizing the appointment of commissioners to lay out and map streets, avenues, and squares in that part of Bergen township south of the Morris Canal, in the county of Hudson," approved March sixteenth, eighteen hundred and fifty-seven (since made the township of Bayonne), for the purpose of altering Fourth street, between avenues S and T, on said map, and legalizing the same as now opened and improved upon.

WHEREAS, By the act to which this is a supplement, certain commissioners were appointed to survey and map all that part of the then township of Bergen which lies south of the Moris canal, to mark the same out into streets, avenues and squares, of such width, extent and direction as to them should seem most conducive to the public good; and whereas, the said commissioners named in the act have performed the duties imposed upon them by the said act, and have deposited maps of their said survey in the office of the secretary of state at Trenton, and in the clerk's office of the county of Hudson; and whereas, since the said maps were so deposited as aforesaid in the clerk's office of the county of Hudson, and in the office of the secretary of state, by mistake a certain part of Fourth street, extending from avenue S to avenue T, designated on said map, having been opened and improved upon thirty feet southerly of the line as laid down on the said commissioners' map before referred to; therefore— Preamble.

Vacating Fourth street.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That such part of Fourth street as is designated on said map as lying between and extending from avenues S and T, be and the same is hereby declared vacated, the same as if the said map had never been made, and that from and after the passage of this act the said map and the said act establishing the same, shall be and the same is hereby so far amended as to vacate such part of said Fourth street particularly described and designated in this section.

Opening street.

2. *And be it enacted*, That in the place of that part of said Fourth street so vacated as particularly mentioned and described in the first section of this act, that part of Fourth street as is now opened and improved and in fence, being in width sixty feet, and lying between and extending from avenue S to avenue T, and being thirty feet southerly of the line as laid down on the said commissioners' map above referred to, shall be deemed and is hereby confirmed, and made the legal, lawful street, which said street so altered as herein described is declared a public street, and is hereby established as such, the same in all respects as if it had been originally designated on said commissioners' map.

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

Approved March 26, 1868.

CHAPTER CCXXX.

A Further Supplement to "An Act to regulate Elections," approved March ninth, eighteen hundred and sixty-six.

Hours of holding elections.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at all elections to be held in this state, the polls shall be open at seven o'clock A. M., and close at seven o'clock P. M.

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

Approved March 26, 1868.

CHAPTER CCXXXI.

An Act to incorporate the Traders' Express Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ira Budd, Cyrus W. Pomeroy, Samuel L. Buck, Timothy W. Lord, Samuel H. Baldwin and Lucius O. Ackley, with such other persons as shall subscribe to the stock hereby authorized, and their successors, be and hereby are constituted a body corporate and politic in law by the name of "The Traders 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 all other movables from and to, and between various posts 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, and that the principal office of said company shall be in the city of Newark.

Name.

Objects of corporation.

Powers of corporation.

2. *And be it enacted*, That the said company by the said named corporators and their successors, shall have power to make such by-laws, as said corporators or their successors may deem necessary and proper to carry out the objects of this corporation, and the same to alter, amend, repeal or add to at its pleasure; *provided*, that such by-laws shall not be contrary to the constitution of this state, or the provisions of this act, and to adopt a common seal, and the same to alter at pleasure; and to issue certificates of stock, representing the value of its property, in such form and amounts, and subject to such regulations as it may from time to time by its said by-laws prescribe; and to regulate and prescribe in what manner and form its contracts and obligations shall be executed.

Proviso.

Directors, and how elected.

3. *And be it enacted*, That the corporators named in this act, or a majority of them, shall elect persons to serve as directors of the company, a majority of whom shall constitute a quorum for the transaction of all business, and shall hold their offices until their successors shall have been elected in accordance with said by-laws.

Capital stock.

4. *And be it enacted*, That the capital of said corporation shall be one hundred thousand dollars, and may be increased from time to time by a vote of a majority of the directors, to an amount not exceeding two hundred and fifty thousand dollars; *provided*, that previous to taking such rate upon said increase of capital, the stockholders representing two-thirds of the stock of said corporation shall have given their consent thereto, specific and express and in writing; and that said capital stock shall be divided into shares of one hundred dollars each, and the said company may organize whenever fifty thousand dollars shall have been subscribed and paid in cash to the stock, and the said stock shall be deemed personal property, and transferable only on the books of said corporation, and shall be paid in at such times, in such manner, upon such notice, and subject to such limitations, restrictions, assessments and penalties, as the directors of the corporation may appoint, and that the pecuniary limit of the personal and individual liability of the stockholders shall be an amount equal to the amount of their stock in said corporation, and that no person or persons, co-partnership, company, agency or corporation, who may act for the said "The Traders' Express Company," as their agents, or in the transaction of any business whatsoever of and for said company, shall be held liable or responsible for the fulfilment of any agreement or contract, or for any loss or damages made, incurred or sustained in, from and during the transaction of their said business by the said "The Traders' Express Company," and the principal office shall be in the county of Essex.

Proviso.

Liability of stockholders.

May purchase and hold real estate.

5. *And be it enacted*, That for the carrying out of the purposes mentioned in the first section, the said company may from time to time, procure, hold and use such vehicles, crates, cars, horses, machinery 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 by them be considered necessary for the proper transaction of the business of said corporation.

Business of corporation, how conducted.

6. *And be it enacted*, That the business of said corporation shall be conducted by five directors, one of whom shall be president, and one the secretary and treasurer; the said directors shall hold their offices for 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

corporation shall provide, ten days' previous notice thereof having been given in two newspapers published in the city of Newark, at which each stockholder shall be entitled to one vote, in person or by proxy, for each share of stock held.

7. *And be it enacted*, That at the annual meeting of the stockholders for the election of directors, the directors shall exhibit a full, complete and exact 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 actual net profits of the same; and this act shall continue in force for twenty-five years. Annual statement.

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

Approved March 26, 1868.

CHAPTER CCXXXII.

An Act to incorporate the Progress Riverside Turner Society.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George H. Pfau, Henry Garbe, George May, August Schneider, Charles Miller, Leonhard Flohr, Frederick Schmidt, John Oppell, and all persons who are now or who may be hereafter associated with them, and their successors, are hereby created and erected into a body politic and corporate, in deed and in law, by the name, style and title of "The Progress Riverside Turner Society," and by that name shall have perpetual succession, and shall be able to sue and to be sued, plead and be impleaded, defend and be defended, in all courts of law or equity within this state or elsewhere, and also to take and hold, either by gift, grant, bargain and sale, will or bequest, any goods and chattels, sum or sums of money from any person or persons for the use of said corporation, and also to sell and convey and to mortgage all or any part of the real estate held by said corporation; *provided, however*, that the clear yearly income of the real estate held by the said corporation shall not exceed the sum of five thousand dollars. Corporators. Name. Proviso.

Objects.

2. *And be it enacted*, That the object of said corporation shall be the intellectual and physical improvement of the members, by forming and keeping up a library, by establishing schools, and by furnishing instruction in gymnastic exercises.

3. *And be it enacted*, That the members of this corporation shall be male persons of full age, and citizens of the state of New Jersey; the rights and duties of the members shall be fixed by the by-laws.

Board of managers.

4. *And be it enacted*, That the management of the affairs of the corporation shall be transacted by a board of managers, which shall consist of a president, a vice president, two teachers of gymnastics, two superintendents, a treasurer, a librarian and two secretaries; the rights and duties of the officers, their election and their term of office, shall be fixed by the by-laws.

5. *And be it enacted*, That the members of the corporation shall be entitled to make, alter and rescind by-laws, rules and regulations not inconsistent with the provisions of this charter or with the constitution and laws of this state.

6. *And be it enacted*, That until an election of officers can take place, the board of managers of this corporation shall consist of the following persons: George H. Pfau, Henry Garbe, George May, August Schneider, Charles Miller, Leonhard Flohr, Frederick Schmidt, John Oppell.

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

Approved March 26, 1868.

CHAPTER CCXXXIII.

Supplement to "An Act to incorporate the Town of Union, in the township of Union, in the county of Hudson," approved March twenty-ninth, eighteen hundred and sixty-four.

May raise money for streets and sewers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of said town shall have power and authority at their annual charter elec-

tions in each year to raise, by plurality of votes, such sum or sums of money as they may think proper and necessary for repairing streets, repairing sewers, and for any other purpose authorized by the town charter.

Salaries of town officers.

2. *And be it enacted*, That hereafter the town clerk shall receive a salary not exceeding two hundred dollars a year, to be fixed by said council; and the assessor shall receive a salary not exceeding two hundred dollars per annum, to be fixed by said council; the collector of taxes a salary of one hundred dollars per annum, and the treasurer a salary of one hundred dollars per annum.

Street commissioner.

3. *And be it enacted*, That there shall be elected at each annual election hereafter held in said town a street commissioner, whose duties shall be prescribed by an ordinance of the council, and who shall hold his office for one year and receive a salary of one hundred dollars per annum, payable quarterly.

Trustees of public schools.

4. *And be it enacted*, That the office of school superintendent be and is hereby abolished, and at the next annual charter election held in said town, in the year eighteen hundred and sixty-eight, there shall be elected nine trustees of public schools, in the manner and form that other town officers are elected, who, with their successors, shall together constitute a board of education; those nine elected in eighteen hundred and sixty-eight shall determine by lot the term of office of each trustee, as follows: three for one year, three for two years, and three for three years; and the result of said determination shall be filed with the town clerk, signed by said trustees; at each annual charter election thereafter there shall be elected three trustees, who shall hold their office for three years; vacancies may be filled by appointment by the council of said town until the next charter election, when said vacancy shall be filled by the election of a trustee for the unexpired term; the council of said town shall prescribe by ordinance the powers and duties of said board of education.

5. *And be it enacted*, That all moneys apportioned to the said town by the state, together with all moneys raised by tax for public schools, shall be paid to the treasurer of said town.

Powers of town council.

6. *And be it enacted*, That the council shall have power to define the duties, fix the term of office, and the salary of any elective or appointed officer in said town, except in those cases

where these matters are specially regulated by some provisions of the town charter.

Continued. 7. *And be it enacted*, That the town council shall have power and authority, and they are hereby authorized, to raise by general ordinance such sums of money as they may deem necessary to erect a tower and fire bell and a town prison; said sums shall be assessed, collected and raised as other taxes in said town.

Continued. 8. *And be it enacted*, That the council shall have power, directly and without petition or publication, or notice of any kind, to pass an ordinance or ordinances to widen and straighten Fulton street and Lewis street at their outlet on Bergen Wood avenue, and also to widen Bergen Line avenue (formerly called Bergen Line road), so that it shall be forty-five feet wide throughout the whole length thereof, and to assess the expenses thereof on the property benefited by said improvement in proportion to the benefit received thereby.

Continued. 9. *And be it enacted*, That the council shall have power to pass, alter and repeal ordinances; to compel owners of lots and occupants of premises to clean off and remove the snow and ice from the street and sidewalks in front of their premises, and to keep the same clear of snow and ice at all times; and on failure of said parties to obey the ordinances of the council in this respect, the street commissioner, by direction of the committee of the council on streets, may remove the said snow and ice, and file with the town clerk a description of the said lot and of the said premises cleaned, and the expenses thereof, and said expenses shall thereafter be and remain a lien on said premises, with interest thereon at the rate of twelve per centum per annum, until paid; and the said lot and premises may be sold therefor in the same manner and at the same time as said lot might be sold for non-payment of taxes, and leases thereof given in the same manner.

Power to construct sewers, and consequent proceedings. 10. *And be it enacted*, That the council of said town may at any time hereafter make one or more main sewers through the township of Weehawken and North Bergen, for the purpose of having an outlet for one or more of the sewers and drains in said town now constructed, or that may hereafter be constructed; and said sewer may be constructed through private lands, and any surveyor appointed by the town council; and said surveyors, agents and employees shall have authority to go upon any private or public lands in the county of Hudson at any time to make surveys for the proposed route of

said main sewers; and said council may, in the name of the town of Union, acquire, by purchase or agreement with the owners thereof, such land and premises in said townships or the right of way there through as may be necessary or proper to enable them to build and maintain said sewers in said townships, and they may make such covenants and agreements in the premises as they may deem necessary or proper; and upon the making of said purchase or agreement the treasurer of the town of Union may at any time thereafter pay said purchase money or sums mentioned in said agreements to the owners of said lands and premises; and after making the said purchase or agreement, the town council shall have power to borrow a sum of money sufficient to pay said purchase money or sums mentioned in said agreement, and all expense of raising said money, and may issue their bonds therefor, under the corporate seal of said town and the signature of the chairman of the council, in such sums and payable at such times as said council shall deem proper, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually, with coupons attached, and to pledge the property and credit of said town for the payment of the same, which bonds it shall be lawful for said council and their successors to sell and assign; the money raised by the sale of said bonds shall be used by said council to pay said purchase money or the sums mentioned in said agreement, and at any time after said purchase or agreement the town council may enter into a contract with the lowest bidder for said work, who shall give satisfactory freehold security to build said sewer; the party to whom said contract is awarded, his agents, employees and servants, may at all times enter upon any public or private property in said county of Hudson, and proceed to build and construct said sewer as specified in said contract, and when completed the said council may determine the amount of all the costs and expenses thereof, including in said expenses the amount of said purchase money or the sums mentioned in said agreement, and expenses paid as aforesaid; and the said councilmen shall have power and authority by ordinance to raise by tax, on all the real estate in said town, said amount thus determined by them as aforesaid; and said sum shall be assessed and collected in the same manner as other town, county and state taxes are assessed and collected, except that said tax shall be assessed upon and collected from real estate only, and from the money thus collected the council shall pay the

said bonds and also the said party or parties constructing said sewer, and all other expenses connected with said sewer; it shall not be lawful for said council to exercise the powers given in this section unless the land is purchased or the agreement made with the owners thereof as hereinbefore set forth.

Proceedings on petition for improvement.

11. *And be it enacted*, That any person owning property in said town may file with the town clerk a petition to the council of said town, to make any improvement authorized by the town charter, and thereafter the council may by resolution authorize the town clerk to advertise said petition twice in a newspaper published in Hudson county, and circulating in said town, and to post said petition in five of the most public places in said town, and to keep the same posted for ten days; the clerk shall also publish and post as above a notice stating that objection in writing to said proposed improvement may be filed with him up to a certain date therein named, which date shall be ten days after the date of the first publication in said newspaper; said clerk shall also serve a like notice on the owners of property residing along the route of said proposed improvement, by leaving such notice at such residence with any person thereon, but said notice need not be served on any owner of property not residing along the route of said proposed improvement; at the expiration of said time designated for publishing and posting, the town clerk shall file in his office a copy of said petition and notice, with an affidavit annexed thereto, showing that the same have been published and posted, and said notice served as required by law; at any time after the expiration of the time named in said notice, the council may forthwith proceed to pass an ordinance for said improvement, unless the owners of one-half of the property along the route of the proposed improvement object thereto; the ordinance may be introduced and passed at the same meeting, and it shall be valid if it describes in general language the improvement authorized by the council, and it shall not be necessary to state therein any other matter or thing connected with said improvements; the town clerk shall publish and post said ordinance in the same manner and for the same time he is required to publish and post the petition for the improvement described therein, and in like manner, at the expiration of the time designated for publishing and posting said ordinance, shall file in his office a copy of said ordinance, with an affidavit annexed thereto, showing that the same has been duly published and posted;

at any time after the passage of said ordinance the council may direct the town clerk to advertise for proposals for said improvements in a newspaper to be designated by said council, and the council may, at any time after the expiration of the time for publishing and posting said ordinance, enter into a contract with any person or persons to furnish the work and materials for said improvement, with such other agreements and covenants therein as shall be approved by the council, but the council shall be under no obligations to accept the lowest bid, and may reject all bids if they shall deem it best for the interest of the town; and in case of rejecting all proposals received, they shall again advertise for proposals, and proceed in all things as if no proposals had been offered; the council may require the party who enters into the contract to give a bond, with ample freehold security for the due performance thereof; after the completion of the said improvement, all the costs and expenses thereof shall be determined and assessed by three commissioners, upon all the lands and real estate benefitted thereby, in proportion to the benefit received by said lands and real estate; the said commissioners may be appointed by resolution of said council at any time after the completion of the work; the said commissioners shall, before they enter upon the performance of their duty, file with the town clerk an affidavit, which they may take before said clerk, he being hereby given the same power to administer oaths and affirmations to said commissioners as is now possessed by justices of the peace; in said affidavit they shall swear that they are not interested in said improvement, and do not own any property along the line thereof; that they are freeholders resident in said town, and they will execute faithfully the duties of their office; after taking said oath the commissioners may proceed immediately to execute the duties of their office, and they shall examine into the whole matter, and shall determine and report in writing to the council what real estate ought to be assessed for said improvement, and what proportion of the expense thereof shall be assessed to each separate parcel or lot of land, and they shall accompany such report with a map containing each lot assessed, and the names of the owners thereof, as far as the same are known to the said commissioners, but no assessment shall be deemed defective by reason of any mistake in the names of said owners, or omitting said names or any of them; this report and map shall be filed in the office of the town clerk, and there-

after the said clerk shall publish and post a notice (in the same way and manner, and for the same time as he published and posted the petition for said improvements), stating that the map and report of the commissioners have been filed in his office, and that the council will consider any objections to said assessments presented in writing on or before a day named in said notice, to be fixed by said council, which day shall be at least ten days after the first publication; the property owners named on said map filed by said commissioners, may, if they so desire, at any time within ten days after the filing of said map, appoint three of their number to examine whether or not said work has been done according to contract, and they may report to the council at any time within said ten days, and if they report within said time that the work has not been done according to contract, then the council shall appoint a committee to examine such work, and report thereon to council; at said day named in said notice, or at any time thereafter, the council may confirm said assessment, or, if they refuse to confirm the same, they may return the same to said commissioners for correction in any particulars named by said council; and the said commissioners shall amend said report and map in the particulars named and report again to the council, and if said report and map be amended as directed, the council may thereafter, without any notice to any person, confirm said assessment, and upon said confirmation said assessment shall constitute a lien on the property assessed for the amount of such assessment; no other notice than required by this act need be given to any person interested in any improvement or assessment therefor; the minutes of the council, and all papers filed in the town clerk's office, or certified copies thereof, shall be evidence in all courts and places, that the statements therein set forth are true, and that everything therein stated to have been done, has been done and performed as therein stated.

Charges for copies of papers

12. *And be it enacted*, That in all cases in which persons shall bring writs of certiorari to remove the proceedings of the council, it shall be lawful for the town clerk to charge and receive from the parties bringing such certiorari at the rate of ten cents per folio for the necessary return thereto, and said parties bringing said certiorari shall pay said sum to said clerk before the return day of said certiorari, and in default thereof the court shall dismiss said certiorari; no costs shall be allowed the prosecutor in certiorari on his set-

ting aside any ordinance, assessment or proceeding of said council.

13. *And be it enacted*, That no ordinance, assessment or proceeding of the council of said town shall be set aside on certiorari by reason of the return to said certiorari failing to show that all the requirements of the town charter have been complied with, but after the filing by the prosecutor of the reasons in certiorari, the clerk of said town may make a further return to said writ of certiorari, stating such additional facts as he may be advised are proper and necessary to state in answer to any of said reasons; and said town may take proofs with reference to said facts, and if the same are established to the satisfaction of the court, then the court shall affirm the ordinance, assessment or proceeding in question, the same as if such facts had properly appeared in the minutes, records and proceedings of said council; whenever any assessment is set aside, the said council may appoint new commissioners to make a new assessment. Proceedings on certiorari.

14. *And be it enacted*, That no certiorari shall be allowed or granted to set aside any ordinance for any improvement in said town after the contract therefor shall have been awarded by the council of said town, and no certiorari shall be allowed or granted to set aside any assessment for any improvement in said town after three months shall have elapsed from the date of the confirmation of said assessment by the council of said town. Continued.

15. *And be it enacted*, That in case any assessment for any improvement is set aside on certiorari after a portion of the said assessment has been collected by the corporate authorities of said town, that in that case all sums of money so collected shall be refunded and paid to the then owners of the lots or parcels of land so assessed, and upon which said payments were so made; and the new assessment for said improvement shall be made without any reference to the fact that any sums of money have been heretofore paid under the said assessment so set aside on certiorari; the sums herein provided to be refunded shall be paid out of the first sums of money collected under the new assessment for said improvement. Continued.

16. *And be it enacted*, That in case a vacancy shall occur from any cause whatever in any of the offices created or authorized by the town charter, it shall and may be lawful for the council to appoint others to fill such vacancy for the un- Vacancies, how filled.

expired term of said office; but this section shall not apply to councilmen or trustees of public schools.

Removal of officers.

17. *And be it enacted*, That any councilman or other town officer, whether elected or appointed, may be removed by resolution of the council; *provided*, that no such removal shall take place until the party sought to be removed has had an opportunity to be heard in his defence, nor unless two-thirds of all the members elected to said council vote therefor; whenever any such removal shall take place, the cause therefor, together with the ayes and nays upon the vote taken, shall be entered at large upon the journal of the council.

Proviso.

Special election.

18. *And be it enacted*, That the council shall have power at any time to direct a special election to fill any vacancy that may occur in their own body.

Meetings of commissioners of appeal.

19. *And be it enacted*, That hereafter the commissioners of appeal in cases of taxation in said town are required to convene on the Tuesday preceding the first Monday of October, annually, for the purpose of discharging the duties of their office, and they may hold sessions at such adjourned days as they may fix, not exceeding three in number, and not later than the fifteenth day of October.

Duty of collector.

20. *And be it enacted*, That hereafter the collector of said town shall, annually, immediately upon the receipt by him from the assessor of the transcript or duplicate of the tax assessment, give the notice required by the tenth section of "An Act concerning taxes," approved April fourteenth, eighteen hundred and forty-six; and he shall make the demand and give the notice required by the eleventh section of said act within ten days after the receipt of said transcript or duplicate of the tax assessment, and the day fixed by him for the payment of said taxes shall not be later than the twentieth day of October; all taxes collected for town purposes shall be paid to the town treasurer within at least ten days after the receipt thereof, or within such shorter time as may be fixed by the council of said town; and all payments required by law to be made by him to the collector of the county of Hudson shall be made within the same period.

Amendments.

21. *And be it enacted*, That sections eighteen and nineteen of the act to which this is a supplement, be and the same are hereby amended by striking out in said sections, wherever it occurs, the word "December," and inserting in place thereof the word "October."

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

Approved March 26, 1868.

CHAPTER CCXXXIV.

A Further Supplement to an act entitled "An Act to create from the town of Bergen, in the County of Hudson, a new Township to be called the Township of Greenville," approved March eighteenth, eighteen hundred and sixty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob O. Seymour, Peter Rowe, John H. Midmer, John Taylor, and Robert Drake, be and they are hereby appointed commissioners, whose duty it shall be to complete the map of said township heretofore made by commissioners under and by virtue of a supplement to said act approved April second, eighteen hundred and sixty-six, to supply all omissions and correct all errors therein, and to hear parties aggrieved by said maps, and grant such relief as in their opinion shall be to the interest of said township so to do, and for this purpose the above named commissioners are hereby authorized to take from the Hudson county clerk's office the copy of said map heretofore filed therein. Commissioners to complete map of township.

2. *And be it enacted*, That all costs incurred in alterations of said map for the purpose of granting relief to aggrieved parties, shall be paid by the parties applying therefor, and all other costs and expenses shall be paid in the manner provided in the act entitled "A Supplement to an act to create from the town of Bergen in the county of Hudson, a new township to be called the township of Greenville, which supplement was approved April second, eighteen hundred and sixty-six. Costs incurred how paid.

3. *And be it enacted*, That all books, maps, papers, surveys and other property belonging to said township, in the hands or under the control of the commissioners appointed under and by virtue of said supplement, approved April Books, &c., to be delivered to commissioners.

second, eighteen hundred and sixty-six, shall upon demand be delivered over to the commissioners appointed by this act, and the commissioners so appointed under and by virtue of said supplement shall thereupon cease to act as such.

Map filed.

4. *And be it enacted*, That said map so corrected shall be filed, one copy in the county clerk's office and one copy in the town clerk's office on or before the first day of May, eighteen hundred and sixty-nine.

Township committee may, upon application, lay plank walks.

5. *And be it enacted*, That upon the application in writing for that purpose by a majority of the resident property owners on the line of any street in said township, it shall be lawful for the township committee and they shall have the power to direct the laying of plank walks, and the costs and expenses of such improvement, shall be assessed by the township committee in a just and equal manner on the owner or owners of land in front of which such improvements are made: *provided*, that the owners of such land may make such improvements at their own expense, under the direction and approval of said township committee within such time as may be limited by said committee.

Proviso.

Swing gates.

6. *And be it enacted*, That it shall not be lawful after the passage of this act for any owner or occupant of property in said township to erect or maintain any swing gate opening outwardly across or upon any sidewalk, under a penalty of ten dollars for each and every week the same shall continue, after notice in writing shall have been served on said owner or occupant, by the township committee for the removal or alteration of the same, to be sued for and recovered in an action for debt, in the name of and for the use of said township, in any court having jurisdiction of that amount.

Provisions of act extended.

7. *And be it enacted*, That the provisions of the act entitled "An Act to prevent horses, cattle, sheep and swine from running at large in the township of Hackensack and Harrington in the county of Bergen," approved February twelfth, eighteen hundred and fifty-two, be and the same are hereby extended to the township of Greenville.

8. *And be it enacted*, That the act entitled "A supplement to an act to create from the town of Bergen, in the county of Hudson, a new township to be called the township of Greenville," which supplement was approved April second, eighteen hundred and sixty-six, is hereby continued in force and declared to be applicable to this act, except so far as the same conflicts herewith.

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

Approved March 27, 1868.

CHAPTER CCXXXV.

An Act to incorporate the Jersey City Warehousing, Loan and Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Hosea F. Clark, John Taylor, Charles H. Winfield, James Cassidy and their associates and successors, are hereby constituted a body politic and corporate by the name of "The Jersey City Warehousing, Loan and Insurance Company," and by that name shall have existence as a corporate body, for the term of fifty years from the passage of this act, with the right to sue and be sued in any court whatsoever, the right to contract and be contracted with, and to make and use a common seal, and to alter the same at pleasure, and may acquire, have, hold, possess, use and enjoy any real or leasehold estate or personal property necessary to be used in and about the prosecution of their business, and to sell and convey the same at pleasure, and particularly to contract for and build one or more warehouses, in Hudson county, New Jersey. Corporators. Name.

2. *And be it enacted*, That the corporation hereby created shall have power to build or erect one or more steam elevators and to take upon deposit as bailees for safe keeping and storage, cotton and other merchandise and personal property generally, and to make insurance against loss by fire on such property, and to do all necessary acts and things, to make policies of insurance, legal, equitable and binding, and to advance money, securities and credits upon any property so deposited, at a rate of interest not exceeding seven per centum per annum; the terms and conditions upon which said property is General powers.

stored, deposited or insured, and upon which advances are made, shall be provided for in the by-laws of said corporation.

First directors

3. *And be it enacted*, That the business and corporate powers of said corporation is hereby vested in a board of directors, to consist of four persons three of whom shall constitute a quorum for the transaction of business, and those named in the first section of this act as corporators, shall constitute the first board of the said corporation, and shall hold their offices for one year from the organization thereof and until others are elected in their place; and the said corporation shall be deemed to be organized when the directors aforesaid shall have elected a president, vice president and treasurer from their own number, and also a secretary.

Powers of directors.

4. *And be it enacted*, That the board of directors shall have power to make all such by laws, rules and regulations not inconsistent with the constitution and laws of the state of New Jersey, as may be deemed necessary for the government and conduct of its affairs, and the appointment and employment of all necessary servants and agents; and the said corporation are hereby authorized to make, execute and issue in the transaction of their business, all necessary receipts, certificates, contracts and policies, which shall be executed and signed in such manner and form as their by-laws may direct.

Directors, and how elected.

5. *And be it enacted*, That all elections for directors shall be by ballot, and every stockholder shall be entitled to one vote for each share of stock held by him; such directors must be stockholders, and upon any director ceasing to be a stockholder, he shall cease to be a director; the board of directors shall have power by ballot to fill all vacancies occurring in their body.

All charges a lien on property stored.

6. *And be it enacted*, That all charges, expenses, advances interest, commissions and premium of insurance due, shall be a lien on the merchandise or property so stored with the said corporation; and in case the same or any part thereof shall be in arrears and unpaid, or in case any merchandise or property deposited with the said corporation, upon which advances shall have been made by them, shall before the maturity of the contract, from any cause decrease in value from the price originally fixed, or be unclaimed for one year, said company shall give notice to the owner of such property or to his agent, to perform the conditions of the contract, or make good the deficiency caused by such decrease in value, and within ten days after such notice, and in default thereof, may

sell and dispose of such property, or so much thereof as may be sufficient to satisfy the amount due thereon, at public sale after three weeks' publication of notice of time and place of sale, in not less than two newspapers published in the county, or upon the discovery of any fraud, misrepresentation or concealment in regard to the ownership, character, or value of the property mentioned in or affected by said contract, and out of the proceeds thereof may reimburse themselves for the moneys due them, with the interest, reasonable costs and charges, and may idemnify themselves for any loss they may have sustained through the non-fulfilment of the said contract, decrease in value of property or misrepresentation; *provided, however*, that nothing in this section contained shall be construed to prevent the said company from making any such sale at such time and in such manner as may be provided for in any contract or agreement made by any person or persons with the said company. May sell property. Proviso.

7. *And be it enacted*, That the capital stock of said corporation shall consist of one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as the by-laws may prescribe, and the same may be increased in case a majority of the stockholders so determine, to an amount not exceeding five hundred thousand dollars; said corporation may commence business and shall be deemed fully organized when the sum of twenty-five thousand dollars of the capital stock shall have been subscribed for and paid in cash. Capital stock.

8. *And be it enacted*, That the directors shall from time to time require the stockholders respectively to pay the amount of their subscription for stock at such times and in such proportions as shall be agreed upon in contract of subscription, under the penalty for non-compliance with such contract of forfeiture to the company of said shares, and of all previous payments thereon, or said directors may collect the same by action of law.

9. *And be it enacted*, That the stockholders of said corporation shall be severally liable for all debts and liabilities of the said corporation to an amount equal to the amount of the stock held and owned by them respectively until they shall have paid the amount of their stock in full. Liability of stockholders.

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

Approved March 27, 1868.

CHAPTER CCXXXVI.

An Act to incorporate the Farmers', Manufacturers' and Merchants' Steamboat Company of Salem, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ebenezer Dunn, Thomas T. Hilliard, Jacob M. Mitchell, William Holtz, Joseph B. Heishon, Thomas Brown and William Plummer, and their associates, and all persons who may hereafter be holders of the stock hereinafter named, and their successors, are hereby declared and constituted a body politic and corporate, in fact and in law, by the name and style of "The Farmers', Manufacturers' and Merchants' Steamboat Company of Salem, New Jersey," and by that name the said corporation shall have succession, with power to sue and be sued, defend and complain in any court of law and equity, and to make and use a common seal, and alter the same at pleasure; to acquire by purchase or otherwise, and hold, lease, mortgage and convey such real and personal estate, and in general have such rights, privileges and powers appertaining to corporate bodies, as may be necessary and useful for the purpose and objects of this corporation.

Name.

Capital stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be ten thousand dollars, with power to increase the same to twenty-five thousand dollars, to be divided into shares of one hundred dollars each, which said capital stock shall be deemed and considered personal property, and shall be transferable in such way as the by-laws of said company may direct; that each 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.

Commissioners to open books of subscription.

3. *And be it enacted*, That the said Ebenezer Dunn, Thomas T. Hilliard, Jacob M. Mitchell, William Holtz, Joseph B. Heishon, Thomas Brown and William Plummer, or a majority of them, are hereby appointed commissioners to receive subscriptions for said stock, at such time and places in Salem (where their principal office shall be) as they or a majority of them may direct, giving at least ten days' notice thereof by publishing the same in the newspapers published in Salem, in this State; and the said commissioners shall open a book of

subscriptions for such stock at such times and places, and shall cause the same to be kept open at the places so appointed at least two days.

Payment of installments.

4. *And be it enacted*, That at the time of subscribing for the said capital stock of ten thousand dollars, the sum of fifty dollars shall be paid upon each share, or satisfactorily secured; and the residue of the subscription to the said capital stock of ten thousand dollars shall be paid or satisfactorily secured at the discretion of the said directors, in such installments, and at such times and places, as the president and board of directors may order and direct, a written notice thereof being served upon the said shareholders by the secretary or his agent, and that at the time of subscribing for any increase of stock over and above the said ten thousand dollars of capital stock, the sum of twenty-five dollars shall be paid upon each share, or satisfactorily secured, at the discretion of the said directors; and the residue of the said subscriptions shall be paid or satisfactorily secured at the discretion of the said directors in such installments, and at such times and places, as the president and board of directors of the company shall from time to time order and direct, giving at least ten days' notice thereof, served by the secretary or his agent upon such shareholders; and upon failure of payment of any of the subscriptions or installments above provided, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay said subscriptions or installments, or any of them, to and for the use of the said company, and before forfeiture, on the full payment of one hundred dollars, certificates of stock shall be issued to each shareholder so paying by the said corporation.

Directors, and their powers.

5. *And be it enacted*, That the affairs of the said corporation shall be managed by seven directors, and that Ebenezer Dunn, Thomas T. Hilliard, Jacob M. Mitchell, William Holtz, Joseph B. Heishon, Thomas Brown and William Plummer, are hereby appointed the first directors, who shall serve until the first day of February, eighteen hundred and sixty-nine, and until others are elected in their stead; and the said directors, or a majority of them, shall assemble as soon as convenient after the passage of this act and appoint one of their number to be president of the said corporation, and one to be secretary and treasurer, each of whom shall serve until the first day of February, eighteen hundred and sixty-nine, and until successors be appointed; and all the affairs, concerns, tariffs, rates of

passage, freights and business of the said corporation shall be managed by the said directors, who, or a majority of whom, shall supply any vacancy occurring in the interval between the annual election, by the death, resignation or refusal to act of any president or director, and shall have full power to make all such by-laws, rules and regulations, not inconsistent with the constitution of this state or of the United States, for the management of the property, the regulation of the affairs and the transfer of the stock of the corporation, and to appoint all such officers, clerks, agents, captains, crews and servants as may be necessary and useful for ordering, regulating and conducting the affairs of said corporation, and for the safe keeping and protection of its funds and property.

May make contracts.

6. *And be it enacted*, That it shall be lawful for the said company, at any time during the continuance of its charter, to make contracts and engagements with any other corporation, or with any individual or individuals, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of these contracts.

Dividends.

7. *And be it enacted*, That the president and directors of said company shall declare and make such dividends of the net profits of their business among the stockholders as they may deem prudent; and at each annual meeting of the stockholders for the purpose of an 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 so to do.

Capital, how employed.

8. *And be it enacted*, That the capital stock of this company shall be employed as the said board of directors, or a majority of them, deem expedient in the purchasing, repairing, altering, running and using any vessel or vessels propelled by steam or otherwise, and in the navigation of the same, and in the purchase, repair and building of suitable landing places, wharves and storehouses, as may be necessary for successfully conducting the affairs of said company.

9. *And be it enacted*, That this act shall take effect immediately, and continue in force for thirty years.

Approved March 27, 1868.

CHAPTER CCXXXVII.

An Act to incorporate the Hudson City Savings Bank.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Garret D. Van Reipen, Benjamin F. Sawyer, George V. De Mott, Joseph E. Culver, Charles Gobisch, Andrew McLean, Charles I. Roe, John R. McPherson, Patrick McNulty, John M. Wilson, John Rommeld, George A. Toffey, Andrew Lights, James Montgomery, Cornelius I. Rooney, Frederick A. Goetze, John Leitz, Clinton W. Conger, Alexander H. Laidlow, Wilson M. Hosier, Thomas E. Bray, Charles Kamlah, John Hogan, John Butt, John B. Stanton, George Glaubucht, Arena Stenken, George Och and Asa W. Fry, and their successors, shall be and are hereby constituted a body corporate and politic, by the name of the "Hudson City Savings Bank," and by that name shall be capable of purchasing, taking, holding and enjoying to them and their successors, any real estate in fee simple or otherwise, disposing of the said real and personal estate, or any part thereof, at their will and pleasure; *provided always*, that the clear annual value of such real and personal estate, exclusive of the profits that may arise from the interest accruing upon the investments, or upon the sale of any investments in which the deposits may be made, shall not exceed the sum of ten thousand dollars. Corporators. Name. Proviso.

2. *And be it enacted*, That the said corporation shall be conducted by the said board of trustees or managers, seven of whom, if the president or vice president be present, shall constitute a legal meeting of such board. How conducted.

3. *And be it enacted*, That the board of managers shall from time to time have power to make ordain and establish such by-laws and regulations as they shall judge proper for managing and directing the affairs of the corporation, and to regulate the rate of interest to be allowed to the depositors. Powers of board of managers.

4. *And be it enacted*, That the several persons named in the first section of this act shall be the first managers of said corporation, and shall elect the president, vice president, and such other officers as they may see fit, from their own body, and all vacancies by death, resignation or otherwise, shall be filled by the board of managers at their first regular meeting

after such vacancies shall occur, by ballot, and the persons having the majority of the whole number present and voting, shall be considered as duly elected, and not otherwise.

5. *And be it enacted*, That the managers shall not, directly or indirectly, borrow money from said corporation, or use the same, except to pay necessary expenses.

Deposits.

6. *And be it enacted*, That the said corporation shall receive as deposits all sums of money which may be offered for that purpose in such sums, and on such terms, as the by-laws shall prescribe, and the said corporation may accept and execute all such trusts of every description as may be committed to them by any person or persons, or transferred to them by order of any court.

Limitation as to investment of money.

7. *And be it enacted*, That the said corporation shall not invest money in any public stocks other than such as are created under the laws of the United States, or of this state, or the states of New York or Pennsylvania, or of the stocks or bonds of the city of New York, Jersey City, and the city of Hudson, nor on bond and mortgage, except on unincumbered real estate worth double the amount of the sum invested, nor in stock or loans of any incorporated company whatever.

Minors may deposit and draw out moneys.

8. *And be it enacted*, That it shall be lawful for the said corporation, at their discretion, to pay to any depositor being a minor, such sums as may be due to such depositor, not exceeding five hundred dollars, in cases where no proof is furnished of the existence of a guardian of such minor, and the receipt and acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor duly appointed; *provided*, deposits shall have been made personally by such minor, and not by any other person for his or her benefit; and when any deposit shall be made by any female, being or becoming thereafter a married woman, the said corporation shall pay to such last-mentioned depositor such sums as shall be due to her, and her check, receipt or acquittance shall be a sufficient discharge to said corporation.

Proviso.

9. *And be it enacted*, That the misnomer of said corporation in any instrument shall not vitiate the same, if it be sufficiently described to ascertain the intention of the parties.

Must make annual report to the legislature.

10. *And be it enacted*, That it shall be the duty of the said corporation to make an annual report to the legislature of this state, under the oath or affirmation of the treasurer, and a committee appointed for that purpose by the managers, of

three or more of their number, of the state of its funds, and such statement shall be published in a newspaper published in Hudson City.

11. *And be it enacted*, That the office or place of business of said corporation shall be in Hudson City, and the books of said corporation shall at all times, during its business hours, be open to the inspection and examination of such person or persons as the legislature shall designate. Place of business.

12. *And be it enacted*, That this act shall be construed in all courts favorably and benignly for every beneficial purpose therein intended, also that this act may be altered or amended at any time hereafter.

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

Approved March 27, 1868.

CHAPTER CCXXXVIII.

A Supplement to an act entitled "An Act to incorporate the Newton Library Association," approved April second, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time mentioned in the third section of the act to which this is a supplement for the first meeting of the stockholders of the said association, and the first election of directors thereof, be extended to the first day of June next, and that the meeting of the said stockholders, and the election of such directors, and the transaction of any other business on or before the said first day of June next, which is authorized by the act to which this is a supplement, shall be as valid and effectual in law as if the said meeting had been held at the time and in the manner mentioned and directed by the said act. Time extended.

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

Approved March 27, 1868.

CHAPTER CCXXXIX.

A Supplement to an act passed February sixteenth, eighteen hundred and sixty-seven, entitled "An Act to incorporate 'The City of Hudson Fire Department Fund for the benefit of all Indigent and Infirm Firemen of the city of Hudson, and also their widows and orphans.'"

Board of trustees of fire department fund.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees shall consist of two persons from each engine, hose and hook and ladder and exempt company of the city of Hudson, together with the chief and assistant engineers of the fire department of the city of Hudson.

2. *And be it enacted*, That a majority of the trustees shall constitute a quorum for the transaction of business.

How and when elected.

3. *And be it enacted*, That the said trustees shall be elected by their several companies, at the same time and places that the chief and assistant engineers are elected each and every year hereafter.

4. *And be it enacted*, That the secretary of each company shall notify the secretary of the trustees of the name, age, residence and occupation, and term of service of any member elected to the board of trustees by his company, within ten days after such election, under a penalty of five dollars to be sued for and collected by said trustees in an action of debt.

Vacancies, how filled.

5. *And be it enacted*, That in case of a vacancy by death or resignation of any trustee, the secretary of the company by whom he was elected shall notify the secretary of the trustees of the person elected to fill such vacancy, in the same way and manner as at a regular annual election, under the same penalty as in the preceding section to be recovered in like manner.

6. *And be it enacted*, That any company having a representative in the board of trustees, shall upon a vacancy becoming known, either by death or resignation, immediately cause an election to be held for the purpose of filling said vacancy.

Repealer.

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

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

Approved March 27, 1868.

CHAPTER CCXL.

An Act to incorporate the Jersey City Workingmen's Co-operative Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Nichols, Martin Lewis, Luke Brennan, Henry Watson, Isaac Cazar, John Schaffell, C. Vandemark, John Gowans, Bernard Kane, shall be and they are hereby declared to be a body politic and corporate, in fact and in law, by the name of "The Jersey City Co-operative Association," for the purpose of dealing in dry goods, clothing, groceries, provisions, and all articles that may be classed under the head of the necessaries of life, and for that purpose may hold such real estate as may be needful to carry on said business, or that may accrue to them in the course thereof, and may sell, mortgage, lease or otherwise dispose of the same. Corporators. Name and object.

2. *And be it enacted*, That the capital stock of the company shall be two thousand dollars, with the privilege of extending the same to twenty thousand dollars, divided into shares of twenty-five dollars each. Capital stock.

3. *And be it enacted*, That the business of the said company shall be carried on in the county of Hudson, and managed by the president, vice president, secretary and treasurer of the said corporation, and five directors who shall constitute a board of managers, all of whom shall be stockholders and residents of this state, who shall hold their offices for one year, and until others are elected in their stead, and every year thereafter at such time and place, and upon such notice as the by-laws may appoint, an election shall be held, at which election every stockholder shall be entitled to one vote. Business, how carried on.

4. *And be it enacted*, That the persons herein named shall be the first board of managers of said association, and shall First managers.

hold their offices until the second Monday of January, or until others are legally chosen and elected.

By-laws, rules, &c. 5. *And be it enacted*, That the stockholders of said company shall have the power to make by-laws for its government, not inconsistent with the laws of this state, or of the United States, and may appoint such subordinate officers as the business of the company may require.

Dividends. 6. *And be it enacted*, That the stock of said corporation shall be deemed personal property, and shall be transferred in such manner as the by-laws may prescribe, but no dividend shall at any time be made to the stockholders except from the profits of the company.

Books of account to be kept. 7. *And be it enacted*, That regular books of account shall be kept in the office of said company, in the city of Jersey City, to which books every stockholder shall have free access at all reasonable times for the purpose of inspection.

8. *And be it enacted*, That no stockholder shall be liable for debts incurred by the association for more than twenty-five dollars on each share.

9. *And be it enacted*, That the corporation hereby created shall possess general powers, and be subject to the general restrictions and liabilities set forth in "An Act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, as far as the same are applicable, and the legislature may at any time hereafter modify or repeal the same.

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

Approved March 27, 1868.

CHAPTER CCXLI.

An Act to incorporate the Cumberland Lumber and Manufacturing Company.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Isaac W. Mulford, William G. Brooks, Jacob Bechner, Timothy Woodruff and George Wil-

bert Woodruff, and such other persons as may hereafter be associated with them, shall be and are hereby declared to be a body corporate and politic, in fact and in name, by the style and title of "The Cumberland Lumber and Manufacturing Company," and shall be capable of instituting, conducting and defending suits and actions at law and in equity in all respects as natural persons, and that they may manufacture and buy and sell all kinds of lumber and building materials, and all kinds of articles that lumber forms a part, and all articles needed in the business authorized by this act, and buy or lease, and hold such real estate and property as the necessities of the said business shall require, and may dispose of the same by sale, loan or mortgage, at their pleasure.

Name.

Objec s.

2. *And be it enacted*, That the capital stock of said company shall be thirty thousand dollars, with power to increase the same from time to time, by order of the board of directors, to one hundred thousand dollars, divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferable in such manner as the by-laws of said company may direct.

Capital stock.

3. *And be it enacted*, That the persons above named are hereby appointed to receive subscriptions to said capital stock, at such time and place in the city of Bridgeton as a majority of them may appoint, giving at least three weeks' notice in the newspapers of said city; and when one hundred shares of said stock shall be subscribed for, and ten per centum on each share so subscribed for shall be paid in cash to said commissioners, they shall call a meeting of the subscribers to said stock for the purpose of organizing the company and electing directors; and when the company is organized, the said commissioners shall deliver to the president of the company all money, books and papers in their hands as such commissioners, and all the powers of said commissioners shall then cease.

Subscriptions to capital stock.

4. *And be it enacted*, That the business of said corporation shall be managed by a board of directors, not less than three nor more than seven in number, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices for one year and until others are elected in their stead; and every year thereafter, at such time and place and upon such notice as the by-laws shall direct, an election shall be held, at which election every stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock he may own; and in case it should happen at any time

Election of directors.

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 days as the company may direct.

Powers of directors.

5. *And be it enacted*, That the directors of said corporation shall have power to make by-laws for the management and government of said corporation, and may appoint such subordinate officers as the business of said corporation may require.

6. *And be it enacted*, That when ten thousand dollars of said stock shall have been paid for, according to the provisions of this act, it shall be lawful for said company to begin and prosecute their business under this act.

How dissolved

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

Proviso

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

Approved March 27, 1868.

CHAPTER CCXLII.

A Supplement to the act entitled "An Act to incorporate the Hoboken, Ridgefield and Paterson Railroad Company," approved March fifteenth, eighteen hundred and sixty-six.

Extension of time for commencement

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time at which the said Hoboken, Ridgefield and Paterson Railroad Company shall be required to commence their railroad be and the same is hereby

extended five years from the fourth day of July, eighteen hundred and sixty-eight, and that the time at which said railroad company shall be required to complete said railroad be and the same is hereby extended ten years from the fourth day of July, eighteen hundred and sixty-eight.

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

Approved March 27, 1868.

CHAPTER CCXLIII.

An Act to incorporate the Fireman's Fund Fire Insurance Company of the city of Hudson, county of Hudson, state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, are hereby constituted and made a body politic and corporate by the name of "The Fireman's Fund Fire Insurance Company of the city of Hudson, New Jersey," and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended, in all courts of law or equity, and by that name may have, purchase, possess and enjoy to them and their successors, lands, tenements and hereditaments, goods, chattels and effects of what nature and kind soever necessary for the purpose of this corporation, and the same to grant, demise, alien and dispose of at pleasure for the benefit of the said company, and may also have a common seal, and alter and renew the same at their pleasure. Name.

2. *And be it enacted*, That the capital stock of the said company shall be fifty thousand dollars, to be divided into shares of fifty dollars each, with the privilege of increasing the said capital stock to five hundred thousand dollars at any time during the continuance of this charter; and when the said capital stock of fifty thousand dollars shall be subscribed and ten per centum of the said sum paid in cash, that then the Capital stock

subscribers to said capital stock, upon ten days' previous notice in the newspapers published in the county of Hudson, given by the commissioners hereinafter named, shall proceed to the election of the board of directors, which said board of directors shall then proceed to the election of a president, a vice-president, a treasurer and secretary, and the appointment of such other officers as may be necessary to manage the business of the company, and the office of secretary and treasurer may be filled by the same person; and C. W. Conger, John M. Wilson, G. D. Van Reipen, John Platt, Charles Luxton, Thomas Aldridge and W. A. Weeks, be and the same are hereby appointed commissioners to open the books for subscriptions to the capital stock of said company, and that ten days' previous notice of the time and place of the opening of said books shall be given by the said commissioners, or a majority of them, the said notice to be published in the newspapers in the county of Hudson during said space of ten days, and that said books of subscription may be kept open as long as it shall seem best by the said commissioners, or a majority of them, so to do.

Commissioners to open books of subscription.

Capital stock may be increased.

3. *And be it enacted*, That the capital stock may be increased at any time by the directors to such amount as they may determine not exceeding the amount provided for in the second section, and they shall open books of subscription for said increased capital stock after giving ten days' previous notice in the newspapers published in the county of Hudson; and the persons who shall then own the stock of said company shall have the privilege, for five days, of subscribing for said increased stock, and after that time, if not subscribed for by the said stockholders, it may be subscribed for by others, and the terms of said subscription, as well as the balance of first subscription, shall be fixed and determined by the said directors.

Directors, and how elected.

4. *And be it enacted*, That the stock, property, affairs and concerns of said company shall be managed and conducted by thirty one directors, seven of whom shall constitute a quorum to transact business, who may respectively hold their office for one year and until others may be chosen; and shall at all times during their continuance in office be stockholders in the said company in their own right, and the said directors shall hereafter be elected on the second Monday in January, in each and every year, at such hour of the day and at such place in the city of Hudson, as the board of directors for the

time being shall appoint, of which election public notice shall be given in the newspapers published in the county of Hudson, at least ten days' previous to such election; and every such election shall be by ballot and by a plurality of the votes cast in person or by proxy; and at every such election each stockholder shall be entitled to one vote for every share of stock he may have standing in his own name on the books of the company, and the first directors shall be Garret D. Van Reipen, Dennis Yoe, Clinton W. Conger, John D. Waugh, Charles Gobish, Charles Luxton, Benjamin F. Sawyer, John M. Wilson, Thomas Aldridge, Charles J. Roe, John H. Platt, George Glaubrecht, John R. McPherson, Alexander Frank, Thomas E. Bray, Edgar M. Eoff, Charles E. Newham, Christian Weber, Joseph E. Culver, William A. Weeks, Jacob J. Newkirk, Francis Mitchell, Willard E. Dudley, Richard D. McClelland, John B. Stanton, John Rommelt, William Coughlin, Patrick McNulty, Alexander H. Laidlaw, Andrew McLean, and James Montgomery, junior, who shall respectively hold their office until other directors are elected in their stead; and any vacancy in the office of president or directors may be filled by a majority of the remaining directors, and in the absence of the president the directors may appoint a president pro tempore, who shall have authority to exercise the power of the president; and the board of directors shall have power to allow such compensation to the officers of, and others in the employ of the company for their services as they may in their judgment deem reasonable and right; and the said directors or a majority of them, shall have authority to make all necessary rules, regulations and by-laws as may be necessary and expedient for the management and conducting of the business of the company; *provided*, the same do not conflict with the laws of this state or of the United States. Proviso.

5. *And be it enacted*, That it shall and may be lawful for the said company to insure houses and other buildings, and personal property of all kinds against loss or damage by fire, upon such rates and conditions as shall be contained and stated in the policy of insurance. Power to insure against fire.

6. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president, or by such other officer as may be designated for that purpose by the by-laws of said company, and attested by the secretary, and when so Policies of insurance.

subscribed and attested, the same shall be binding upon the company according to the tenor, intent and meaning of this act, and of such policies and contracts; and all such policies and contracts may be made, subscribed, attested and executed, and the business of the said company may be otherwise conducted and carried on without the presence of a board of directors, by committee or otherwise, and the same shall be binding and obligatory on the said company.

Stock personal property.

7. *And be it enacted*, That the stock of said company shall be deemed personal property, and as such assigned and transferred on the books of the company.

May purchase and hold real estate.

8. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold such and so much real estate as shall or may be necessary for their convenient accommodation in the transaction of their business; and also to take and hold any real estate or securities, mortgaged or pledged to the said company, or to secure the payment of any debt which may be contracted with the said company, and to redeem the money so pledged or secured either at law or equity; and also to purchase on sales made under judgments at law or done in equity, or on any other legal proceedings, or otherwise, to receive and take any real estate in payment or towards satisfaction of any debt previously contracted and due to the said company, and to hold the same until they can conveniently sell or convert the same into money or other personal estate, and for the purpose of investing any part of their capital stock, funds or money, may purchase and hold any public stocks created by the incorporated cities and of the townships and counties of this state or of the United States, or the states of New York, Ohio, Pennsylvania, Massachusetts and Connecticut, as also of the stocks or other securities created by said states, or either of them, or of the United States, or in bonds secured by mortgages on unencumbered real estate within this state worth double the amount of money invested or loaned.

Dividends.

9. *And be it enacted*, That it shall be lawful for the directors of said company to make dividends of so much of the profits of the company as shall be deemed advisable, and that ten per centum of the said dividends shall be paid over to the treasurer of the fire department fund of the city of Hudson, and the balance shall be paid to the stockholders or to their legal representatives.

Limitation.

10. *And be it enacted*, That this act shall be and remain

in force for the term of fifty (50) years; but the legislature may at any time alter, modify or repeal the same, and that this take effect immediately.

Approved March 27, 1868.

CHAPTER CCXLIV.

An Act to incorporate the American Roofing, Paving and Manufactuing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles B. Van Syckel, Thomas C. Hill, Abiezer Jameson, George A. Anderson and M. H. Tomlinson, and their associates, shall be and they hereby are declared to be a body corporate and politic, in fact and in law, by the name of "The American Roofing, Paving and Manufacturing Company," for the purpose of carrying on the business of roofing, paving and manufacturing; and for that purpose may hold such real estate, water privileges, machinery and effects as may be needful to carry on the said business or may accrue to them in the course thereof, and may sell, mortgage, lease, or otherwise dispose of the same. Corporators. Name.

2. *And be it enacted*, That the capital stock of the company shall be two hundred thousand dollars, divided into shares of one hundred dollars each; and the persons named in the first section of this act are hereby appointed commissioners to receive subscriptions to said capital stock at such place in the city of Trenton as a majority of them may appoint, giving at least five days' notice in the newspapers published in said city; and as soon as twenty-five thousand dollars of said stock is subscribed the said commissioners shall by a like notice call the first meeting of the stockholders for the purpose of organizing said company. Capital stock.

3. *And be it enacted*, That the business of the said corporation shall be managed by not less than three directors, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices for one year and until others shall be elected in their stead; and every year thereafter at such time and place and upon such notice as the by-laws may Directors, and how elected.

appoint, an election shall be held, at which election every stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock he may own.

Powers of directors.

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

Stock personal estate.

5. *And be it enacted*, That the stock of the said corporation shall be deemed personal estate and shall be transferred in such manner as the by-laws may prescribe.

Books of account to be kept.

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

7. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions and liabilities set forth in "An Act concerning corporations," approved February fourteenth, eighteen and forty-six, as far as the same are applicable; and the legislature may at any time hereafter modify or repeal the same.

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

Approved March 27, 1868.

CHAPTER CCXLV.

An Act to incorporate the Manalapanville and Englishtown Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and hereby are ordained, constituted, and made a body corporate and politic, in fact and in law, by the name of "The Manalapanville and Englishtown Turnpike Company," and that the following named persons, to wit: Nathaniel W. Morris, Josiah Wood-

Name.

ward, Harvey S. Cope, Vincent W. Mount, John H. Davis, James Danly and James Marks, 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 the newspapers printed and published in Freehold, in the county of Monmouth. Commissioners to open books of subscription.

2. *And be it enacted*, That the capital stock of the said company shall be twelve thousand dollars, and shall be divided into shares of fifty dollars each; that at the time of subscribing to the said stock three dollars shall be paid in cash 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, so soon as one shall be appointed; that the residue of said stock shall be paid to the treasurer in such installments, and at such times and places, as the board of directors of said company shall from time to time direct; that upon the 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 installments, or any of them, to and for the use of said company. Capital, how paid in, and forfeited for non-payment.

3. *And be it enacted*, That the affairs of 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; that when one 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 seven directors, for the term of one year, who 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 the said term, and annually thereafter, upon like notice being given by the existing board of directors, the stockholders shall elect by ballot five directors, who shall be citizens of this state, and the judges 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 case it shall Directors how elected.

Not dissolved for failure to elect directors

happen that any election of directors shall 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 places.

Officers.

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 said 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 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.

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; and the said company shall have the privilege of erecting toll-houses, and collecting toll as soon as one mile or more of said road is completed.

Power to construct and make a turnpike.

6. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from the village of Manalapanville to Englishtown station, on the Freehold and Jamesburgh Agricultural Railroad; 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 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*, that before said company shall construct the said turnpike road aforesaid, they shall pay to the respective own-

Proviso.

ers of the land selected for constructing the said turnpike road, 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 any of the said owners cannot agree upon the amount of the 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 shall sustain by the taking of stone, gravel, sand or clay from his or her lands for the constructing or maintaining of said turnpike road.

Width of road, &c.

7. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-six feet in breadth, 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, plank, clay 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 six degrees with the plane of the horizon; and said company shall make good and sufficient bridges along said road, not less than eighteen 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 overset, the said company shall cause good and sufficient railings to be erected on the sides, so as to prevent horses and carriages from running off.

May enter on lands, &c.

8. *And be it enacted*, That it shall be lawful for said company, their agents, superintendents, engineers, and all persons employed by them, with carts, wagons and other carriages, and with beasts of burthen 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 enclosure thereof, and make all ditches and underdrains across and through said lands as are necessary for the proper drainage of said road, and to take and carry away stone, gravel, clay or sand, or other material 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 materials 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 Monmouth, upon application of either party, and after six days' notice in writing to the opposite party of such applica-

Proceedings when company and owners of land cannot agree.

tion, and after hearing the parties, to appoint three disinterested, impartial and judicious freeholders, residents of the state, commissioners to assess the price or value of such lands 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 and 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 county of Monmouth, 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 lands 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 said 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 awards 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 the said court, for the use of said owner or owners.

May demand and receive tolls.

9. *And be it enacted*, That as soon as the said company shall have constructed said road according to the directions of this act, and the true meaning and intent thereof, it shall and may 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 half a mile of the said road, at the following rates, to wit:

For every carriage, sleigh or sled drawn by one beast,	one cent;
For every additional beast,	one cent;
For every horse and rider, or led horse or mule,	one cent;
For every dozen of calves, sheep or hogs,	one cent;
For every dozen of 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 or sheep, calves or hogs, or carriages of burthen 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, or any person passing from any part of his farm to any other part of the same on the common business thereof. Proviso.

10. *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, and on each stone or post shall be fairly and legibly marked the distance said stone or post is from Manalapanville, 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 painted in large letters, "keep to the right as the law directs; penalty ten dollars." Must erect mile stones and put up rates of toll.

11. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile-stones or posts so erected on 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 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 vehicle, turn out of said road to pass a gate or gates upon private grounds adjacent thereunto, 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 injuring mile stones or posts &c., and for forcibly passing toll gates.

12. *And be it enacted*, That if the said company shall demand more toll than is by this act established, it 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 illegal tolls.

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

Penalty for neglecting to turn to the right.

or sleds of every description, whether of burden or pleasure, or persons on horseback using the said road, shall keep their horses or vehicles on the right hand side of the road, free and clear from 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 damage for every such offence, to be recovered with costs of suit.

Proceedings when road is not kept in repair.

14. *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 Monmouth, upon complaint being made to him in writing, stating the bridge, or part of 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, 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 Monmouth, 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 the said part of the 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 state as the law requires it to be kept; and if the report be unfavorable to the 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 the said judge, to open said gate or turnpike, exact toll of travellers, the said company shall, for each offence, forfeit and pay twelve 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-gathers, permit the gates or turnpike

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.

15. *And be it enacted*, That said company may construct their said turnpike on and over the following route: beginning at or near the point where the Hightstown and Manalapanville turnpike road crosses the line between the townships of Millstone and Manalapan, in the county of Monmouth, near the inn of Vincent W. Mount, and running thence along the public highway till it passes the new dwelling house now occupied by Anthony Johnson, on the Reed farm, now owned by Nathaniel W. Morris; thence along or near the most direct public road to Englishtown station, on the Freehold and Jamesburg Agricultural Railroad; *provided*, that so much of any and all public roads as are followed and taken between the aforesaid termini of "The Manalapanville and Englishtown Turnpike Road," be and the same are hereby vacated as soon as this turnpike is organized. Route of turnpike road. Proviso.

16. *And be it enacted*, That this act shall take effect immediately, and 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," so far as the same are applicable.

Approved March 27, 1868.

CHAPTER CCXLVI.

An Act to develop and improve the Water Power of the Passaic river.

WHEREAS, the Society for Establishing Useful Manufactures, a company incorporated by the legislature of this state, in order more effectually to carry into effect the objects of their incorporation desire to develope, increase and improve the water power of the Passaic river, and by that Preamble.

means extend and increase manufacturing establishments in the county of Passaic, and it appearing that the public good would be promoted thereby; therefore,

May increase water power.

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 develop, increase and improve the water power of said river, above the Great Falls, and to create ponds or reservoirs of water therein, and in other streams in said county to be used therewith; and to that end may erect dams in said river and streams, and raise or increase the height of any dam or dams heretofore erected in said river, to such height as they may deem necessary for the purposes by this act authorized.

May enter on lands, &c.

2. *And be it enacted*, That it shall be lawful for the said company by their officers, agents, engineers, superintendent and contractors, and other persons employed by them, to enter from time to time, and at all times, upon all lands, whether covered with water or not, for the purpose of ascertaining the proper location for such dams and reservoirs, and of any dam or dams proposed to be raised, and the quantity of land to be flooded by the raising or erection thereof, and the water and streams to be taken, and for making all surveys necessary for such purposes, doing thereto no unnecessary damage; and when the said location has been fixed upon, and dam or dams or reservoirs located and surveys thereof, including such lands as they may desire to occupy or overflow in the construction or raising or increasing the height of any of said dams, or construction of any of said reservoirs and the maintenance thereof, deposited in the office of the secretary of this state, then it shall be lawful for them, their officers, agents, engineers, superintendents, contractors and employees, at any time to enter upon, take possession of, have, hold and use all and singular, such lands, waters, and streams subject to such compensation to be made therefor as is hereinafter directed.

Must make a careful survey and map of all overflowed lands.

3. *And be it enacted*, That before the said company shall construct any such reservoirs or erect any dam or raise the level of any old dam, they shall cause all the lands above such reservoir or dam that would be overflowed or drowned by reason of such construction, erection or raising, to be carefully surveyed and levelled so as accurately to ascertain the quantity of land that would thereby be overflowed or drowned, and what streams would be taken for said works, and shall

cause a map of the survey and level of said lands, designating those that would become so overflowed or drowned, and the owners thereof, if known; and when the said company cannot agree with the said owner or owners of said lands and streams for such use and purchase thereof, or where, 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 and streams so required for the use of said company in the construction of such reservoirs or erection or raising of such dams, and flooded or overflowed thereby, shall be given in writing, under oath or affirmation of some engineer or agent of said company, and the name or names of the owner or owners thereof, if known, and his, her or their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall assign a particular time and place for the appointment of commissioners hereinafter named, and shall cause the said company to give notice thereof, as he shall direct, to such owner or owners, if known and in this state, or if unknown or out of this state, to make publication thereof as he shall direct, for any term not less than ten days, at which time and place, on satisfactory evidence to said justice of the service or publication of such notice as directed, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, not residents of Passaic county, commissioners to examine and appraise the said lands and streams and assess the damages, who shall meet at such time and place as shall be appointed by such justice, on such notice to such owner and owners as he shall direct, not less than ten days; that it shall be the duty of said commissioners, (having first taken and subscribed 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 as aforesaid and to proceed to view and examine the said lands and streams, and to make a just and equitable estimate or appraisement of the value of the same and assessment of damages, and shall report what sum, if any, shall be paid by said company for such land and streams and damages, which report shall be in writing, under the hands and seals of the commissioners, or any two of them, and filed within twenty days thereafter, together with the aforesaid description of the land and streams and appointment and oaths and affirmations aforesaid,

Proceedings when the company and owners of property cannot agree.

in the office of the clerk of the county in which said lands lie, to remain of record therein, which report or a copy thereof, duly certified by said clerk, shall at all times be plenary evidence of the right of said company to use, occupy, possess, enjoy, overflow and drown said lands and streams, and to construct any such reservoir and to erect any such dam or raise any such old dam, and of the right of the owner or owners to recover the amount of such valuation with interest and costs, by action of debt, in any court of competent jurisdiction if such company shall neglect or refuse to pay the same for twenty days after demand thereof made upon the agent or other officer of said company; and said justice on application of either party, and reasonable notice to the other, shall tax and allow such costs, fees and expenses to himself, commissioners and others performing any of the services prescribed by this act, as he shall think fit, which shall be paid by the parties as such justice shall direct; *provided*, that in no case shall said company overflow, drown or use said lands and streams until they have paid or tendered to the owner the sum specified in said report, if known and resident in this state, or until they shall have deposited the said sum, if the owner or owners be unknown or not resident in this state, with the clerk of said county, and upon payment or tender or deposit of such sum as above provided, the said company may take, use, possess and enjoy said lands and streams, and overflow and drown the same, and may construct any such reservoirs and erect any such dam or raise any such old dam to any level not exceeding the height specified in such survey or description.

Proviso

Proceedings in case of appeal.

4. *And be it enacted*, That in case said company, or the owner or owners of said lands and streams, shall be dissatisfied with the report of said commissioners, and shall make application in this behalf by petition, setting forth the grounds of complaint, to the justices of the supreme court of judicature of this state, at the next term after the filing of said report, or within twenty days after such filing, giving ten days' notice thereof to the other party interested, the said court shall have power, upon good cause shown, to set aside said report in whole or in part, as the case may require, and to direct a proper issue to be formed between the parties for the trial of the said controversy, and to order a jury to be struck and a view of the premises to be had by them, 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 of fact in the said court are tried; and it shall be the duty of the jury to assess the value of the said lands and streams, and also the damages sustained, having regard to the benefits which will result from the said improvements; and if they find a sum greater than the commissioners shall have awarded in favor of the said owner or owners, then judgment shall be entered accordingly, with costs and execution therefor; but if the jury shall be applied for by such owner or owners, and find a sum not greater than the company shall have offered or the commissioners awarded, then judgment shall be entered accordingly without costs; but the costs shall be paid by such applicant, and may be deducted from the sum found by the jury, or collected by execution, as the court shall direct; but such application to the court, or proceedings under it, shall not prevent the said company from doing any act or thing which, upon filing said report and payment, or tender of payment, or deposit as aforesaid, they are herein authorized to do.

May fix height of reservoir or dam.

5. *And be it enacted*, That the said company may, if they deem it expedient in making the survey herein, and in the description hereinbefore provided for, fix the height to which they propose to erect any such reservoir or dam, or raise any old dam; and may erect such dam, or increase the height of any reservoir or dam accordingly, from time to time, to a level not exceeding the specified height.

Taxes.

6. *And be it enacted*, That no action shall be sustained in any court for the recovery of any damages for the erecting, raising, maintaining and using any such dam or reservoir, except as is herein provided for; and that all real and personal property of said society acquired under this act shall be subject to taxation, in the same manner as other real and personal property in the city of Paterson are subject thereto.

Not construed to take land for mills, &c.

7. *And be it enacted*, That no part of this act shall be so construed as to authorize or empower the said company to take by assessment, in manner aforesaid, any lands whatever for the purpose of erecting thereon any of their mills or manufactories, or houses for their workmen, agents or others, or to authorize the erection or raising of any dam in the Passaic river, in Morris county, or in any other stream or streams in said county of Morris, or to raise the water in the streams in said county in any way whatever, or to take by assessment, in manner aforesaid, any lands whatever in that county.

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

Approved March 30, 1868.

CHAPTER CCXLVII.

An Act to enable certain corporations more effectually to transact their business in the state of New Jersey.

Foreign railroad corporations authorized to hold property in this state may have meetings of directors to transact business here.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any railroad corporation which has been created by the laws of any other state or states, has, by any law or laws passed by the legislature of this state, been authorized to hold property and exercise franchises and privileges in this state, it shall be lawful for the directors of such company elected in another state to hold their meetings in this state, and exercise all the powers and franchises of such company within this state, so far as it may be necessary to transact any business of such company.

2. *And be it enacted*, That it shall be lawful for such company to have an office in this state for the transfer of stock, and the officers and agents of such company shall be authorized to transact the business of such company in this state.

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

Approved March 30, 1868.

CHAPTER CCXLVIII.

An Act to enable the United Railroad and Canal Companies to increase their depot and terminal facilities at Jersey City.

Preamble.

WHEREAS, the United Delaware and Raritan Canal Company, Camden and Amboy Railroad and Transportation Company, and New Jersey Railroad and Transportation Company require for the accommodation of their business, more room for depot, storage, and other railroad and canal purposes at Jersey City, and to that end have purchased, in the name of the last mentioned company all private right, title, interest and property in the lands under water known as the Harsimus Cove property, lying between the centres of South Second and South Seventh streets, and extending from the upland or shore to the deep waters of the Hudson river; and whereas, by an act of the legislature of this state, passed November eighth, in the year eighteen hundred and thirty-six, entitled "An Act vesting in Nathaniel Budd all the right and title of the state of New Jersey to a certain tract of land under water in the Hudson river, in the county of Bergen and state of New Jersey," a considerable portion of said property was granted to one Nathaniel Budd, his heirs and assigns, whose title thereto has been derived to the said companies for their respective portions thereof; and whereas, the said parties desire to improve the said property for the purposes of their respective organizations; and whereas, it is intended that nothing in this preamble shall be considered as yielding any rights of the state to the lands under water embraced in the limits aforesaid, excepting always that part of the Budd grant south of South Second street, purchased by said companies and such rights as legally follow the ownership of the upland adjoining the water; therefore,

Grant of the right and title of the state to certain lands under water to the New Jersey Railroad Company

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the right and title of the state to the land lying between high water mark on the west, the deep water of the Hudson on the east, the centre of south Second street on the north and the centre of south Seventh street on the south in Jersey City aforesaid, excepting there-

out that portion of the Budd grant heretofore granted by the state and now owned by said companies, is granted to said united companies, their successors and assigns, to hold in the corporate name of the said New Jersey Railroad and Transportation company, or otherwise, to have. hold, possess and enjoy, that portion of the said Harsimus Cove property so purchased by them as aforesaid, and such other property in Jersey City, excepting always, lands under water belonging to the state and not described in this bill, as the joint board of directors of said united companies may deem requisite and necessary for the transaction of their business; and that it shall be lawful for said united companies to fill up and improve the said property within the said limits between the centre lines of south Second and south Seventh streets as aforesaid, and erect thereon wharves, piers, canals, slips, storehouses, depots, and other buildings and shops, and car and engine houses and appendages, with power to extend their bulkheads, solid filling and piers to the exterior lines adopted for those purposes respectively by the commissioners appointed under the act approved April eleventh, in the year eighteen hundred and sixty four, entitled "An Act to ascertain the rights of the state and of the riparian owners in the lands lying under the waters of the bay of New York and elsewhere in the state," or to such other exterior lines as may hereafter be established by or under the authority of the legislature of this state, and that it shall be lawful for said united companies to lay out, construct and build a branch railroad not exceeding one hundred feet in width from the said property so purchased as aforesaid to some point in the present line of the New Jersey railroad, in or eastward of the deep cut in Bergen Hill, with as many sets of tracks and rails as the said directors shall deem necessary, and with power to procure the right of way for such branch railroad either by purchase or by appraisement of commissioners in the manner prescribed in and by the original charter or act of incorporation of the said New Jersey Railroad and Transportation company; and to make said branch railroad elevated, so as to pass above the streets of said city at least twelve feet in the clear above said streets; *provided also*, that nothing herein contained shall be construed to take away or interfere with any vested rights of any other person or persons in the said property.

May fill up and improve property.

May lay out and construct a branch railroad.

Proviso.

2. *And be it enacted*, That all streets projected or laid out or authorized to be laid out by any act of the legislature of

Streets laid out over this property vacated.

this state, over the said property so purchased by the said united companies as aforesaid east of Prospect street, except such parts of any street as are now actually filled in and used, shall be and are hereby vacated, and no street shall hereafter be laid out or opened thereon except by consent of said united companies; and that said united companies, their officers and agents shall have the supervision and control of the wharves, piers, canals, buildings and other improvements which they may erect upon the said property, and may charge such wharfage and other rates for the use thereof, as the said directors may deem reasonable, or as may be agreed upon with the parties desiring to use the same; and that all acts and parts of acts heretofore passed which limit the amount of land that may be held by the said united companies, or either of them, for the purposes of their charters respectively, or which subjects such lands, if exceeding a certain quantity, to any other tax than that which is imposed upon the said companies respectively by their respective charters or acts of incorporation, are hereby repealed; *provided, however*, that such parts of said property and the improvements to be made thereon as shall be used for other than railroad, canal, depot, transhipping or landing purposes, (but no other portions thereof) shall be subject to local and municipal taxation; *provided further*, that the authorities of Jersey City shall continue to have the same right and power as they now have or as may hereafter be conferred upon them to construct necessary sewers through the property hereby granted to connect with and discharge the main sewers of said city between south Second street and south Seventh street; *and provided also*, that the said property hereby granted shall be subject to assessments for benefits arising from the construction of sewers, and from the improving of any streets in the manner now provided for; *and provided further*, that nothing in this act shall be construed as exempting the before described property from the provisions of an act entitled "An Act for supplying Jersey City and places adjacent with pure and wholesome water," and supplements thereto; *and provided further*, that the said united companies shall on or before the first day of January next define the route of their tracks from the Bergen cut through Jersey City to the property hereinbefore described.

May have supervision and control of wharves, &c.

Repealing acts limiting amount of land, and providing for tax thereon.

Proviso.

Proviso.

Proviso.

Proviso.

Proviso.

3. *And be it enacted*, That the said united companies shall pay to the treasurer of the state, on or before the first day of January next, such sum or sums of money as shall be fixed,

Compensation for grant to be paid when determined by attorney general and three commissioners.

adjudged and determined as the just and equitable compensation the state ought to receive for the lands surrounding the Budd grant hereby granted as aforesaid, by the attorney general and three commissioners, to be appointed by the supreme court on the application of the attorney general of the state, or the said companies, on such notice as the court shall esteem reasonable; the said commissioners shall first take and file an oath in the office of the secretary of the state, well, truly and faithfully to perform the duties of their appointment before entering upon said duties, and the attorney general and said commissioners having regard to the ownership of the said part of the Budd grant by the said company, to the purpose of the grant, the situation of the land, and the inducements that the state should hold out to the grantee for making the improvement; and until such consideration is paid it shall not be lawful for the said companies to improve, fill in, reclaim or enjoy the lands under water herein referred to (except the lands lying within the Budd grant); and as the purposes of this grant require that the exterior line of the lands hereby intended to be granted to and enjoyed by said companies should always adjoin and front the deep waters of the Hudson river, be it further enacted that the state of New Jersey will not, without the consent of said companies, make any grant of the lands, or of any easements therein, which lie in front of the land hereby intended to be granted, and that this grant shall extend to the exterior lines fixed already by the commissioners by the act entitled "An Act to ascertain the rights of the state and of the riparian owners in the lands lying under the waters of the bay of New York, and elsewhere in the state," approved April eleventh, eighteen hundred and sixty-four, in their report and maps, and any further to the east to which said exterior lines may be extended hereafter by the state, and no further; *provided*, the said companies shall file their acceptance of the determination and judgment of the said commissioners in the office of the secretary of state, and pay to the treasurer of this state the compensation fixed, adjudged and determined by the said commissioners on or before the first day of January next.

State will not grant any rights in front of land hereby granted, without consent.

Proviso.

4. *And be it enacted*, That this act shall be deemed and taken as a public act and shall take effect immediately, and that all acts and parts of acts, either general or special, inconsistent with this act, be and the same are hereby repealed.

Passed March 30, 1868.

CHAPTER CCXLIX.

An Act to incorporate the Port Oram Iron Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John C. Lord, Robert F. Oram, William G. Lathrop, C. D. Schubarth, James H. Neighbour, W. H. Talcott, J. Cowper Lord, Henry Day, Theodore F. Randolph, and their associates, successors and assigns, are hereby created a body corporate and politic, by the name of "The Port Oram Iron Company," for the purpose of mining and smelting iron and other ores, and for the purchase, manufacture and sale of iron and other metals, with power to lease, purchase and hold such mines and mining rights, real and personal property, as may be considered necessary for the due prosecution of its business, and to sell, lease or mortgage the same, or any portion thereof, and by that name they and their successors shall have all the powers which by the laws of this state are now incident and belonging to corporations. Corporators. Name. Object of corporation.

2. *And be it enacted*, That the capital stock of this company shall be three hundred thousand dollars, with power to increase the same, by a vote of a majority of the stock, to one million dollars, divided into shares of one hundred dollars each, which shares shall be deemed personal property, and shall be transferable in such manner as shall be prescribed in the by-laws of the said corporation; and the said company is authorized to commence business when one hundred thousand dollars of its capital shall have been subscribed and ten per centum thereof paid in; and no dividends shall be made to the stockholders except from the profits of said company. Capital stock.

3. *And be it enacted*, That the property and affairs of this company shall be managed and conducted by a board consisting of nine directors, being stockholders, and that John C. Lord, Robert F. Oram, William G. Lathrop, C. D. Schubarth, James H. Neighbour, W. H. Talcott, J. Cowper Lord, Henry Day and Theodore F. Randolph shall be the first directors to organize and manage the affairs of the said company, and shall continue in office until the first Tuesday in August, eighteen hundred and sixty-nine, and until others are elected or appointed in their stead. Property and affairs managed by directors.

4. *And be it enacted*, That the board of directors shall have

Power to secure payment of the capital stock under penalty of forfeiture.

power to demand from the subscribers to the capital stock of said corporation, the money for such subscriptions, and for any subscriptions to the increase of its capital, or any assessment thereon, and in case of the failure to pay such subscriptions, calls or assessments as they may appoint, the said board may, after four weeks' notice in a newspaper published in Morris county, declare the said stock and all previous payments thereon forfeited to the corporation, and such stock and all previous payments thereon, and all right to the same, shall thereby be forfeited and belong to the said corporation.

Election of directors.

5. *And be it enacted*, That the annual election of directors shall take place on the first Tuesday in August of each year after eighteen hundred and sixty-eight, at such time and place as shall be directed by the by-laws of said corporation; and all elections for directors shall be by ballot, and each share of stock shall be entitled to one vote, and the votes may be by person or by proxy; two weeks previous notice of such election shall be given in a newspaper published in Morris county; the persons having the greatest number of votes, being stockholders, shall be directors for the ensuing year, and any vacancy or vacancies occurring by death, resignation or otherwise among the directors, shall be filled in the manner prescribed by the by-laws of said company; and if from any cause an election for directors should not take place on the day of the annual election, it shall not therefore work a forfeiture of this charter, but a new election shall be ordered in conformity to the by-laws of said company, and the directors shall hold over until others are elected in their places.

Powers of directors.

6. *And be it enacted*, That the board of directors shall adopt by-laws declaring the number of directors necessary to form a quorum for the transaction of business, the officers of the company and their duties, and shall have authority to enact such rules and regulations as they may deem necessary for the management of the affairs of this company and the business of the board of directors, and shall have power, from time to time, to alter the said by-laws; *provided*, the same as adopted shall not be contrary to the constitution of the United States, or the laws of this state.

Proviso.

May diminish or dissolve corporation.

7. *And be it enacted*, That the number of directors may at any time be increased or diminished, or the capital stock diminished, or this corporation dissolved by a vote of three-fourths of the stock represented in such voting, at a meeting

called for that purpose, by a notice published once a week, for four successive week, in a newspaper printed in Morris county; upon such dissolution, the directors, or such persons as the stockholders shall appoint, and their survivors and successors, shall be trustees, and as such shall have full power to realize, sell, convey and collect the assets of said corporation, real and personal, and pay its debts, and divide the surplus among its stockholders, pro rata.

8. *And be it enacted*, That this act shall be deemed a public act, and shall, at all times be recognized and taken as such in all courts and places whatsoever, and shall take effect immediately; *provided* that this corporation shall not be exempted from the provisions of the act entitled "An Act to increase the revenues of the state of New Jersey," approved March sixth, eighteen hundred and fifty-eight, as qualified by the supplement thereto, approved March eighteenth, eighteen hundred and fifty-nine. Proviso.

Approved March 31, 1868.

CHAPTER CCL.

A Further Supplement to an act entitled "An Act to incorporate the city of Salem," approved February twenty fifth, eighteen hundred and fifty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city of Salem shall hereafter be divided into two precincts in the manner following, that is to say: all that part of the city of Salem lying and being on the southeast side of a certain line beginning at the creek in the centre of Market street, and running thence along the centre of said street in the course thereof; thence between Beldin's store and the Nelson House in the line of division thereof, continuing on in a straight line to the limits of the said city, shall compose one precinct, which shall be known as and called by the name of the East precinct; and all that part of the city of Salem lying and being on the northwesterly side of the said certain line shall compose one precinct, which shall be known as and called by the name of the West Division into two precincts

precinct; and the common council of said city shall have full power to fix and determine other precincts in said city as the said common council may from time to time deem necessary.

City officers.

2. *And be it enacted*, That there shall hereafter be elected in the said city by the legal voters thereof throughout the whole city, one mayor, who shall be keeper of the city seal, and hold his office for three years, after the expiration of the term of the present mayor; three common councilmen, annually, each of whom shall hold his office for three years; one recorder or clerk, annually, and whose compensation shall be fixed and determined by common council; one or more assessors, annually, who are hereby empowered to commence making the assessments required on the twentieth day of May, and ending on the twentieth day of August, and whose duplicate shall be returned to the treasurer not later than the twentieth of September following; one collector, who shall be ex-officio city treasurer; three chosen freeholders in, for and throughout the said city; one superintendent of public schools, annually; three trustees of public schools, annually, who shall hold their offices respectfully for three years; two overseers of the poor, annually; two surveyors of the highways, annually; three commissioners of appeal, annually; two pound-keepers, annually; two constables, annually.

3. *And be it enacted*, That all acts or parts of acts inconsistent with this act are hereby repealed.

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

Approved April 1, 1868.

CHAPTER CCLI.

An Act to enable the Freehold and Jamesburg Agricultural Railroad Company to run engines and cars on the Squankum and Freehold Marl Company's Railroad.

May run cars on Squankum and Freehold railroad.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the Freehold and Jamesburg Agricultural Railroad Company to run their engines and cars over the railroad of the Squankum and Freehold Marl Company for the conveyance of passengers and merchandise, and to charge reasonable fares and freights therefor; *provided*, that the assent of the Squankum and Freehold Marl Company be first had and obtained to such running and use of their road, and subject to such terms as may be agreed upon by said companies.

Proviso.

Approved April 1, 1868.

CHAPTER CCLII.

A Further Supplement to the act entitled "An Act concerning Taxes," approved April fourteenth, eighteen hundred and forty-six.

Justice may issue alias tax warrants.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where a tax warrant has been issued, and the township collector, or other officer to whom it was delivered, has neglected or failed to execute or return the same, it shall be lawful for the justice who issued the same, upon its return to him, with an affidavit annexed that the taxes or some part of the same remain unpaid, and giving the names of the delinquents therein, with the amount of the taxes against them respectively still in arrears and unpaid, to issue an alias tax warrant against the said delinquents for the taxes for which they are so in arrear, to be directed to the township collector for the time being, or other

proper officer, to be proceeded on in all things as in the case of the original warrant.

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

Approved April 1, 1868.

CHAPTER CCLIII.

An Act to confirm the Acknowledgments and Proofs of Deeds, and other instruments of writing, taken by N. Proctor Smith.

Preamble.

WHEREAS, it appears to the legislature that N. Proctor Smith was duly commissioned, on the sixteenth day of February, in the year eighteen hundred and sixty-five, one of the commissioners to take the acknowledgments and proofs of deeds in San Francisco, state of California, to be used or recorded in the state of New Jersey; and whereas, it appears that the said N. Proctor Smith, from a misapprehension of the law, failed to file in the office of the secretary of state his seal and oath of office, and since his appointment has taken acknowledgments and proofs of deeds, by reason of which acknowledgments and proofs innocent persons may be subject to great loss; therefore,

Legalizing proofs of deeds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several acknowledgments and proofs of deeds, and other instruments of writing, taken and certified by the said N. Proctor Smith, as said commissioner, during the time for which he was commissioned, be and the same are hereby confirmed, and declared valid and effectual in like manner as though the said N. Proctor Smith had filed his seal and oath of office with the secretary of state on said sixteenth day of February, eighteen hundred and sixty-five.

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

Approved April 1, 1868.

CHAPTER CCLIV.

An Act to aid the collection of certain taxes in the township of Delaware, in the county of Hunterdon, which remain due and unpaid.

Proceedings to collect 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 David Jackson, late collector of taxes of said township of Delaware, within forty days after the passage of this act, to return to any justice of the peace of the same township, the following tax warrants in his hands as such collector, with a statement of the amount due on said several tax warrants from each delinquent taxpayer therein named, to wit: first, the tax warrant issued by Mahlon Smith, justice of the peace of said township, on the twenty-eight day of June, eighteen hundred and sixty-four, to the said David Jackson, then collector of taxes of said township, directed and delivered; second, the tax warrant issued by Mahlon Smith, justice of the peace as aforesaid, on the sixth day of March, eighteen hundred and sixty five, to the said David Jackson, then collector as aforesaid, directed and delivered; third, the tax warrant issued by Mahlon Smith, justice of the peace as aforesaid, on the second day of March, eighteen hundred and sixty-six, to the said David Jackson, then collector as aforesaid, directed and delivered; *provided, however*, that nothing in this act contained shall authorize or make it lawful for the said David Jackson to return to any such justice, as delinquent taxpayers upon the said warrant issued by Mahlon Smith aforesaid, on the twenty-eighth day of June, eighteen hundred and sixty-four, and of the persons as against whom the tax commanded to be levied by said tax warrant, has been set aside as illegal and contrary to law.

Proviso.

2. *And be it enacted*, That upon the return of the said several tax warrants with the statements aforesaid, the power conferred thereby upon the said David Jackson as such collector shall cease, and it shall be the duty of the justice of the peace to whom the said warrants shall be so returned, and he shall have the power and authority to issue under his hand and seal a new tax warrant of like force and effect as the original warrants, in the place of each of the aforesaid

warrants, against the several delinquents therein named for the amount due from them thereon respectively, to be directed to the person hereinafter specified; *provided, however*, that no justice to whom the tax warrant issued by said Mahlon Smith on the twenty-eighth day of June, eighteen hundred and sixty-four, shall be returned as aforesaid, by said David Jackson shall issue a new warrant in place thereof against any of the persons as against whom the tax commanded to be levied by said tax warrant issued by said Mahlon Smith, has been set aside as illegal and contrary to law, nor shall it authorize the collection of such taxes for the reversal of which suits are now pending in court.

Proviso.

Duties of the several officers.

3. *And be it enacted*, That it shall be the duty of the justice of the peace to whom said tax warrants shall be returned, forthwith to inform the township committee of the said township of Delaware thereof by writing under his hand, and thereupon it shall be the duty of the said township committee or their successors in office, by writing under their hand and seal, or the hand and seal of a majority of them, to be directed and delivered to the aforesaid justice of the peace, to appoint some fit person to execute the new tax warrants, to be issued as provided in the second section of this act, and that the said justice of the peace shall direct and deliver the said new tax warrants to such person as shall be so appointed, and if the person so appointed shall refuse to accept the said appointment, the said township committee or their successors in office are hereby authorized to appoint in manner aforesaid, some other fit person to whom the said tax warrant shall be directed and delivered by the said justice.

Powers of persons receiving tax warrants.

4. *And be it enacted*, That the person to whom the said new tax warrants shall be directed and delivered, shall by virtue thereof have the same power and authority and be subject to the same duties and liabilities conferred and imposed upon a collector of township taxes, to whom a tax warrant is delivered in ordinary cases, and further such person by virtue of such new tax warrant shall have power and authority to levy upon, take and sell the property, personal and real of the delinquent taxpayers, wheresoever in the county of Hunterdon it may be found, to make and satisfy said taxes, and the cost and expense of collecting the same *provided*, that this act shall not authorize the collection o

Proviso

any tax from any person as against whom such tax has been set aside as illegal and contrary to law by our courts.

5. *And be it enacted*, That if the person so appointed as aforesaid, and to whom the said tax warrants shall be directed and delivered, shall die or refuse to serve before the said tax warrants shall be fully executed, the township committee for the time being, or a majority of them, shall appoint some other fit person to execute the duties remaining unexecuted under the said tax warratns; and thereupon the said tax warrants shall be delivered to the person so appointed, who shall proceed in the further execution of the said warrants, and who is hereby invested with all the powers in that behalf which pertained to the person so dying, as aforesaid.

6. *And be it enacted*, That in addition to the fees allowed by law to a collector of township taxes, the person to whom the said tax warrants shall be directed and delivered, shall be entitled to have and collect from each delinquent taxpayer named in said new tax warrants, the sum of fifty cents, to be made by him in the same manner that he is hereby authorized to make said taxes.

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

Approved April 1, 1868.

CHAPTER CCLV.

An Act relative to Trustees.

WHEREAS, the acts relating to descents have always been construed not to extend to estates granted or devised to trustees so that the estate descended to the heir at common law, but doubts have been suggested whether the act respecting joint tenants and tenants in common does not apply to estates granted or devised to trustees although the same reason of convenience applies to both cases and the survivor or survivors should take the legal estate and such doubts should be set at rest; therefore, Preamble.

Estates granted to trustees, how vested.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all estates heretofore or hereafter to be granted or devised to trustees shall be construed to have vested and to vest an estate in joint tenantcy in such trustees, and in case any trustee has been or shall be removed and a conveyance or devise has been or shall be made by the trustee or trustees so removed to the old and new trustee or to new trustees such conveyance or devise shall be construed to have vested and to vest in the old and new trustee or the new trustees an estate in joint tenancty notwithstanding the want of any unity.

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

Approved April 1, 1868.

CHAPTER CCLVI.

An Act to incorporate the Hackensack Improvement Commission.

Improvement commission.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Huyler, Frederick Jacobson, Peter A. H. Voorhis, William S. Banta, Peter S Conklin and David A. Bogart be, and they are hereby appointed a board of six commissioners to carry into effect the provisions of this act, and shall be styled "The Hackensack Improvement Commission."

Commissioners to be divided into classes.

2. *And be it enacted*, That at the first meeting of the said commission after the passage of this act, they shall be equally divided into three classes, to be determined by lot between them; the first class shall hold for sixty days, the second class for one year thereafter, and the third for two years thereafter; and on the expiration of the said sixty days, it shall be the duty of the said commissioners to provide by ordinance for an election to be held by the land owners resident within the limits hereinafter prescribed, and owning lands not less than one hundred dollars in value within said limits, and who shall be otherwise qualified to vote at general elections in this state, at which election two commissioners

To provide for an election.

who shall be residents and land owners within said limits, shall be chosen to hold their office for the term of three years, and annually thereafter two like commissioners shall be chosen for the term of three years in like manner.

Powers of the commissioners.

3. *And be it enacted*, That the said commissioners, or a majority of them, shall have power to grade, work and repair the streets and roads now laid and hereafter to be laid within said limits, and to prevent and remove all encroachments and obstructions on roads and streets, and to control and regulate the width and grade of all sidewalks, and the manner of paving and maintaining the same, to provide for lighting such of the streets as they may deem necessary to be lighted, and procure and set necessary apparatus therefor, and to establish a system of common sewerage.

May make ordinances and enforce the same, under penalties.

4. *And be it enacted*, That said commissioners may make all necessary ordinances and regulations for carrying out fully said objects and purposes, and may carry said ordinances into effect and enforce the same by penalties not exceeding one hundred dollars for each violation thereof, which may be recovered by action of debt by said commissioners in their official name and title aforesaid, in any court of competent jurisdiction, declaring for money due and owing generally, giving the special matter in evidence; and execution may be awarded as in other cases for penalty for the amount of the penalty and costs, and said commissioners shall have full power to carry all the provisions of this act into effect.

Further powers.

5. *And be it enacted*, That the said commissioners shall have and exercise all the powers which in and by an act entitled "An Act to authorize the inhabitants of the village of Hackensack to improve the sidewalks of said village," and the supplements thereto, are given to the commissioners in said act mentioned, and shall have power to appoint a superintendent of sidewalks, with like powers as in said act is provided to be exercised by the superintendent therein mentioned; and the superintendent so to be appointed shall act under the direction of the commissioners in this act provided for, and shall observe and fulfil all ordinances and regulations made by said commissioners for the grading, making and repairing of sidewalks; they shall have charge of the public greens or parks in said limits, with power to enforce in their official name all laws now made or hereafter to be made respecting them or either of them.

6. *And be it enacted*, That the said commissioners shall

Record to be kept.

keep a record of all their ordinances and proceedings, which shall be kept open for public inspection at all reasonable times, or their ordinances published in printed form for distribution to all persons in said limits desiring the same.

Duty to ascertain the expense yearly which is to be assessed on real and personal estate.

7. *And be it enacted*, That it shall be the duty of the said commissioners once in each year to ascertain as nearly as may be the expense to be incurred in carrying into effect the provisions of this act, and to give public notice of the amount and purposes thereof, and deliver a copy of such notice to the assessors of the townships in which the said territory lies, on or before the twentieth day of August in each year; and such assessors shall assess the same upon the real and personal estate within said limits the same as other taxes are assessed, and the amount so assessed shall be collected by the collectors of said townships the same as other taxes are collected and paid over to the said commissioners, and payment of said taxes may be enforced in the same manner as payment of other taxes are enforced by law in the county of Bergen; *provided*, that no person shall be taxed under this act who is not the holder of real estate within said limits of at least the value of one hundred dollars, and that the amount to be raised by such general assessment shall not exceed in any year the sum of six thousand dollars, unless a greater sum shall be authorized by a majority of votes cast at any election for commissioners, and no deductions from real property on account of debts shall be made.

Proviso.

Proceedings when a sewer is to be built.

8. *And be it enacted*, That whenever the said commissioners shall deem it necessary to lay a sewer through any of the streets within the said limits, before proceeding to construct the same it shall be necessary to obtain the consent in writing of persons owning lands upon the street, or upon that part of the street through which the said sewer is proposed to be built, representing a majority of linear feet thereon; and upon such consent being given the said commissioners shall ascertain, as near as may be, the cost of constructing said sewer, and shall assess the cost thereof in such proportions as they shall deem just upon the lands lying upon such street or part of street, which, in their judgment, will be benefited thereby; and the said commissioners shall have power to collect such assessments from the owners of said lands by suit in the name of said "The Hackensack Improvement Commission," or by tax warrant, to be issued by any justice of the peace of said township of New Barbadoes to any constable o

said township, to be executed as in case of other tax warrants; and such assessments shall be and remain a lien upon the lands so assessed until the same are paid, a copy of such assessment being first filed in the clerk's office of the county of Bergen.

Further proceedings.

9. *And be it enacted*, That after the said consent for building a sewer has been obtained and the assessment therefor made, the said commissioners shall give notice of and hold a meeting to hear objections to the building such sewer and complaints against such assessments; and said commissioners may alter such assessments, or any of them, or, in their discretion, may alter or abandon the building of the same.

Proceedings upon making or paving sidewalks.

10. *And be it enacted*, That when the said commissioners shall deem it necessary to make and pave any sidewalks along the streets, or repair or alter the grade of any sidewalks already made, the expenses of such making, altering or repairing, shall be assessed ratably upon the persons owning lands in front of which such sidewalks are made, altered or repaired, in proportion to the number of feet they shall respectively own along and adjoining such sidewalk; the owners of such lands shall be bound to pay such assessment, and payment for the same may be enforced by said commissioners in the manner provided for in the said act entitled "An Act to authorize the inhabitants of the village of Hackensack to improve the sidewalks of said village," and the supplements thereto.

May borrow money.

11. *And be it enacted*, That the commissioners shall have power, and they are hereby authorized, to borrow money not to exceed in amount the sum ordered to be raised by them shall have been collected and paid over to them, when such loan shall be repaid by said commissioners.

Duty of collectors.

12. *And be it enacted*, That it shall be the duty of the collectors of the said townships in which said limits are, each and every year hereafter to collect and pay over to the said commissioners all moneys assessed upon and collected from persons or property within the said limits for road purposes; and the said commissioners are authorized to take and use the same together with such other moneys as they shall direct and order to be raised for road purposes, as hereinbefore provided in said district, for and towards the opening, making, mending and repairing the roads and streets within said limits, and the said commissioners shall have power to appoint by ordinance the mode of making, mending and repairing said streets and roads, and the persons or officers to do the same,

and said roads and streets shall be entirely free from the control of the township officers, and overseers of said townships within which said limits lie.

Limits o act.

13. *And be it enacted*, That this act shall take effect immediately, and shall be in force in that part of the county of Bergen now known as the village of Hackensack and included within the following boundaries, viz: beginning at a point on the westerly side of the Hackensack river, where a line drawn easterly and westerly along the southerly line of the farm known as the Westervelt farm projected would strike said river; thence westerly along said line of said farm to a point five hundred feet west of Prospect avenue; thence southerly and in a straight course to the northerly side of Passaic street, where a small brook crosses said street near the property of Cornelius Van Saun; thence southerly along the several courses of said brook to the southwest corner of the farm known as the "Brinkerhoff farm," on the Paterson and Hackensack turnpike; thence southerly and in a straight line to a point in the Lodi railroad where Hopper's brook in its northerly course crosses said railroad; thence easterly along said railroad until it meets the Hackensack and New York railroad; thence in a straight line to a point in Green street, three hundred feet south of Kansas street; thence easterly and in a straight line nearly parallel to Kansas street, to the centre of the Bergen turnpike, touching the northeasterly corner of the lot of Louis Perrot on said turnpike; thence southerly along the centre of said turnpike to a point opposite the division line between lands of John Huyler and the Hackensack Gas Light Company; thence easterly along said division line and on that course to the Hackensack river; thence northerly along said river to the place of beginning, and said commissioners shall cause a survey of said limits to be made and the boundaries suitably marked, and also file a map of the same in the clerk's office of Bergen county.

Commissioners shall apportion the amount of taxes to be assessed.

14. *And be it enacted*, That the said commissioners shall apportion to the assessors of the townships, parts of which are embraced in said limits, the amount of tax to be assessed by them respectively, upon the persons or property in such parts of their respective townships liable to assessment under this act, the same to be apportioned to the value of the property on their several duplicates taxable under this act, and the said assessors and collectors shall respectively receive the sum

of eight cents for each name so to be assessed to be paid by said commissioners.

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

Approved April 1, 1868.

CHAPTER CCLVII.

An Act for the relief of the Jersey City Crucible Manufacturing Company.

WHEREAS, it is represented that the said company has been incorporated under the act entitled "An Act to authorize the establishment and to prescribe the duties of companies for manufacturing and other purposes," approved March second, eighteen hundred and forty-nine," and the supplements thereto; and that said company, pursuant to the articles of its incorporation, is conducting its legitimate business at Jersey City, in the county of Hudson, in this state, and has there invested a considerable capital in lands, buildings and machinery required for the prosecution of said business; but that nearly the entire capital stock of said company was originally subscribed by persons not resident in this state, and continues to be held by non-resident stockholders, by reason whereof it is found to be desirable that the stockholders should be relieved from the operation of so much of the above mentioned act as requires the president and the majority of the directors of said company to be residents of this state; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the president and any or all of the directors of the said "The Jersey City Crucible Manufacturing Company," hereafter to be appointed or elected, may be resident out of the state of New Jersey, and their non-residence in this state shall not disqualify them, or any of them, to be elected to or to hold and perform the duties of such president and directors; *provided*, that such election President and directors may reside out of the state. Proviso.

shall be held and appointments made at Jersey City aforesaid.

Principal office at Jersey City.

2. *And be it enacted*, That the said company shall at all times keep their place of business and principal office at Jersey City aforesaid, and shall regularly keep in charge of such place of business or office a clerk, secretary, or other agent or agents, who shall be resident in this state; and process of summons in any personal action commenced, or to be commenced against the said corporation, in any of the courts of this state, may be served upon said company by leaving a copy thereof with any such clerk, secretary, or other person in charge of said office or place of business, or at his dwelling house or usual place of abode, in the manner prescribed for the service of process by the act entitled "An Act for the relief of creditors against corporations;" such service shall be deemed as good and sufficient as if such process had been served upon the president or other head officer of the said company, or on one of the directors thereof, in the manner prescribed by the last mentioned act.

3. *And be it enacted*, That the said corporation shall remain subject to and be regulated by the provisions of the said act under which they were incorporated, and the supplements thereto, except in the matters provided for by this act.

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

Approved April 1, 1868.

CHAPTER CCLVIII.

An Act to confirm the Acknowledgments and Proofs of Deeds, Mortgages and other instruments in writing taken by Augustus Ehlert.

Preamble.

WHEREAS, it appears to the legislature that Augustus Ehlert, of the city of Philadelphia, in the state of Pennsylvania, was on the twenty-seventh day of February, in the year of our Lord eighteen hundred and sixty-two, duly appointed by the govenor of this state a commissioner for the state of

Pennsylvania, in the city of Philadelphia, to take the acknowledgments and proofs of deeds or mortgages of land lying in this state, or of any other instrument in writing, under hand and seal required by the laws of this state, to be acknowledged or proved; and whereas the said Augustus Ehlert proceeded under the said appointment to take acknowledgments and proofs of deeds, mortgages and other written instruments, and from misapprehension of the laws of this state continued to take them longer than said laws authorized him to do, by reason of which defective acknowledgments and proofs innocent persons may be subjected to great loss and inconvenience, therefore to rectify the same,

Legalizing proofs of deeds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no acknowledgment or proof of any deed, mortgage or other instrument in writing, heretofore taken and certified by the said Augustus Ehlert, shall be deemed defective by reason of such acknowledgment or proof having been taken and certified after his term of office had expired; but all such acknowledgments and proofs shall have the same validity and effect as if the said Augustus Ehlert had been at the time of taking and certifying such acknowledgments or proofs duly authorized by law to take and certify the same.

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

Approved April 1, 1868.

CHAPTER CCLIX.

A Further Supplement to "An Act to incorporate Jersey City," approved March eighteenth, eighteen hundred and fifty-one.

Amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sixth section of an act entitled "A further supplement to an act entitled 'An Act to incorporate Jersey City,'" approved March eighteenth, eighteen hundred and sixty-three, be amended by inserting

therein after the word "Belgian," wherever the same occurs, the words "Nicholson, wood or other similar paving;" *provided*, that cobble stone paving shall not be included within the meaning of said amendment.

Proviso.

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

Approved April 1, 1868.

CHAPTER CCLX.

An Act to incorporate the Star Landing and Rossville Ferry and Transportation Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas J. Sawyer, Daniel C. Turner, Duncan Bruce, Abraham Winant, Henry S. Seguine, David Tappan, James McClave, Thomas Black, Thomas J. Sawyer, junior, W. O. E. Bourne, G. A. Doecker, Alfred W. Jones, Henry C. Smith, Louis Delas, Julius A. Fay, junior, and George W. Roll, and such others as may hereafter be associated with them, their successors and assigns, are hereby incorporated a body corporate and politic, by the name and style of "The Star Landing and Rossville Ferry and Transportation Company."

Name.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be the sum of one hundred thousand dollars, with the privilege of increasing the same to two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, and that the above-named persons, or a majority thereof, are hereby created a commission to receive subscriptions for such stock, and they shall open books for the receiving of said subscriptions to the capital stock of said company, at some place in Middlesex county to be hereafter designated, having first given notice by advertisement published for twenty days in the newspapers published in the county of the time and place of receiving said subscriptions, and that the sum of ten per centum shall be paid on each share at the time of subscribing, and that the residue as called for by the company from time to time, and upon notice having been

Commissioners to open books of subscription.

given in the manner aforesaid of calling in any installment, and that the directors, may, for non-payment, forfeit such stock and all money paid thereon.

Directors, and how elected.

3. *And be it enacted*, That as soon as twenty thousand dollars of said stock are subscribed for, and the first installment paid thereon, said company may commence business, and said commissioners shall thereupon give notice in the manner aforesaid, of a meeting of stockholders to choose directors; and at the time and place so advertised for that purpose, and annually thereafter upon like notice, at such time as the by-laws of said company shall direct, the stockholders shall elect five stockholders to be directors of said company, who shall continue such for one year and until others are chosen in their stead; and if no election is held on the day provided by the by-laws, then it may be held on any day afterwards designated for that purpose by the directors, upon like notice as aforesaid; and until directors are chosen Thomas J. Sawyer, James McClave, Duncan Bruce, Alfred W. Jones, John R. Crane, Harry C. Smith, shall be the directors of said company.

Powers of directors.

4. *And be it enacted*, That said directors shall manage and control all the business and affairs of said company, shall choose a president out of their own number, and may appoint a secretary and such other officers as their by-laws may direct; and a majority of the directors and the president shall be residents of this state, and said directors shall have power to fill all vacancies that may occur in their number.

Right to establish a ferry

5. *And be it enacted*, That said company shall have the right, power and authority to establish and maintain a steamboat or other ferry from Star Landing, New Jersey, to Rossville, Staten Island, or to any point or points on the shore of Staten Island on the opposite side of the Kill Von Kull; and it shall be lawful for said company to keep a steamboat running at said ferry from sunrise to sundown of all seasons of the year, for the accommodation of the public, except when the navigation of the Kill Von Kull shall be impracticable or dangerous.

Rate of transportation.

6. *And be it enacted*, That the said company shall be entitled to have and receive for transportation over said ferry, the following and no greater rates: for each passenger ten cents, for each one horse wagon and driver twenty-five cents, for each two horse wagon and driver thirty-seven cents, for each man and horse fifteen cents, for horses, mules and neat

cattle ten cents each, and for all other animals, carriages or merchandise, such rates in proportion to the above as the directors shall from time to time ordain.

May survey, lay out, and construct a railroad, and the route.

7. *And be it enacted*, That it shall and may be lawful for the president and directors of said company, and they are hereby authorized, with all necessary rights and powers, to survey, lay out, and construct a railroad from Star Landing in connection with their ferry to any point at or near Elizabeth City, in the county of Union; *provided*, that the land taken for said railroad shall not exceed one hundred feet in width, except in such places where from the depth of the excavation or height of the embankment it is necessary to take more land for the slope and protection of the side banks of said railroad, in which case so much land as will be necessary for the purpose and no more, shall be taken, with as many sets of tracks and the rails, as the company may deem necessary; and it shall and may be lawful for the 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, leveling or laying out the said route of the said 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 said railroad shall have been determined upon and a survey of the same deposited in the office of the secretary of state, then it shall be lawful for 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 lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repairs of said road, subject to such compensation as hereinafter provided; *provided, always*, that the payment or tender of payment of all damages for the occupancy of lands through which said railroad may be laid out, shall be made before the said company or any person under their direction and employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such land be first had and obtained.

Proviso.

May enter on lands, &c.

Proviso.

8. *And be it enacted*, That when said company or its agents cannot agree with the owner or owners of such required land

or materials, for the use or purchase thereof, or when by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of said company in the construction of said road, shall be given in writing under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state or if unknown and out of this state, to make a publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, residents in the county of Middlesex, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein not less than ten days; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding,) to meet at the time and place appointed and to proceed to review and examine the said land or materials, 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 estimate or appraisement of the value of the same, and assessment of damages as shall be paid by the company for such land or materials and damages aforesaid, which report shall be in writing, under the hands and seals of 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 Middlesex county, to remain of record therein, which report, or

Proceedings when company and owners of property cannot agree.

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; the said justice of the supreme court shall upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the company; *provided, always*, that should the said company, or the owner or owners of any of the land or materials feel himself, herself, or themselves aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the circuit court of the county of Middlesex at the next term thereafter.

Proviso.

Further proceedings in case of an appeal.

9. *And be it enacted*, That every appeal from the decision of the commissioners appointed under the preceding section shall be made in writing, and in form of petition to said court, and filed with the clerk of the said court of the county of Middlesex, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceedings shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next term of said court to be holden in said county, upon the like notice and in the same manner as other issues in said court are tried; and it shall be the duty of said jury to assess the value of the said land or materials, and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have

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

10. *And be it enacted*, That it shall be the duty of said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public or other road now or hereafter laid shall cross the same, so that passages of carriages, horses and cattle on the said road shall not be impeded thereby, and also where the said road shall intersect any farm or lands of any individual to provide and keep in repair suitable and convenient wagon ways over or under the said railroad, and shall also construct and maintain suitable and proper cattle guards at all railroad crossings. Must construct bridges and wagon ways.

11. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, all machinery, engines, wagons, carriages, or cars for transportation of per- Power to purchase cars, &c.

sons or any species of property on the said railroad or any railroad connected with it; *provided*, that they shall not charge over four cents per mile for carrying each passenger, but no charges shall be required in the aggregate to be less than ten cents, nor shall the company charge more than six cents per mile per ton for the transportation of any description of property; and the said railroad with the appendages, and the lands over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the company, are hereby vested in said company and their successors, for and during the continuance of their charter.

Rates of transportation.

Dividends.

12. *And be it enacted*, That the president and directors of 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 said railroad.

May purchase and hold real estate.

13. *And be it enacted*, That the said company may purchase, have and hold real estate at or near the commencement and termination of the said road, or at any other point on the line of the said road where the directors may think proper to establish a depot, not exceeding twenty acres at each place, and may also erect and build thereon houses, warehouses, workshops, and such other buildings and improvements as they may deem expedient for the safety of their property, and for other necesssary uses appertaining to their business, and receive the rents and emoluments thereof, and may build and maintain over such rivers and streams as the road may cross, such piers and bridges as they may deem expedient; *provided*, that suitable and sufficient draws shall be made over any navigable stream so as not to obstruct the navigation thereof.

Proviso.

May make contracts with other companies.

14. *And be it enacted*, That it shall be lawful for the said company at any time during the continuance of its charter to make contracts and engagements with any other corporation or with individuals for transporting or conveying any kinds of goods, produce, merchandise, freight, or passengers, and to enforce the fulfilment of such contracts.

Penalty for injury to road, &c.

15. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of the railroad enjoyed under the provisions of this act, or of any of their necessary works, wharves, bridges, carriages or machines, such person or persons so offending shall forfeit and pay to 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.

Must file statement of cost, &c. with secretary of state.

16. *And be it enacted*, That as soon as the said railroad, or any part of it, is in operation, the president of the said company shall file under oath or affirmation a statement of the amount of the cost of said railroad, including equipments, appendages, and all expenses, in the office of the secretary of state, and annually thereafter on the first Monday in January of each year, he shall under oath or affirmation, make a statement to the secretary of state of the cost, equipment, appendages and expenses of said road; and after the said railroad or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws and until the said railroad or any part thereof shall be in operation the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property, as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate and in the same manner, for the same purposes, and by the same person or persons, as other taxes assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

Annual tax to be paid to the state.

Proviso.

May borrow money on bond and mortgage.

17. *And be it enacted*, That the said Star Landing and Rossville Ferry and Transportation Company shall have power to borrow such sum or sums of money from time to time as shall be necessary to build, construct or repair their road, and furnish all necessary engines and machinery for the use and objects of said company, and to secure the repayment thereof by the execution and negotiation of any bond or bonds, and secured by mortgages on the said road, lands, privileges, franchises and appurtenances of and belonging to said company, said bonds bearing not more than seven per centum interest per annum; *provided, however*, that the said company shall not plead the statute of usury in consequence thereof; *and provided further*, that said bonds shall constitute a first lien on the railroad, its cars, real estate and franchises, and to dis-

Proviso.

Proviso.

pose of said bonds for the purpose of aiding in the construction of said railroad, at a rate of not less than ninety per centum of their par value and redeemable in thirty years after date.

Limitation.

18. *And be it enacted*, That if the said railroad shall not be commenced within three years and be completed within seven years from the fourth day of July next ensuing, that then and in that case this act shall be void; *provided*, that no work on said road shall be commenced within the limits of the city of Elizabeth without the consent of the corporate authorities of said city be first had and obtained.

Proviso.

State officers to pass free.

19. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court and the judges of the court of errors of this state, whilst traveling for the purpose of discharging their official duties, and the members and officers of both houses of the legislature and state superintendent of the schools, during the year for which they were elected shal pass and repass upon the railroad of the company in their cars free of charge.

20. *And be it enacted*, That this act shall continue in force for fifty years, and the legislature may at any time, when the public good may require, alter or repeal this act; and that if said company shall not establish and commence running their ferry within three years from the passage of this act, then this act shall be void.

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

Approved April 1, 1868.

CHAPTER CCLXI.

A Supplement to the act entitled "An Act to facilitate Judicial Proceedings in the county of Union," approved the twenty-fifth day of February, eighteen hundred and sixty-seven.

Four judges of the common pleas.

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

and general quarter sessions of the peace in and for the said county of Union, shall hereafter consist of four judges, in addition to the justice of the supreme court holding the circuit for said county, one of which judges shall be a counsellor at law of at least three years standing.

Salary.

2. *And be it enacted*, That such additional judge by this act provided for, shall receive a salary of fifteen hundred dollars per annum, payable by the board of chosen freeholders of said county, in quarterly payments, but shall receive no share of the fees or compensation now divisible among the judges of said court; *provided, nevertheless*, that he shall be at liberty to practice law otherwise than in the courts whereof he shall be judge.

Proviso.

3. *And be it enacted*, That whenever the justice of the supreme court holding said circuit court shall be absent, such additional judge shall be the president judge of the court of common pleas, quarter sessions and orphans court.

Special terms of common pleas, &c.

4. *And be it enacted*, That the courts of common pleas and quarter sessions of the peace in and for said county, may hold adjourned and special terms, under the same regulations already provided by statute in case of the circuit court and court of oyer and terminer and general jail delivery; *provided*, that no special term of said courts shall be held during the months of July and August.

Proviso.

Indictments may be handed down for trial.

5. *And be it enacted*, That indictments for crimes within the jurisdiction of the court of general quarter sessions of the peace, shall be handed down by the court of oyer and terminer and general jail delivery unto and tried in the said court of general quarter sessions of the peace, whenever said court of oyer and terminer and general jail delivery shall deem it necessary in order to expedite business and to deliver the jail.

Proceedings in the case of persons who waive indictment and request trial.

6. *And be it enacted*, That whenever any person shall be charged, upon oath before any justice or police justice in the county of Union, with any offence now triable by law before the court of general quarter sessions of the peace of said county, and such person shall, in writing, signed by him or her, addressed to the prosecutor of the pleas of said county, waive indictment and trial by jury, and request to be tried immediately, it shall be the duty of said prosecutor, unless he or the presiding judge of the court of common pleas of said county shall think the public interest will be benefited by denying said request, to apply to the presiding judge of said

court of common pleas for the immediate trial of said person, and said presiding judge shall thereupon call a court of special quarter sessions, to be composed of himself and at least two other judges of said court, to meet at the court house in said county, which court is hereby empowered and required to try such person with all due speed, having due regard to the circumstances of the case, the public benefit, and the possibility of obtaining necessary witnesses, and to determine and adjudge the guilt or innocence of the person charged; if such person be acquitted by said court, he shall be forthwith discharged; if he or she shall plead guilty, or be convicted, said court shall thereupon forthwith render and record such judgment of imprisonment or fine, or both, as shall be authorized by law, in case such person had been duly indicted and convicted; and it shall be the duty of said prosecutor (in person or by deputy) to attend upon said trial, prefer to said court an allegation in writing, alleging the time, place and nature of the offence with which such person is charged, and to which such person shall forthwith plead; and the proceedings for bringing such person for trial before said court, his accusation, plea, trial and sentence, subpœnaing of witnesses and the cost of said proceedings, shall be in conformity with law and the practice heretofore, except so far as the same is altered by this act; and the costs of all proceedings in said court under this act shall be taxed and paid in the same manner as costs of proceedings upon indictments found in the court of oyer and terminer and general jail delivery of said county are now taxed and paid, except as herein otherwise provided; *provided*, that no person charged with larceny in said county shall be tried otherwise than before said court, or on regular indictment according to the usual course of proceedings at law.

Proviso.

Prosecutor's fees.

7. *And be it enacted*, That ten dollars shall be taxed for the prosecutor's fees as part of the costs aforesaid in each case disposed of under this act, where a conviction of any person accused shall be had by plea or otherwise.

Prosecutor may employ deputies

8. *And be it enacted*, That it shall be lawful for said prosecutor to employ such deputies in the discharge of his duties as he may deem necessary, subject always to the approval of the court of oyer and terminer of said county as to the person or persons so selected, such deputies to be compensated by said prosecutor.

9. *And be it enacted*, That the clerk of the said county

shall be clerk of the court hereby provided for, and shall issue all process, whether of capias, subpœna or execution, which shall be required in carrying out this act, which process shall be delivered to the sheriff of said county, and shall be by him served and returned, under the same regulations and penalties, and with the same compensation as heretofore; and said sheriff shall be the officer of said court, and exercise the same supervision and direction of all constables and subordinate officers attending said court as heretofore. Clerk of the county clerk of the court.

10. *And be it enacted*, That the justice of the supreme court who shall hold the circuit court for said county, shall appoint a competent person as stenographic reporter, whose duty it shall be to take minutes of and report the proceedings and trials to be had in the supreme court circuit, circuit court, court of oyer and terminer and general jail delivery, at the regular or special terms thereof, as shall be directed by the said justice; and such reporter shall be paid by the county collector of said county such comper sation as shall be certified by said justice to be proper, not to exceed ten dollars per day for each day he shall be employed, and, in order to provide for such compensation, the plaintiff in each suit noticed for trial in the supreme court circuit, or circuit court of said county shall pay to the clerk of said circuit court, at the time of filing the notice of trial, the sum of two dollars at every term the same shall be noticed, which sum said clerk shall pay over to said county collector; and if the plaintiff in such suit shall obtain judgment therein against the defendant, such sum shall be taxed in the plaintiff's bill of costs, and recovered from the defendant in the same manner as other costs are now recovered by law. Justice of supreme court may employ stenographer.

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

Approved April 1, 1868.

CHAPTER CCLXII.

An Act to incorporate the Mutual Live Stock Insurance Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Calvin S. Dennis, Philetas W. Vail, John C. Littell, James H. Halsey, William M. Force, Washington A. Brintzinghoffer, Aaron B. Baldwin and Isaac Pomeroy, of Essex county; Leonard R. Townsend and Thomas Taylor, of Hudson county; John G. Drew and Nathaniel Bonnell, of Union county; J. Linn Allen, of Sussex county; Andrew J. Fulmer, of Warren county; Augustus W. Cutler, of Morris county; John T. Jenkins, of Middlesex county; David Sanderson, of Hunterdon county; Nathaniel S. Rue, of Monmouth county; William Moore, junior, of Atlantic county; Cornelius Lydecker, of Bergen county; John S. Irick, of Burlington county; Albert W. Markley, of Camden county; Clinton H. Ludlam, of Cape May county; Robert Moore, of Cumberland county; James G. J. Campbell, of Mercer county; Richard H. Conover, of Ocean county; Garret S. Boice, of Passaic county; Edward Bassett, of Salem county; John G. Veghte, of Somerset county; William B. Rosenbaum, of Gloucester county, and others, their associates, successors and assigns, shall be and are hereby created and made a body politic and corporate, in fact and in name, by

Name.

the name of "The Mutual Live Stock Insurance Company," to be located at the city of Newark, in this state, and by that name they shall and may have succession, and shall be and hereby are empowered to purchase, have, hold, possess and enjoy, to themselves and their successors, lands, tenements, hereditaments, goods, chattels and effects of every kind, and the same to grant, alien, sell, invest and dispose of; and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all manner of actions, suits, complaints, matters and causes whatever; to have and use a common seal, and the same to change, alter and renew at pleasure.

All persons effecting insurance to be members of company.

2. *And be it enacted*, That all persons who shall at any time hereafter effect any insurance in or with this company, shall, while such insurance continues in force, be deemed to

be and taken as members of this company, and that all the property, business and concerns of this company shall be controlled, conducted and managed by a board of not to exceed thirty directors, a majority of whom shall be citizens and residents of this state, to be chosen hereafter by ballot from among the members; but the above named corporators are hereby constituted the directors of this company for the time being, and until others are chosen in their places as herein provided, and they may be re-elected; and said corporators so constituted the directors of this company, or a majority of them, shall, within three months from the time of the approval of this act, and immediately after their organization, divide themselves into three sets or classes of not more than ten each; the term of the first class shall expire at the end of one year, the term of the second class shall expire at the end of two years, the term of the third class at the end of three years, and so on successively; the seats of these classes as the same become vacant shall be filled from the members of this company at the annual elections to be held at the office of the company in the city of Newark, at such time as may be designated therefor in the by-laws of the company; and a public notice of not less than ten days shall be given in at least one newspaper printed in each county of this state, of the particular time and place of holding such elections; and should any of the persons so constituted, or hereafter elected directors of this company, resign, die, refuse to serve, or neglect to act as such directors, then in every such case the remaining directors, or a majority thereof, shall have power to fill such vacancy or vacancies until the next annual election.

Corporators appointed directors, and to divide into three classes.

3. *And be it enacted*, That it shall and may be lawful for this company to insure (and it is hereby incorporated for the sole purpose of insuring) the lives of horses, cattle, and all other live stock, and to make all and every insurance appertaining to or connected with the life risk of animals, and to insure against all hazards or risks by which the owner or owners of such animals or stock, or the person or persons having an insurable interest therein, shall in any manner be deprived of the possession, enjoyment, use or value thereof; and contracts of insurance may be made on such terms and conditions, and for such periods of time, and confined to such live stock or animals, as shall from time to time be ordered and provided for by the rules, by-laws and regulations of the company.

Power to insure all live stock.

Powers of directors.

4. *And be it enacted*, That the directors of this company, or a majority of them, shall have power to make and ordain all such by-laws, rules and regulations, not inconsistent with the constitution or laws of this state, as may be deemed necessary for the government of its officers and the conduct and management of all its affairs in every respect, and the same, when necessary, to alter and amend; also, thereby providing for the number of directors necessary to make a quorum, if less than a majority, for the transaction of business, the time and place of holding the annual elections, and the manner of conducting the same; what officers the company shall have, and how and when the same shall be elected or appointed, and their compensation, duties and tenure of office; and said directors, or a majority of them, shall also have power to reduce the number of directors, if they deem it expedient so to do, by a proportional reduction of each class at each annual election, but such number shall not be reduced to less than nine.

May take premium notes for insurance on condition of assessment, &c.

5. *And be it enacted*, That it shall and may be lawful for the officers of the company to take notes or obligations of the members for the amount, either in part or whole of the premium of insurance, in proportion to the amount insured; and if at any time it shall so happen that there shall be just claims on the company for losses sustained to a greater amount than it has funds on hand to discharge, in such cases the dircetors, or a majority of them, shall with all convenient speed, proceed to assess such deficincy in a ratable proportion on the members of the company, or their legal representatives, according to the amount of each member's insurance; *provided*, that such assessment shall not exceed the amount of the note or obligation given by each member, which rates of assessment shall be approved by a majority of the directors; and notice in writing shall be given to each member or his legal representative of the assessment and amount by him, her or them required to be paid; and each and every member, or his legal representative so notified, shall pay the same to the treasurer for the time being, within thirty days after such notification, and in default thereof shall forfeit all right and claim to any policy he may have obtained, and be no longer a member of the company, and shall also be liable for the amount of such assessment with interest, to be recovered by action, with costs of suit, before any court of competent jurisdiction.

Proviso

6. *And be it enacted*, That while the head or principal office

for the transaction of the business of the company shall be located in the city or Newark, as hereinbefore provided, yet the directors or a quorum thereof may in their discretion, establish a branch office in any county of this state, wherein at least one director shall reside; and may also elect the director or one of the directors residing in the several counties of this state, respectively vice-presidents of the company; and such vice-presidents respectively, together wiith the other director or directors (if any) residing in each county, shall have power as soon as there shall be not less than twenty-five members residing in their respective counties, to call meetings of such members in each county, by a public notice of not less than ten days, printed in the newspapers published in such county, which notice shall state the time, place and object of such meeting; and such meeting so called may severally organize, and elect from among themselves respectively, such a number of persons as the by-laws may designate, to be county or local directors; and such county or local directors with the vice-president and such other general director or directors (if any) as reside in the respective counties, shall constitute a county or local board of directors, for the transaction of the business of the company, in the several counties of this state wherein they are so organized, subject as to tenure of office and in all other respects, to the by-laws, rules and regulations of the company in regard thereto; and this company shall not be dissolved by reason of a failure to elect its general or local directors, or any class thereof, on the day designated therefor, but such election may be held on any subsequent day, within one year from the time it should have been held by giving the requisite notice of the time and place of holding the same; and at all elections the members may vote by proxy.

Principal office in Newark but may have branch offices in each county.

Failure to elect directors not to dissolve

7. *And be it enacted*, That this act may be altered, amended or repealed at the pleasure of the legislature; and nothing contained herein shall be so construed as to authorize this company to engage in the business of banking; and this act shall take effect immediately.

Not to engage in banking.

Approved April 1, 1868.

CHAPTER CCLXIII.

An Act to renew the charter of the Smithville and Blue Ball Turnpike Company of the county of Monmouth, incorporated February seventh, eighteen hundred and sixty-six, and a supplement thereto.

Original charter renewed.

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 Smithville and Blue Ball Turnpike Company, in the county of Monmouth," approved on the seventh day of February, eighteen hundred and sixty-six, shall be and the same is hereby renewed, extended and continued in force, for and during the term of two years from and after the time limited in said act for its commencement and completion.

Power to construct a branch.

2. *And be it enacted*, That the said Smithville and Blue Ball Turnpike Company be and they are hereby authorized and empowered to construct a branch of their turnpike on the public highway from Stilwell's corner to the Manalapan turnpike, near James A. Perrine's distillery; and in order to enable the said company to prosecute, complete and use the said extension or branch of their turnpike, they are hereby invested with all the rights, powers and authority, and subjected to all liabilities, restrictions and limitations conferred by or imposed in the original act of incorporation.

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

Approved April 1, 1868.

CHAPTER CCLXIV.

An Act in relation to struck juries in the county of Essex.

Struck juries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever an order for a struck jury shall be made by any judge or court for the trial of any

civil cause which shall be triable in the courts of the county of Essex, it shall be lawful for such judge or court, in his or their discretion, to order that the list of names from which such jury shall be struck, shall contain the names of thirty-six persons, instead of forty-eight as heretofore, and in such case the parties shall be entitled, respectively, to strike the names of nine persons from said list, and the remaining eighteen shall be returned as the list of persons from which the jury shall be selected to try the cause.

2. *And be it enacted*, That the party applying for any struck jury in said county, shall pay all fees for summoning and striking such jury, and the fees of such jury while attending court for the trial of the cause.

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

Approved April 1, 1868.

CHAPTER CCLXV.

An Act to incorporate the Safety Fire Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders in the capital stock hereinafter mentioned, their successors and assigns, are hereby constituted and made a body politic and corporate by the name of "The Safety Fire Insurance Company," and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended in all courts, whether in law or equity, and by that name may also have, purchase, possess and enjoy, and to them and their successors, lands, tenements, hereditaments, goods, chattels, property and effects of any kind, and the same to grant, demise, alien and dispose of at pleasure for the benefit of the said company, and may also have a common seal, and alter and renew the same at pleasure, and also to create and establish such by-laws and regulations as shall seem necessary and expedient for the government of said corporation, and to put the same in execution. Name.

Capital stock. 2. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, divided into shares of fifty dollars each; and so soon as thirty thousand dollars shall be actually paid in it shall be lawful for said company to commence the business of said company.

Directors, and how elected. 3. *And be it enacted*, That the business, property and affairs of said company shall be managed by eleven directors, a majority of whom shall form a quorum, which directors shall hold their offices for one year, and until others shall be chosen; and they shall at all times during their continuance in office be stockholders in their own right, and residents of this state, said directors shall be elected on the second Monday in January of each and every year, at such hour of the day, and at such place in the town of Newton as the board of directors for the time being shall direct, of which election two weeks public notice shall be given in all the newspapers printed in the county of Sussex, such election to be held in such manner as may be prescribed by the rules and regulations of said company; and in case it should happen that an election for directors should not be held on the day when pursuant to this act it ought to have been held, the said corporation shall not for that cause be dissolved, but it shall and may be lawful on any other day to hold such election, and each share of stock shall entitle its owner to one vote at each election, to be given either in person or by proxy; and if at any time it shall happen that any vacancy or vacancies occur from any cause whatever among the directors of said company such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being shall appoint; and until other directors are chosen from the stockholders, the first directors shall be Edward C. Moore, John McCarter, Charles Roe, Samuel H. Hunt, Daniel S. Anderson, Horace V. Edsall, George H. Nelden, Henry C. Kelsey, Ira C. Moore, David R. Hull and Robert H. Howell; and that the office and records of said company shall be kept in said town of Newton, in the county of Sussex.

Failure to elect directors not to work a dissolution.

First directors

Officers. 4. *And be it enacted*, That the board of directors shall have power to appoint a president, vice president, secretary and treasurer, and such other officers and agents as they may deem necessary for carrying on the business of the company, and to allow them respectively such compensation for their services as may in their judgment be deemed reasonable.

5. *And be it enacted*, That Daniel S. Anderson, Edward

C. Moore and Robert H. Howell are hereby appointed commissioners to open books for subscription to the capital stock of said company in said town of Newton upon two weeks' notice published in one or more newspapers printed in said town of Newton, and that said books of subscription shall be kept open so long as the said commissioners, or a majority of them, think proper. Commissioners to open books of subscription.

6. *And be it enacted*, That it shall and may be lawful for said company to insure houses, buildings, and other property against loss or damage by fire, upon such rates and conditions as shall be contained in the policy of insurance. Insurance against loss by fire.

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

8. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold real estate for the transaction of their business, and also to take and hold real estate, personal property or securities of any description, mortgaged, transferred or pledged to said company, to secure the payment of any debts which may be contracted with them, and also to proceed on said mortgage or other securities for the recovery of the moneys thereby secured, either at law or in equity, and to purchase on sales made under such proceedings, or otherwise to take and receive any real estate in payment, or toward satisfaction of any debt previously contracted with or due to said company; and the said real estate to mortgage, sell, exchange or otherwise dispose of, and said company may invest their capital and accumulating premiums from time to time in public stocks, bonds and mortgages, notes and other securities. May hold real estate.

9. *And be it enacted*, That the stock of said company shall be deemed to be personal property, and shall be assignable and transferable in such manner as the by-laws of said company shall direct. Stock personal property.

10. *And be it enacted*, That it shall be lawful for the directors to make dividends of so much of the profits of the company as shall appear advisable, among the stockholders, upon such ratio as shall be established by the by-laws; which Dividends.

dividends shall be paid out annually or semi-annually as the by-laws shall direct, to the parties entitled thereto, or to their legal representatives.

11. *And be it enacted*, That this act shall continue in force fifty years, and shall take effect immediately.

Approved April 1, 1868.

CHAPTER CCLXVI.

A Further Supplement to the act entitled "An Act relative to Jurors and Verdicts," approved April seventeenth, eighteen hundred and forty-six.

Compensation of petit jurors

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person summoned to serve as a petit juror in the circuit court, the court of oyer and terminer and general jail delivery, the court of common pleas and the court of general quarter sessions of the peace, in and for the county of Camden, shall receive the sum of one dollar for each day's attendance at said courts, and also mileage, at the rate of ten cents per mile, for the distance between his residence and the court-house, computed only one way, for each day's attendance, whether he return daily to his residence or not, to be paid to him at the expiration of each term of service by the sheriff of said county; *provided*, that no mileage shall be allowed or paid when such person's residence is within one mile of said court-house by the usual road of travel.

Proviso.

Repealer.

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

Approved April 1, 1868.

CHAPTER CCLXVII.

Supplement to an act entitled "An Act to authorize the inhabitants of the township of Union, in the county of Ocean, to vote by ballot at their town meetings," approved March thirteenth, eighteen hundred and fifty seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter there shall be elected in the township of Union, under and by virtue of the act to which this is a supplement, three persons to be denominated the township committee, a majority of whom shall constitute a quorum. Township committee.

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

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

Approved April 1, 1868.

CHAPTER CCLXVIII.

Supplement to an act entitled "An Act to confirm the acts and proceedings of the inhabitants and of the Township Committee of the township of West Hoboken, in the county of Hudson, and to authorize the raising of money for the payment of Bounties to Drafted Men, Volunteers and Substitutes, for filling the quota of the said township, under the call of the President of the United States, made in December, eighteen hundred and sixty-four."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of said act as requires a special poll tax of one dollar to be assessed, be and the same is hereby repealed. Repealer.

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

Approved April 1, 1868.

CHAPTER CCLXIX.

An Act to change the time of the annual election of officers of Christ Church in Bloomfield, Essex county.

Time of election of wardens, &c., changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the congregation of Christ Church, in Bloomfield, shall hereafter hold their annual election for wardens and vestrymen on Easter Monday of each year, instead of the first Monday of October in each year as heretofore, and that the now incumbent officers of said church shall hold their offices until the Easter Monday which shall be in the year of our Lord one thousand eight hundred and sixty-nine, when the first election under the provisions of this act shall take place.

Approved April 1, 1868.

CHAPTER CCLXX.

An Act to refund to the city of Hoboken certain state and county taxes heretofore paid by said city.

Preamble.

WHEREAS, the southern boundary line of the city of Hoboken was altered by an act entitled "A Further Supplement to an act entitled 'An Act to incorporate the city of Hoboken,'" approved March twenty-eighth, eighteen hundred and fifty-five, passed April sixth, eighteen hundred and sixty-six, and a portion of the lands formerly in Jersey City was by said act included in the city of Hoboken; and whereas, the teritory thus taken from Jersey City has been restored to said city by an act passed during the last legislature; and whereas, the lands thus restored were assessed for state taxes of the year eighteen hundred and sixty-five, one hundred and eighty-six dollars and seventy-five cents, and for county taxes seven hundred and five dollars and fifty cents; and whereas, said tax amounts were severally paid to the state and to the county of Hudson; and whereas,

Jersey City has also assessed said lands for the same taxes, and have collected a portion of said taxes; and whereas, it is unjust that said taxes should be twice paid, and that the other property of the city of Hoboken should pay these amounts; therefore,

Payment by state treasurer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state treasurer pay to the treasurer of the city of Hoboken the sum of one hundred and twenty-two dollars and seventy-five cents, and that the county collector of Hudson county pay to the treasurer of the city of Hoboken the sum of four hundred and fifty-three dollars and fifty cents.

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

Approved April 1, 1868.

CHAPTER CCLXXI.

Supplement to an act entitled "An Act to divide the township of North Bergen, in the county of Hudson," passed February twenty-eight, one thousand eight hundred and sixty-one, erecting the township of West Hoboken.

Power to lay out, open, grade, &c., streets, on application of owners of lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee by ordinance to provide for laying out, opening, altering, widening, filling up, grading, altering the grade of, refilling, macadamizing, guttering, curbing, bridging, planking, graveling, and paving the streets, roads and avenues, or any part thereof in said township, and also for flagging or planking the sidewalks, and for repairing, filling, refilling and relaying the sidewalks, and for repairing and resetting the curb and gutters, and bridge stone and bridging, and for building drains and sewers, on the application in writing to the said township committee by some of the owners of the lands over which the said improvements shall pass; that upon any such application the township committee shall immediately thereafter by resolution direct the township clerk to advertise said

Proceedings thereon

petition for four weeks successively in a newspaper published in Hudson county, and circulating in said township, and to post printed copies of said petition in five of the most public places in said township, and to keep the same posted for ten days; the clerk shall also publish and post as above, a notice stating that objection in writing to said proposed improvement may be filed with him, and of the time and place when and where the township committee will meet to consider such objections, which time shall be not less than ten days after the date of the first publication in said newspapers; said clerk shall also serve a like notice on the owners of property residing along the route of said proposed improvement, by leaving such notice at such residence with any person thereon, at least five days previous to the meeting of said township committee; but said notice need not be served on any owner of property not residing along the route of said proposed improvement; at the expiration of said time designated for publishing and posting the township clerk shall file in his office a copy of said petition and notice, with an affidavit annexed thereto, showing that the same have been published and posted as required by law; at any time after the expiration of the time named in said notice, the township committee may forthwith proceed to pass an ordinance for said improvement, unless the owners of two-thirds of the property along the route of the proposed improvement object thereto, in which case all costs and expenses incurred by the township committee in such proceedings shall be repaid to the township by the petitioners for such improvements, and the township committee may make such regulations touching the receiving any petition and the proceedings thereon, and security for the expenses thereof as they may deem proper; the ordinance may be introduced and passed at the same meeting, and it shall be valid if it describes in general language the improvement authorized by the township committee, and it shall not be necessary to state therein any other matter or thing connected with said improvements; the township clerk shall publish and post a printed copy of said ordinance in the same manner and for the same time he is required to publish and post the petition for the improvements described therein, and in like manner at the expiration of the time designated for publishing and posting said ordinance, shall file in his office a copy of said ordinance, with an affidavit annexed thereto, showing that the same has been duly published and posted; at any time after

the passage of said ordinance the township committee may direct the township clerk to advertise for proposals for said improvements in a newspaper to be designated by said township committee, and the township committee may, at any time after the expiration of the time for publishing and posting said ordinance, enter into a contract with any person or persons to furnish the work and materials for said improvement, with such other agreements and covenants therein as shall be approved by the township committee, but the township committee shall be under no obligation to accept the lowest bid, and may reject all bids if they shall deem it best for the interest of the township; and in case of rejecting all proposals received, they shall again advertise for proposals and proceed in all things as if no proposals had been offered; the township committee may require the party who enters into the contract to give a bond, with ample freehold security, for the due performance thereof; after the completion of the said improvement, all the costs and expenses thereof shall be determined and assessed by three commissioners, upon all the lands and real estate fronting thereon, in proportion to the benefit received by said land and real estate, except the drains and sewers, which shall be assessed by the said commissioners upon the lands benefited thereby; the said commissioners may be appointed by resolution of said township committee at any time after the completion of the work; the said commissioners shall, before they enter upon the performance of their duty, file with the township clerk an affidavit, which they may take before said clerk, he being hereby given the same power to administer oaths and affirmations to said commissioners as is now possessed by justices of the peace; in said affidavit they shall swear that they are not interested in said improvement, and do not own any property along the line thereof; that they are freeholders resident in said township, and that they will execute faithfully the duties of their office; after taking said oath the said commissioners may proceed immediately to execute the duties of their office, and they shall examine into the whole matter, and shall determine and report in writing to the township committee what real estate fronting upon said improvement ought to be assessed, and what proportion of the expense thereof shall be assessed to each separate parcel or lot of land, and they shall accompany such report with a map containing each lot assessed, and the names of the owners thereof, as far as the

Costs and expenses assessed by commissioners on lands.

Proceedings thereon.

same are known to the said commissioners, but no assessment shall be deemed defective by reason of any mistake in the names of said owners, or omitting said names, or any of them; this report and map shall be filed in the office of the township clerk, and thereafter the said clerk shall publish and post a notice (in the same way and manner, and for the same time as he published and posted the petition for said improvements), stating that the map and report of the commissioners have been filed in his office, and that the township committee will consider any objections to said assessments presented in writing on or before a day named in said notice, to be fixed by said township committee, which day shall be at least ten days after the first publication, on which day the township committee will meet to consider such objections; the property owners named on said map filed by said commissioners, may, if they so desire, at any time within ten days after the filing of said map, appoint three of their number to examine whether or not said work has been done according to contract, and they may report to the township committee at any time within said ten days; and if they report within said time that the work has not been done according to contract, then the township committee shall appoint a committee of two of their board to examine such work, and report thereon to said township committee; at said day named in said notice, or at any time thereafter, the township committee may confirm said assessment, or, if they refuse to confirm the same, they may return the same to said commissioners for correction in any particulars named by said township committee; and the said commissioners shall amend said report and map in the particulars named, and report again to the township committee, and, if said report and map be amended as directed, the township committee may thereafter, without any notice to any person, confirm said assessment; and upon said confirmation said assessment shall constitute a lien on the property assessed for the amount of such assessment, and shall be collected under and by virtue of an ordinance or ordinances made by said township committee for that purpose; and if the persons assessed neglect to pay to the township treasurer the amount of their respective assessments within thirty days from the passage of the ordinance to collect the same, the said township committee may proceed to enforce the lien created in the manner prescribed in this act; and whenever, within the said township, any assessment on any lot or parcel

Further proceedings.

Assessment shall constitute a lien on lands, which may be enforced upon failure to pay.

of land shall remain unpaid for thirty days after the confirmation thereof by the township committee, it shall be lawful for the township committee to charge, receive and collect, in addition to the amount of said assessment, interest thereon, to be computed at the rate of twelve per centum per annum from the time of confirmation of such assessment until the same is paid; no other notice than required by this act need be given to any person interested in any improvement or assessment therefor; the minutes of the township committee and all papers filed in the township clerk's office, or certified copies thereof, shall be evidence in all courts and places, that the statements therein set forth are true, and that everything therein stated to have been done, has been done and performed as therein stated.

Fees for papers in case of certiorari.

2. *And be it enacted*, That in all cases in which persons shall bring writs of certiorari to remove the proceedings of the township committee, it shall be lawful for the township clerk to charge and receive from the parties bringing such certiorari at the rate of ten cents per folio for the necessary return thereto, and said parties bringing said certiorari shall pay said sum to said clerk before the return day of said certiorari, and in default thereof the court shall dismiss said certiorari; no costs shall be allowed the prosecutor in certiorari on setting aside any ordinance, assessment or proceeding of said township committee.

Proceedings under a certiorari.

3. *And be it enacted*, That no ordinance, assessment or proceeding of the township committee of said township shall be set aside on certiorari by reason of the return to said certiorari failing to show that all the requirements of this act have been complied with, but after the filing by the prosecutor of the reasons in certiorari, the clerk of said township may make a further return to said writ of certiorari, stating such additional facts as he may be advised are proper and necessary to state in answer to any of said reasons; and the said township may take proofs with reference to said facts, and if the same are established to the satisfaction of the court, then the court shall affirm the ordinance, assessment or proceeding in question, the same as if such facts had properly appeared in the minutes, records and proceedings of said township committee; whenever any assessment is set aside, the said township committee may appoint new commissioners to make a new assessment.

4. *And be it enacted*, That no certiorari shall be allowed or

Further proceedings.

granted to set aside any ordinance for any improvement in said township after the contract therefor shall have been awarded by the township committee of said township, and no certiorari shall be allowed or granted to set aside any assessment for any improvement in said township after three months shall have elapsed from the date of the confirmation of said assessment by the township committee of said township.

Further proceedings.

5. *And be it enacted*, That in case any assessment for any improvement is set aside on certiorari after a portion of the said assessment has been collected by the corporate authorities of said township, that in that case all sums of money so collected shall be refunded and paid to the then owners of the lots or parcels of land so assessed, and upon which said payments were so made; and the new assessment for said improvement shall be made without any reference to the fact that any sums of money have been heretofore paid under the said assessment so set aside on certiorari; the sums herein provided to be refunded shall be paid out of the first sums of money collected under the new assessment for said improvement.

Township commitee may make repairs of the carriage ways of any street.

6. *And be it enacted*, That all repairs in the carriage ways of any street, road or avenue in said township in any part thereof not applied for as in the first section of this act is required, and not made by the overseer of the highways, and said township committee shall consider the said repairs to be necessary, then and in that case the township committee shall cause the said repairs to be made by contract or otherwise, and the costs and expenses of such repairs shall be paid by the township committee upon their approval of the same, out of the road tax annually voted; that all repairs to sidewalks, crosswalks, and curb and gutter, shall be made by the owners of the land in front of which such repairs are necessary, upon written notice by the township committee; and if the said owner or owners shall be non-residents, it shall be sufficient for the township committee to post said notice upon or near the lot or lots in front of which the sidewalks and curb and gutter may require to be repaired or relaid, and if the same shall not be repaired within fifteen days from the date of service or posting said notice as aforesaid, then it shall be lawful for the township committee, and they are hereby authorized and empowered to cause the same to be made; and the costs and expenses of such repairing or relaying as aforesaid shall be assessed by said township committee upon the lands di-

Owners in front of must repair sidewalks.

rectly in front of which said repairs shall be made, except the crosswalks, which shall be assessed in the adjoining streets, roads or avenues, to the extent of half the block on each side of said streets, and shall remain a lien thereon, and shall be collected as prescribed by this act for the collection of assessment and improvements, and any road assigned to the overseer of the highway shall be subject to such regulations and ordinances as the township committee shall see fit to adopt.

All taxes and assessments a lien on real estate.

7. *And be it enacted*, That all taxes and all assessments which shall hereafter be levied, assessed or made upon any lands, tenements or real estate situate in the said township of West Hoboken, shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereof; and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed by the township committee for the payment thereof, it shall and may be lawful for the township committee to cause such lands, tenements or real estate to be sold at public auction for the shortest term for which any person will agree to take the same and pay such tax or assessment or the balance thereof remaining unpaid with the interest thereon, and all costs, charges and expenses, and to execute under the common seal of said township, a declaration of such sale, to be signed by the chairman of the township committee and the township clerk, and to deliver the same to the purchaser; and such purchaser, his executors, administrators or assigns, shall by virtue thereof lawfully hold and enjoy the said lands, tenements or real estate, for his and their own proper use, against the owner or owners thereof, and all persons claiming under him or them until said term shall be completed and ended; *provided*, the said township committee shall first have caused said sale to be advertised for at least sixty days, in at least one public newspaper generally circulated in said township, and also by advertisement put up in at least five public places in said township, which advertisement shall describe the said lands, tenements or real estate, and specify the amount of assessment or tax, and the recitals in such declaration of sale shall be evidence of the assessment, advertising and sale; *and provided, also*, that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant or persons interested therein, or by any other persons for or in behalf of the owner, mortgagee or claimant of such lands,

May cause lands to be sold on failure to pay assessments, &c.

Proviso.

Proviso.

tenements or real estate, at any time within three years after the sale for either taxes or assessments, or for both, by paying to the treasurer of the township, for the use of said purchaser, the purchase money, together with any other sum paid for tax or assessment which the said purchaser may have paid, chargeable on such lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon, at the rate of fifteen per centum per annum, in addition thereto; and the certificate of the treasurer of the township, stating the payments, and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption, any mortgagee shall have power to redeem at any time until the expiration of the six months' notice herein specified; no mortgagee whose mortgage shall have been duly recorded before sale for any tax or assessment shall be affected by such sale unless six months' notice in writing shall have been given to him by the purchaser or those claiming under him, either personally, or if not to be found in the said township of West Hoboken, then such notice shall be deposited in the post office nearest to said township, directed to him at his last known place of residence (or at the post office nearest thereto), but nothing therein contained shall be so construed as to impair the lien created by such tax assessment or sale; *and provided*, the said term of time for which any lands, tenements or real estate so sold as aforesaid shall not commence nor shall said purchaser or those claiming under him have a right of possession to said lands, tenements or real estate, until the three years limited for the redemption of the same shall have expired; and the said purchaser, or those claiming under him, shall at the expiration of the time limited in such declaration of the sale, quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereon, natural wears and accidents excepted; *provided, also*, that the said sale may be adjourned or postponed from time to time or suspended as the township committee may direct; *and provided*, that if at any sale of lands, tenements or real estate, for assessment or taxes, the whole or any part thereof shall remain unsold for the want of purchasers, then it shall be lawful for the said township committee to adjourn the said sale not less than thirty days, nor more than sixty days, twenty days' notice at least shall be given as aforesaid of the said adjourned sale; and if at said ad-

Proviso.

Proviso.

Proviso.

journed sale there shall be no purchasers for said lands, tenements or real estate, or for any part thereof, then it shall be lawful for the treasurer of the said township to purchase the said lands, tenements or real estate for the benefit of the township, subject to the same redemption as hereinbefore provided for; *provided, also,* that all moneys paid for the redemption of said lands, tenements or real estate as aforesaid, together with such taxes and assessments paid by any mortgagee or judgment creditor, shall be a lien upon said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per centum per annum, and such lien shall have the precedence over all other liens on said lands, tenements or real estate; and on foreclosure of any mortgage by such mortgagee redeeming shall be directed to be made out of the said lands, and on sale of said lands under any such foreclosure, judgment shall be paid out of the proceeds of the sale; *provided, further,* that a complete record of all taxes and assessments shall be kept in the township clerk's office, which record shall contain the time when such assessment and taxes were laid, the time when they were paid (and if the property has been sold therefor), the time of said sale and to whom sold, and, if redeemed, when and by whom; it shall be the duty of the township clerk to record in a book, to be called "record of sales," all declarations of sale, and to give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on certificate of the township treasurer of such redemption, and to file such certificate in the said clerk's office; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming and one to be filed in the said clerk's office.

Proviso.

Proviso.

8. *And be it enacted,* That the said township committee may, by their title of "The inhabitants of the township of West Hoboken, in the county of Hudson," have power to pass, enforce, alter and repeal ordinances to take effect within said township of West Hoboken, for the following purposes, to wit: to ascertain and establish the boundaries of all streets, roads and avenues in said township, and to prevent and remove all encroachments and nuisances in and upon any street, or any part thereof, lot or enclosure, place or places in said township, and in every other respect to secure to the public and adjoining owners the safe and convenient use of the

Township committee may pass and repeal ordinances.

Establish boundaries of streets.

Remove nuisances.

streets and sidewalks for the purpose for which they are or may be laid out and dedicated; to prevent and prohibit all animals from running at large in said township; to provide for the establishment of one or more public pounds, and for the impounding therein all animals running at large, and for the sale of the same; to make and adopt an assessment map, whereby to describe lands assessed for taxes or improvements; to prevent immoderate driving in the streets, and driving over and upon sidewalks; to prevent riots, routs, disturbances or disorderly assemblages in any street, house or place in said township; to prevent and suppress gaming houses and to prohibit gaming, and to restrain and punish all mendicants, vagrants, street beggars and common prostitutes; to suppress vice and immorality; to license, regulate, and to prohibit inns or taverns; to require the payment of an annual fee of ten dollars for every person licensed to sell ale and beer, and an annual fee of twenty-five dollars from every person licensed to sell other liquors, and to prohibit all traffic in or sale of intoxicating drink or drinks; and to license, regulate, and to prohibit hawkers and pedlars, upon such terms and under such regulations and penalties as the township committee shall by ordinance impose; and no other license for such purposes within said township granted by any other authority shall be lawful, except licenses granted by the governor to hawkers and pedlars; and to prescribe the duties and compensation of all officers not defined by this act or the statutes of this state; to make and adopt a map establishing the grades of the several streets in said township, and to provide that the expenses incurred making said map shall be assessed upon the real estate in said township, at an equal rate for each lot of twenty-five hundred square feet, where the same is laid out into lots; and where the real estate is not laid out into lots, it shall be assessed at the rate of twelve lots of twenty-five hundred square feet each to the acre; *provided*, that no ordinance or by-law shall be enacted or passed by the said township committee unless the same shall have been first introduced at a previous meeting, and agreed to by at least four of said township committee upon the passage thereof; all penalties for violation of any ordinance of said township shall be sued for and recovered before any justice of the peace of said township in an action of debt, and execution may be issued against the goods, chattels and body of the defendant; *provided*, no

Prevent animals running at large.

Make assessment map.

Prevent immoderate driving.

Prevent riots.

Suppress gaming.

Suppress vice

License inns.

Make map establishing grades.

Proviso.

Proviso.

penalty for violation of any ordinance shall exceed twenty dollars, or imprisonment more than twenty days.

Compensation

9. *And be it enacted*, That the compensation of the commissioners appointed by virtue of the first section of this act shall be fixed by the township committee, and shall not exceed the rate of five dollars per day; and the compensation of the treasurer of said township shall be at the rate of one-tenth of one per centum upon all moneys belonging to the said township received by him.

Township committee.

10. *And be it enacted*, That the township committee shall consist of five persons instead of three; that they shall meet on the first Saturday in every month for the transaction of business, and at such other times as they may deem necessary.

Additional power to grade Clinton avenue.

11. *And be it enacted*, That the township committee shall have power forthwith to provide by ordinance for grading the roadway and sidewalks of Clinton avenue from Hill street to the southerly line of the property belonging to the Hoboken Land and Improvement Company, and to flag such portions of the sidewalks of said street or avenue as said township committee shall deem necessary, with flagging four feet in width; and when the same shall be completed the expenses and costs thereof shall be assessed by three commissioners in the same manner as is provided for in the first section of this act; which commissioners shall be appointed by the township committee, and shall be impartial, disinterested persons, freeholders in said township.

Opening of new streets, and proceedings thereon.

12. *And be it enacted*, That the township committee shall have power forthwith to provide by ordinance for the opening of a street fifty feet in width, commencing at a point in the southerly side of the Bergen turnpike road where what is commonly known as the A line crosses the same; and running thence southerly one thousand three hundred and ninety-four feet, the said A line being the westerly line of said street, upon paying to the owners the fair value of the land taken for that purpose, which value shall be agreed upon by three commissioners appointed by the said township committee and the owners of the land, and shall be assessed by the said commissioners, together with the costs and expenses thereof upon the property benefitted thereby in the same manner as is provided for in the first section of this act, which commissioners shall be impartial, disinterested persons, freeholders and residents in said township.

Township clerk.

13. *And be it enacted*, That the township clerk shall in addition to the duties required of him by this act or any other act of this state, have charge of all the records, books and documents of the township, except when the township committee shall otherwise direct, he shall keep a record of the proceedings of the township committee, he shall engross all the ordinances of the township committee in a book to be provided for that purpose, with proper indices, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the chairman or acting chairman of the township committee and said clerk; copies of all papers duly filed in his office, and transcripts thereof, and of the records and proceedings of the township committee, and copies of the laws or ordinances of said township, certified by him under the corporate seal, shall be evidence in all courts and places.

Publish annual statement of receipts and expenditures.

14. *And be it enacted*, That the township committee shall at least once a year, within the ten days immediately preceding the annual town election, publish in pamphlet form a full statement of all receipts and expenditures of every description for the fiscal year preceeding such statement, including all the moneys which have passed through the hands of the treasurer for any purpose whatever, together with the different sources of revenue, and the amount received under each, with all such other information as may be necessary for a full understanding of the financial concerns of the township.

May borrow money.

15. *And be it enacted*, That the township committee shall have power to borrow money not exceeding at any one time five thousand dollars, to enable them to pay any expenses incurred by them in making any improvements contemplated by this act: *provided*, that they shall not borrow more than five thousand dollars to pay the expenses incurred in making any one improvement.

Proviso.

Commissioners of appeal in cases of taxation.

16. *And be it enacted*, That hereafter the commissioners of appeal in cases of taxation in said township are required to convene on the Tuesday preceding the first Monday of October, annually, for the purpose of discharging the duties of their office, and they may hold sessions at such adjourned days as they may fix, not exceeding three in number, and not later than the fifteenth day of October.

Collector's duty.

17. *And be it enacted*, That hereafter the collector of said township shall annually, immediately after the second Monday in September, give the notice required by the tenth sec-

tion of "An Act concerning taxes," approved April fourteenth, eighteen hundred and forty-six; and he shall make the demand and give the notice required by the eleventh section of said act, within ten days after the second Monday in September, and the day fixed by him for the payment of said taxes shall not be later than the twentieth day of October.

Boundaries.

18. *And be it enacted*, That the boundary line of the township of West Hoboken extend to and run along the centre of the Bergen turnpike and Bergen wood road, respectively, and be hereafter as follows; beginning at a point where the easterly line of Palisade avenue intersects the centre of the Bergen turnpike; thence running northwesterly along the centre of said Bergen turnpike to a point where the same intersects the centre of the Bergen wood road, thence southwestwardly along the center of the Bergen wood road to a point where the same intersects the centre of Paterson avenue; and thence along the lines and in the several courses designated in section one of the "Act to divide the township of North Bergen," approved February twenty-eighth, eighteen hundred and sixty-one, hereby amended, to the point or place of beginning.

Repealer.

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

Approved April 1, 1868.

CHAPTER CCLXXII.

A Further Supplement to the act entitled "An Act to incorporate the Princeton Mutual Fire Insurance Company," approved March tenth, eighteen hundred and fifty-six.

Authorized to borrow money

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the officers and directors of the Princeton Mutual Fire Insurance Company, and they are hereby authorized and empowered to borrow, on the credit of said corporation, from time to time, such sum or sums of money, not exceeding at any one time ten per centum of the amount of the premium notes held by

said company, for the purpose of paying losses and current expenses.

Make assessment.

2. *And be it enacted*, That the board of directors may, at any time when in their judgment they deem it for the best interest of the company, make an assessment according to the provisions of their charter of such an amount or amounts as will be sufficient to meet and pay all the liabilities of said company, for money borrowed, losses sustained, and to raise a fund for future losses, such fund not to exceed five per centum on the premium notes of said company.

Liability of members.

3. *And be it enacted*, That all the members of this company shall be liable, on their premium notes, for their just proportion of all the losses and expenses which have occurred or accrued during the continuance of their policies of insurance, which said company shall have authority to collect by due process of law.

Annual meeting changed.

4. *And be it enacted*, That the time for the annual meeting for the election of directors shall be changed from the second Monday of March to the second Monday in June of each and every year, after this present year.

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

Approved April 1, 1868.

CHAPTER CCLXXIII.

A Further Supplement to an act entitled "An Act to incorporate the Bordentown and Columbus Turnpike Company," approved March fourteenth, eighteen hundred and fifty-six.

Proceedings when road is not kept in repair.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the eighteenth section of the act to which this is a supplement, be so amended that any person believing himself aggrieved by reason of said turnpike being not kept in order as is directed by said act, it shall be the duty of the complainant to notify the president of said company, and in case he shall refuse or

neglect to order the gates on said road to be opened for travel, the person so aggrieved may apply to any judge of the court of common pleas of the county of Burlington, having first given the president of said company one day's notice of the time and place of meeting before said judge, who, on proof of notice aforesaid, may proceed as is directed in the act to which this is a supplement.

Par value of stock.

2. *And be it enacted*, That the par value of the stock of said company shall be and is hereby reduced to twelve dollars and fifty cents per share, being now its actual value, and that sum shall be deemed and taken as the amount of said stock paid in by the stockholders to said company.

Capital stock.

3. *And be it enacted*, That the capital stock of said company under said reduction as aforesaid shall for all legal purposes be taken and deemed to be ten thousand dollars.

Repealer.

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

Approved April 1, 1868.

CHAPTER CCLXXIV.

An Act to provide for draining and improving certain meadows and low lands adjoining the south branch of the Raritan river lying in the township of Roxbury, Morris county.

Commissioners to drain meadows.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Josiah Meeker, John S. Wills and John C. Willet, and in case of the death or inability of either, such other person or persons as the remaining number of said commission may associate with them, not exceeding said number of three, shall be and are hereby appointed commissioners for the purpose of widening, straightening and clearing out the channels of the south branch of the Raritan river, within the limits of Roxbury township, in said county, with the view of draining, reclaiming and improving meadows

and low lands adjoining and lying along the said branch of said river.

To survey and make map of meadow lands

2. *And be it enacted*, That it shall be the duty of said commissioners as soon as practicable after the passage of this act to survey or cause the same to be done, all such meadows and low lands, lying along said branch of said river and which may be improved and reclaimed by cleaning out, deepening, widening and straightening the channel of said branch of said river, between its intersection with the Morris canal, and a point one hundred yards westerly or below intersection of said river with the public road leading from the late residence of Daniel Corey, deceased, to Succasunna Plains, all in the township aforesaid, and a draft and map of the same to be made showing the quantity of said meadow or low lands to be benefitted, improved and reclaimed as aforesaid, belonging to the several adjoining and respective owners thereof along said river, said draft to be filed in the clerk's office of said county on or before the first day of July next hereafter, and which at all times thereafter, shall be taken and accepted as good and sufficient evidence of the number of acres of such lands improved and reclaimed as aforesaid, belonging to the several adjoining owners thereof, and all assessments of money or labor for the improvement and reclaiming of aforesaid lands, to be made and estimated according to said draft and map.

Commissioners to apportion division to owners of property.

3. *And be it enacted*, That it shall be the duty of the said commissioners to apportion and allot to each owner or occupier of lands described as aforesaid, lying and being along the said river, his, her or their exact, fair and just part of the said river and channel, to be straightened, widened and cleaned out as aforesaid, and to establish and mark the boundaries thereof by lasting monuments in proportion to the number of acres owned and occupied by each person to be benefitted thereby according to the said survey and map of lands hereinbefore directed.

Duties of the owners under apportionment.

4. *And be it enacted*, That on or before the first day of September anno domini eighteen hundred and sixty eight, and on the first day of September of each and every third year thereafter, it shall be the duty of each and every owner and occupier of said low lands and meadows to straighten, widen, deepen and clean out well and sufficiently to the depth and according to the dimensions hereinafter named, or cause the same to be done, his, her or their exact, fair and just proportion and share of said river and channel thereof, according to the draft

and map aforesaid, that is to say: twelve feet wide at the top, nine feet wide at the bottom and three feet deep, and as much deeper as in the judgment of said commissioners or a majority of them shall be deemed necessary to secure the draining and improvement of lands contemplated by the provisions of this bill.

Proceedings in case of default.

5. *And be it enacted*, That in default of performance on the part of any one of the adjoining owners and occupiers to be benefitted by improvements heretofore contemplated of his, her or their full, fair and just proportion of aforesaid work, that then and in such case it shall be the duty of said commissioners herein named, on complaint made to them in writing by one or more of said owners of meadows and low lands aforesaid, to perform the said work or cause the same to be done within the time or times, and in the manner aforesaid, and assess the full cost and expenses thereof to the person or persons so neglecting, and in default and upon demand made and payment refused, to collect the same with costs of prosecution, within thirty days thereafter from such person or persons in default, by an action of debt commenced in any court of competent jurisdiction in the state.

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

Approved April 1, 1868.

CHAPTER CCLXXV.

An Act to incorporate the trustees of the West Hoboken Fire Department Fund of the county of Hudson, for the benefit of all indigent and infirm firemen of the township of West Hoboken, and also their widows and orphans.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph E. Taylor, Thomas J. Wells, Edmund Van Buren, Edmund S. Goyuls, James J. Ludlow, John K. Hickey and Robert H. Leary, be and they are hereby constituted and made a body politic and corpo-

Name. rate, in fact, name and law, by the name of "The Trustees of the Township of West Hoboken Fire Department Fund," and by that name they and their successors shall have perpetual succession, power to sue and be sued, plead and be impleaded, answer and be answered unto in all courts and places whatsoever; to make and use a common seal, and the same to change at pleasure; and to purchase, take, hold, have and receive and enjoy any lands, tenements or hereditaments, in fee simple and otherwise; and any moneys, goods, chattels, legacies, donations, annuities or other personal property of what kind or quality soever, by gift, grant, demise, bequest or otherwise, and the same to grant, convey, assign, sell or otherwise dispose of for the purposes of the said corporation; *provided, always*, that the principal sum of such estate shall at no time exceed in value the sum of five thousand dollars, nor be applied to any other purpose than those for which this corporation is formed.

General powers.

Proviso.

Object of corporation. 2. *And be it enacted*, That the object of such incorporation shall be to assst all such disabled and indigent firemen, their widows and orphans, as may, in the opinion of the board of trustees, require assistance in conformity with the following provisions: all firemen being indigent and infirm, and all firemen who have been disabled and shall become indigent and infirm, and all firemen having served the time prescribed by law as such and shall resign thereafter, and having become indigent and infirm, and the widows and orphans of all such indigent and infirm firemen shall be entitled to relief from the said corporation.

Board of trustees, how composed. 3. *And be it enacted*, That the board of trustees shall consist of two persons from each engine, hose and hook and ladder company of the township of West Hoboken, two-thirds of whom shall constitute a board for the transaction of business; and the said board shall have power to make and prescribe such by laws, rules and regulations as to them shall seem needful for the purposes of the said corporation; *provided*, there be a majority of the trustees present and agreeing thereto, and the same shall not be inconsistent with this act or the laws of this state.

Proviso.

How elected. 4. *And be it enacted*, That the trustees from each company shall be elected by the members of such company; and at the first election after the passage of this act each company shall elect two trustees whom the board of trustees, at their first meeting after any such election, shall divide by lot into

two equal classes, one of which shall go out of office at the expiration of one year; another at the expiration of two years; and that at every election thereafter the said companies shall respectively elect one person as trustee, who shall hold such office for two years; and incase of death, resignation, or disability of any trustee, a person shall be duly elected to fill the unexpired term by the company he represented in said board.

Officers.

5. *And be it enacted*, That the board of trustees at their first meeting in each year shall, from among their number, choose by ballot a president, vice-president, secretary and treasurer, and in case of vacancy in any of said offices, the said board of trustees shall have power to fill the same for the remainder of the current year.

Certificates.

6. *And be it enacted*, That the said board of trustees shall deliver to the chief engineer of the fire department of said township all certificates of membership granted by them, and the chief engineer shall countersign each certificate, and the person receiving the same shall pay to the treasurer of said board the sum of one dollar and twenty-five cents therefor, and no person shall be considered a member of the fire department of the township of West Hoboken until his certificate is countersigned as above; and in case of any member being transferred from one company to another, he shall pay to said treasurer the sum of fifty cents; *provided*, such transfer takes place within sixty days after leaving such company.

Proviso.

Moneys, how held.

7. *And be it enacted*, That all moneys at any time received by the treasurer shall be held by him, subject to be drawn upon by an order of the trustees, until the same shall amount to two hundred dollars, when one hundred dollars shall be invested by the board of trustees as part of the permanent fund, in such manner as in their judgment may be most beneficial to the interest of the corporation.

Principal of fund not impaired.

8. *And be it enacted*, That the principal of the permanent fund shall not be used or impaired in granting the assistance contemplated by this act.

Treasurer must give security.

9. *And be it enacted*, That the treasurer shall give good freehold security, approved by the board of trustees, in double the value of the money and securities belonging to the fund, before entering upon the duties of his office.

Property not taxed.

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

Repealer.

11. *And be it enacted*, That all acts and parts of acts in-

consistent with the provisions of this act, be and the same are hereby repealed.

12. *And be it enacted*, That this act shall continue in force for thirty years; *provided, always*, that the senate and general assembly may at any time hereafter amend, repeal or modify this act as they shall think proper.

Approved April 1, 1868.

CHAPTER CCLXXVI.

A Further Supplement to the act entitled "An Act to incorporate the Vineland Railway Company," approved April ninth, eighteen hundred and sixty-seven.

May connect with other railroads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Vineland Railway Company are hereby authorized to build their railroad from their present terminus, at or near either Pemberton or Vincentown, in Burlington county, to Bordentown, in said county, to connect with the railroads at the last mentioned place, subject to the same restrictions, terms and liabilities of the act to which this is a further supplement.

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

Approved April 2, 1868.

CHAPTER CCLXXVII.

An Act to facilitate business in the Hudson County Circuit Court.

Judge of circuit court may employ a stenographer.

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

the county of Hudson is hereby empowered to employ a competent stenographic reporter in said court, whose compensation shall be fixed by said judge, and paid by the board of chosen freeholders of said county upon the certificate of said judge that he is entitled to the same.

2. *And be it enacted*, That to aid in defraying the expense incurred by said board for said reporter, each party in every cause legally placed upon the supreme and circuit court lists of causes in said court shall, on the first day of the first term in which such cause is so placed upon the list, pay to the clerk of said court the sum of one dollar, for which amount the attorney of record of each party shall be liable, which sum shall be paid by the said clerk to the collector of said county, for the use of the county. Expense, how defrayed.

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

Approved April 2, 1868.

CHAPTER CCLXXVIII.

A Supplement to an act entitled "An Act to incorporate the Hudson County Agricultural Society," approved March fourth, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any license to keep an inn and tavern, which may hereafter be granted by any competent authority to the said society, their lessee or lessees, or other person or persons occupying the hotel and buildings on the grounds of said society, shall be construed in all courts and places to permit and allow the said society, their lessee or lessees, or other person or persons to whom such license may be granted, to sell, and offer for sale, wines, liquors and other things at any place or places on the grounds of said society, as well as in said hotel, any law of this state to the contrary in anywise notwithstanding. May sell wines &c., on their grounds.

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

Approved April 2, 1868.

CHAPTER CXLXXIX.

An Act to incorporate the Rutherford Park Hotel Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert W. Rutherford, William J. Stewart, George M. Dayton, Henry T. Moore, Joseph T. Cooper, Thomas B. Decker and Delos E. Culver, and their associates, and all other persons who shall become subscribers to and owners of the capital stock hereby created, shall be, and they and their succecsors are hereby made and declared to be a corporation and body politic and corporate,

Name and object.

in fact and in law, by the name of "The Rutherford Park Hotel Company," and by that name shall have perpetual succession, and shall have power to have, hold, lease, purchase, sell and convey such real estate in the county of Bergen as may be necessary or proper for the erection thereon of a hotel for the accommodation of the public, and such other buildings and improvements as may be adapted to and be connected with such hotel, and the maintaining and management thereof, and to transact all business that may be incident or appertaining to the erecting, furnishing, managing, conducting, leasing, or otherwise disposing of such premises, with the buildings and improvements, or any of them thereon, and of the other property of said corporation.

Capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars; said stock shall be deemed personal property, and shall be divided into shares of twenty dollars each, to be transferable only on the books of the corporation, and in such manner as shall be prescribed by the by-laws of the said corporation; each share of stock shall entitle the bona fide holder thereof to one vote, to be given either in person or by proxy at all meetings of the stockholders.

3. *And be it enacted*, That the said Robert W. Rutherford, William J. Stewart, George M. Dayton, Henry T. Moore, Joseph T. Cooper, Thomas B. Decker and Delos E. Culver, or the majority of them, are hereby constituted commissioners to open books of subscription to the said capital stock, at such time and place in the county of Bergen as they shall designate, by notice to be published for at least one week in some newspaper printed and circulating in said county, and that when twenty-five thousand dollars of the said capital stock shall have been subscribed, and ten per centum thereon paid in cash, the said commissioners, or a majority of them, shall call a meeting of the subscribers, giving at least ten days' notice of the time and place of such meeting, in manner aforesaid; and when so met, the said subscribers shall have power to choose from their own number, by ballot and by a majority of votes, a board of not less than five nor more than nine directors, to continue in office until the second Monday in April then next ensuing, and until others shall be chosen in their stead. Commissioners to open books of subscription. Election of directors.

4. *And be it enacted*, That a majority of the board of directors shall constitute a quorum for the transaction of business, and that the said board of directors shall choose from their own number a president, and shall have full power and authority to make, alter and repeal all necessary by-laws, rules and regulations for the transaction of their business and the business of the said corporation, and to prescribe the way in which the subscriptions to the said capital stock shall be paid, and to impose penalties, including forfeiture of stock for nonpayment of any installment, for neglect to make such payment in the way so prescribed, and to choose and appoint such officers and agents as may be requisite for the proper management of the affairs of the said corporation, and such officers and agents at pleasure to remove. Powers of directors.

5. *And be it enacted*, That the annual election of directors of the said corporation shall be held on the second Monday in April in each year, at such time and place in the said county of Bergen as the directors shall appoint, by notice given at least ten days previously in some newspaper printed and circulating in said county; in case of a vacancy or vacancies in the board by death or otherwise, the remaining directors shall have power to fill the same until the next annual election. Annual election.

6. *And be it enacted*, That the said capital stock shall not, nor shall any part of the same be at any time, in any man- Capital stock shall not be withdrawn.

ner, withdrawn from the legitimate business of said corporation or refunded to the stockholders, or any of them, until all the debts and liabilities of the corporation shall have been paid and discharged.

Debts shall not exceed capital stock.

7. *And be it enacted*, That the whole amount of the debts which said corporation shall owe at any one time, shall not exceed the amount of the capital stock subscribed for, and that the said corporation shall not be permitted to issue any bonds, mortgages or other obligations, exceeding in amount two-thirds of the actual paid in capital stock of said corporation, or the actual value or consideration of any property owned by said corporation.

Annual statement.

8. *And be it enacted*, That annually at the meeting of the stockholders to be held as aforesaid on the second Monday in April in each year, the board of directors of said corporation for the time being, shall submit to the stockholders a written statement of the condition of the affairs of said corporation, including the amount of capital stock paid in, the amount of debts existing against said corporation, specifying to whom such debts are due, the receipts and credits of the corporation, which statement shall be verified by the affidavit of the treasurer, and the same shall be filed in the office of the secretary of said corporation.

Dividends.

9. *And be it enacted*, That no dividend shall be paid to the stockholders, except only from and out of the surplus profits arising from the business of said corporation.

10. *And be it enacted*, That the said corporation shall possess the several powers, and be subject to the restrictions and liabilities contained in the act entitled "An Act concerning corporations," and the acts supplementary thereto and amendatory thereof, so far as the same are applicable.

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

Approved April 2, 1868.

CHAPTER CCLXXX.

An Act to incorporate the New York, Vineland and Southern Express Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Willis T. Virgil, William Walker and E. Kline, and such other persons as may be associated hereafter with them, their successors and assigns, shall be and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name, style and title of "The New York, Vineland and Southern Express Company," and by that name, style and title, shall be capable of purchasing, holding, using, leasing and conveying any lands, tenements, goods and chattels necessary or proper for the object of the corporation hereby created, with power to have, use and adopt a common seal, and to alter and change the same at any time; to sue and be sued, to defend and be defended in all courts of law and equity, with the power and privilege of carrying on a general forwarding, carrying, express and commission business, in transportation of all kinds of goods, chattels, merchandise, bullion, notes, bonds, money, specie, valuables, and other articles, from states and territories of the United States, to Vineland, Camden, Philadelphia, Jersey City and New York City, and from those places respectively to the states and territories of the United States, and from any point or place to any point or place in said states and territories of the United States, and wherever else the business of the company may require, and to do a general transportation, express and commission business over any lake, railroad, river, canal or turnpike in the United States; also, to do a general exchange, commission and collection business, establishing an office therefor wherever the business of said company may require. Corporators. Name. Objects.

2. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, with power to increase the same, by a vote of the board of directors, to any sum not exceeding five hundred thousand dollars, to be divided into shares of one hundred dollars each, which shall be deemed personal property; and the said company may organize and commence operations whenever ten thousand dollars shall Capital stock.

have been subscribed to said stock; all stock subscribed shall be paid in at such times and upon such notice as the directors of the corporation may direct, and the said stock shall be transferable only upon the books of said corporation.

Election of directors.

3. *And be it enacted*, That the business of said corporation shall be managed and conducted by a board of directors, not less than three nor more than five in number, who shall be stockholders in said company, one of whom shall be the president thereof, and said board of directors shall have power to appoint such other officers and agents as they may deem necessary; said board of directors shall hold their office for one year and until others shall be chosen to fill their places; the directors shall be elected at the annual meeting of the stockholders, which shall be held on the first Tuesday in January in each and every year, at such hour and place as the by-laws of said company may direct; and until such annual election shall take place the persons named in this act shall be directors of said corporation, a majority of whom shall be competent to transact business.

Not dissolved for failure to elect directors

4. *And be it enacted*, That in case an election for directors shall not be held upon the day herein designated for that purpose, the said corporation shall not be deemed dissolved, but the stockholders may proceed to hold an election on any other day, ten days' previous notice of the time and place of said election having been first given in the newspapers published in the county of Cumberland, at which election and at all meetings of the company each stockholder shall be entitled to one vote in person or by proxy for each share of stock held.

Subscriptions to capital stock.

5. *And be it enacted*, That any railroad company in the state of New Jersey is hereby authorized to subscribe for any part of the capital stock of said corporation, not exceeding one-half of the whole amount authorized.

May borrow money.

6. *And be it enacted*, That after ten thousand dollars in cash shall have been subscribed, the said corporation shall be empowered to borrow any sum or sums of money, not to exceed at any time the amount of the capital stock, and secure the same by bond, mortgage, pledge, hypothecation or otherwise.

Annual statement.

7. *And be it enacted*, That the directors shall at the annual meeting of the stockholders for the election of officers, exhibit a full and complete statement of the affairs of the company during the preceding year.

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

Approved April 2, 1868.

CHAPTER CCLXXXI.

An Act to incorporate the Bridgeton Savings Institution.

WHEREAS, it has been found that institutions for the purpose of receiving and investing in public stocks, or substantial security on real estate, such small sums as may be saved from the earnings of tradesmen, mechanics, laborers, minors, servants and others, have been productive of very beneficial results, as well by affording to such persons the advantages of security and interest, as by engendering habits of industry and frugality; and whereas, the increasing mechanical and manufacturing population of Bridgeton and its vicinity render it desirable that such an institution should be established there and brought into legal existence by an act of incorporation, and this legislature considering it right to cherish all laudable attempts to ameliorate the condition of the poor and laboring class of the community; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert C. Nichols, Lucius Q. C. Elmer, Horatio J. Mulford, Henry B. Lupton, Joseph H. Elmer, John T. Nixon, J. Nixon Bodine, Stephen G. Porch, Charles E. Elmer, Joel Fithian, Franklin F. Westcott, William G. Nixon and Robert DuBois, and their successors, shall be and are hereby constituted a body corporate and politic, by the name of "The Bridgeton Savings Institution," and by that name shall be capable of taking, holding, purchasing and enjoying, to them and their successors, any real estate in fee simple or otherwise, and any goods, chattels or personal estate, which shall be necessary for the purposes herein mentioned, and of selling, leasing, or otherwise disposing of the said real and personal estate, or any part thereof, at their will and pleasure; *provided, always*, that the clear annual value of such real and personal estate, exclusive of the profits that may arrise from the interest accruing upon investments, or upon the sale of any investments in which the deposits may be made, shall not exceed the sum of five thousand dollars. Corporators. Name. Proviso.

2. *And be it enacted*, That the said institution shall be conducted by thirteen managers, five of whom shall be a quorum Institution conducted by board of managers.

to transact business, and the seat of any manager who shall have neglected to attend for four successive meetings may be vacated by the board; the persons named in the first section of this act shall be the first managers of the institution; the managers shall meet annually, on the first Monday in April, and choose one of their number as president; they shall have power to appoint a secretary, treasurer, and such other officers as shall to them appear necessary for conducting the business of the institution, which officers so chosen and appointed, shall continue in office one year and until others are chosen; and all officers so chosen shall give security, if required, for the faithful execution of the duties of their office, in such sum, and with such sureties, as may be directed by the board of managers.

Powers.

3. *And be it enacted*, That the board of managers shall, from time to time, have power to make, ordain and establish such by-laws and regulations as they shall judge proper for the election of their officers, for prescribing their respective duties, for regulating the times and places of meeting of the officers and managers, and for the transacting, managing and directing the affairs of the institution; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this state or of the United States; and such by-laws and regulations shall be put up in some public and conspicuous place in the room where the business of the said institution shall be transacted, but shall not be altered so as to affect injuriously any one who may have been a depositor previous to such alteration.

Proviso.

May receive deposits.

4. *And be it enacted*, That the said institution may receive as deposits, all sums of money which may be offered for the purpose of being invested, in such amounts and at such times, and on such terms, as the by-laws shall prescribe; and the said institution may accept and execute all such trusts of every description as may be committed to them by any person or persons whatsoever, by will or otherwise, or transferred to them by order of any court.

No emoluments paid to president and managers.

5. *And be it enacted*, That no emolument whatever shall directly or indirectly be received by the president or managers for their services, nor shall the said institution issue any notes or bills, nor shall any manager, officer or agent of the institution be allowed, directly or indirectly, to borrow any money from the said institution or to use the same except to pay necessary expenses, nor shall the said institution take or

hold any bonds, mortgages or other securities, for the payment of money drawn or endorsed by or existing against any manager, officer or agent of the institution, and no manager or officer shall have any interest in any of the deposits or the profits arising from the same, except such as may be due for deposits made by them as trustees for the benefit of others.

6. *And be it enacted*, That it shall be the duty of the managers to regulate the rate of interest to be allowed to the depositors, so that they shall receive a ratable proportion as near as may be of the profits, after deducting therefrom all necessary expenses and a reasonable surplus or contingent fund; *provided*, that said rates of interest may, at the discretion of the managers, be so regulated as that the interest allowed to depositors having five hundred dollars or more deposited, shall be at least at the rate of one per centum per annum less than the interest allowed to other depositors, and that no interest or dividend on account of said surplus fund shall be allowed for money which shall have been withdrawn from deposit. May regulate rate of interest. Proviso.

7. *And be it enacted*, That the said institution shall invest no money in any other public stocks than such as are created under the laws of the United States or of this state, nor in bonds and mortgages, except on unincumbered real estate within the state of New Jersey, worth at least double the amount of the sum invested, nor in the stocks or loans of any incorporated company whatever; but nothing in this section contained shall be construed to hinder the managers from investing a portion of their funds in temporary or call loans upon approved personal security; *provided*, that not more than ten thousand dollars shall be so loaned at any one time. Investment of moneys. Proviso

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

9. *And be it enacted*, That it shall be lawful for the said institution, at their discretion, to pay to any depositor, being a minor, such sum as may be due to such depositor, not exceeding five hundred dollars, and the receipt and acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor duly appointed; *provided*, such deposits shall have been made personally by such minor, and not by any other person for his or her benefit; married women may deposit money in their own names, and receive Minors may deposit and receive money Proviso.

the interest or dividend therefrom, and receive and withdraw the same, and such deposit shall not be subject to the control of her husband, or liable for his debts, nor shall moneys deposited by single women be subject in case of marriage, to the use or control, nor liable for the debts, of the future husband.

Book to be kept.

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

Deposits.

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

Deposits to be entered in book.

12. *And be it enacted*, That all deposits and payments shall be reguiarly entered in the book of the institution, and every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made.

May refuse deposits.

13. *And be it enacted*, That the managers shall be at liberty at any time to refuse deposits, and on giving one months' notice to return such as have been made with interest thereon calculated to that time and no longer.

Vacancies, how filled.

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

Limitation of deposits.

15. *And be it enacted*, That the institution shall not receive from any one person deposits to a greater amount than five hundred dollars in any one year.

Annual report to comptroller

16. *And be it enacted*, That it shall be the duty of the said institution to make an annual report to the comptroller of the treasury of this state, under the oath or affirmation of the treasurer, and a committee appointed for that purpose by the managers of three or more of their number, of the state of its funds, and such statement shall be published in the newspapers published in the county of Cumberland.

17. *And be it enacted*, That the office or place of business

of the said institution shall be in the city of Bridgeton, and the books of the institution shall be open at all times, to the inspection and examination of such person or persons, as the legislature may from time to time appoint for that purpose. Office, where located.

18. *And be it enacted*, That this act is hereby declared to be a public act, and shall take effect immediately, and that the same shall be construed in all courts and places, favorably and benignly for every beneficial purpose therein intended; and that no misnomer of said corporation in any deed, gift, grant or devise, or other instrument of contract or conveyance shall defeat the same; *provided*, that the corporation shall be sufficiently described to ascertain the intention of the parties; *and provided also*, that the legislature may at any time hereafter amend or repeal this act, and dissolve the said corporation, or vary or modify its powers as to them shall seem fit or proper. Proviso.

Approved April 2, 1868.

CHAPTER CCLXXXII.

An Act to authorize the Trustees of Pennington Methodist Episcopal Church to sell and convey Real Estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of Pennington Methodist Episcopal Church, or their successors in office, be and they are hereby authorized and empowered to sell and convey the parsonage and lot of land situated in Pennington aforesaid, which property is now occupied as a parsonage, and vested in said church or society by any deed or deeds whatsoever; and the trustees aforesaid are hereby authorized to make a deed which, when made and duly acknowledged by said trustees, shall be valid and effectual in law, and shall convey to and vest in the purchaser thereof, his, her, or their heirs and assigns, all the estate, right, title and interest of the said Methodist Episcopal Church, in and to the said parsonage and lot herein authorized to be sold. Power to sell church property.

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

Approved April 2, 1868.

CHAPTER CCLXXXIII.

A Further Supplement to the act entitled "An Act to establish and organize the State Reform School," approved April sixth, eighteen hundred and sixty-five.

Order sending boy to reform school.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when a boy under the age of sixteen years shall, in a court of criminal jurisdiction, by the verdict of a jury or on his own confession in open court, be found guilty of any crime, except murder or manslaughter, it shall be lawful for the said court, instead of entering judgment and pronouncing sentence according to law, to cause an order to be entered in the minutes that said boy be committed to the state reform school for reformation and instruction, pursuant to the provisions of the act to which this is a further supplement, and the supplement thereto; and a copy of said order, duly certified by the clerk under the seal of said court, shall be a sufficient warrant for taking the said boy to the said reform school, and for his commitment to the superintendent thereof; *provided*, that such order shall be made or approved by a justice of the supreme court.

Proviso.

Period of commitment.

2. *And be it enacted*, That every commitment to the said reform school, except such as shall be made on complaint of any parent or guardian, shall be until the boy attain to the age of twenty-one years, and no longer; but the trustees in their discretion may, at any time after one year's service, by their order, discharge a boy from said school as a reward of good conduct, and upon satisfactory evidence of his reformation.

Personal liability for expenses.

3. *And be it enacted*, That every boy committed to the said reform school shall be personally liable for his maintenance and all necessary expenses incurred therein on his behalf; and the parent, guardian or relative, who would have

been bound by law to provide for and support him if he had not been sent to the said school, shall be liable to pay for such maintenance and necessary expenses, and, if the trustees shall so order, to be sued for and recovered in the name of the superintendent of said school in any court having cognizance thereof; *provided*, that the trustees may in their discretion remit such liability or any part thereof. Proviso.

4. *And be it enacted*, That the sum of twenty thousand dollars be and the same is hereby appropriated to the uses of the said reform school, and the treasurer of this state is hereby directed to pay the said sum of money to the order of the board of trustees, when approved by the board of control. Appropriation

5. *And be it enacted*, That sections two and ten of the act supplementary to the act to which this is a supplement, approved April third, eighteen hundred and sixty-seven, be and the same are hereby repealed. Repealer.

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

Approved April 2, 1868.

CHAPTER CCLXXXIV.

A Further Supplement to an act entitled "An Act authorizing the appointment of commissioners to lay out and map streets, avenues and squares in that part of Bergen township south of the Morris canal, in the county of Hudson," approved March sixteenth, eighteen hundred and fifty-seven (since made the township of Bayonne).

WHEREAS, by the act to which this is a supplement, certain commissioners were appointed to survey and map all that part of the then township of Bergen, which lies south of the Morris canal, to mark the same out into streets, avenues and squares of such width, extent and direction as to them should seem most conducive to the public good; and whereas, the said commissioners named in the act have performed the duties imposed upon them by the said act, and Preamble.

have deposited maps of their said survey in the office of secretary of state at Trenton, and in the clerk's office of the county of Hudson; and whereas, since the said map was so deposited as aforesaid in the clerk's office of the county of Hudson, and in the office of the secretary of state, the Central Railroad Company of New Jersey have constructed their railroad over a portion of the said land between Fifth street and Sixteenth street, and between Fifth street and Van Buskerck avenue, as marked and designated on said map, and by so doing have cut the blocks and squares diagonally, so as to destroy them for the purposes for which in laying out by the said commissioners they were intended, and the persons owning the said land and adjoining thereto are desirious of vacating some of the streets designated on said map and making new ones, so as to answer the purposes for which the map was originally made by the said commissioners and the land so laid out;

Streets laid out and mapped to be vacated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That avenue B as designated on said map, from the northern line of Fifth street to the line of North avenue and avenue C, as designated on said map; from the centre of Sixteenth street to the northern line of Fifth street; and Ninth street as designated on said map, between avenue B and Newark bay; and Tenth and Eleventh streets as designated on said map, between avenue A and avenue B; and Twelfth and Thirteenth streets as designated on said map as between avenue A and Fifth street; and Fourteenth street as designated on said map, between avenue D and avenue A; and Fifteenth street as designated on said map, between the southerly line of North avenue and avenue D; and Sixteenth street as designated on said map, from the centre of Crescent avenue to the west line of avenue D; and so much of Eighteenth street as designated on said map, as lies between avenue A and Newark bay; and so much of Van Buskerck avenue designated on said map, from its intersection with avenue E eastward to the Kill Von Kull; and so much of Robins street, from the east line of Crescent avenue eastward to the Kill Von Kull; and so much of Elm street as designated on said map, from the east line of Crescent avenue to Oak street, and from the east line of Ingham avenue as extended, eastward to the Kill Von Kull; and so much of Orient street as designated on said map, from Linnet street northward to Van Buskerck avenue; and so much of Linnet street as designated on said map, from the east line of Ingham avenue to

the Kill Von Kull; and so much of Cottage street as designated on said map, as lies between Hobart avenue and the Kill Von Kull; and so much of Isabella street designated on said map, as lies between the north line of Linnet street northward to a point where Isabella street intersects Van Buskerck avenue; and also so much of Isabella street as lies between Fifth street and Cottage street, and so much of Evergreen street designated on said map, as lies between Fifth street eastward to the Kill Von Kull; and that all of Lilly, Vreeland and Commerce streets, and so much of avenue E as designated on said map, ——— feet northward from the north line of Van Buskerck avenue as designated on said map be, and the same are hereby declared vacated the same as if the said map had never been made, and that from and after the passage of this act the said map and the said act establishing the same shall be, and the same are hereby so far amended as to vacate all the avenues streets and parts thereof particularly described and designated in this section.

2. *And be it enacted*, That in the place of the said avenue, streets and parts thereof, so vacated as particularly mentioned and described in the first section of this act, the following avenues and streets to be laid out and extended, to wit: South avenue sixty feet wide from Avenue D to Avenue A, parallel to the line of the Central Railroad of New Jersey, and distant two hundred and eighty feet from the centre line of the said railroad track to the centre of said South avenue; Latourette street, sixty feet wide, from Avenue D to Avenue A, between Fifth street and South avenue, parallel with and distant from South avenue three hundred and sixty feet from centre to centre; North avenue, sixty feet wide, from Avenue A to Sixteenth street, on the north of the line of the said Central Railroad of New Jersey, parallel therewith, and distant two hundred and eighty feet from the centre of said railroad to the centre of said street; Avenue P extended of same width as now designated on said map, northerly from Fifth street to South avenue, and at right angles with the last named street; Avenue Q extended same width as now designated on said map, northerly from Fifth street to South avenue, and at right angles with the last named street; Avenue R one hundred feet wide, on the line as now designated on said map, from First street, northwardly to Fifth street, and from that point extended seventy feet wide, northwardly from Fifth street to South avenue, and at right angles to the

Streets laid out and extended.

last named street; Avenue B extended from Fifth street, sixty feet wide, northward on the division line of lands now or formerly of the estate of David Latourette, and that of the heirs of Jasper Garretson, deceased, to South avenue; Ingham avenue, as designated on said map, extended same width, from the corner of Fourth street, in a straight line northwardly to a point where it intersects Oak street, at right angles; and Oak street, sixty feet wide, commencing at a point in the centre of, or intersection of, Linnet street and Orient street, and running on a line parallel with Fifth street, to a point where it intersects with East street, at right angles; and Brighton street sixty feet wide; parallel with Ingham avenue, and distant therefrom two hundred and sixty feet from centre to centre, running from the Kills northwardly, to a point where it intersects with Oak street at right angles; and East street, sixty feet wide, parallel with Brighton street, and distant therefrom two hundred and sixty feet from centre to centre, and running from the Kill Von Kull northwardly to a point where it intersects Oak street at right angles; and Fifth street, extended same width easterly from Ingham avenue, on a direct line to the centre of East street, at right angles; and Avenue E seventy feet wide from a point one hundred and seventy-six feet north from the north line of Van Buskerck avenue, and seventy feet west from the westerly side of the Central Railroad running south to Van Buskerck avenue; and Crescent avenue fifty feet wide, from the south line of Van Buskerck avenue, following the curve of the northwesterly line of the Central Railroad of New Jersey to Sixteenth street; all of which avenues and streets herein described, are declared public streets and avenues, and are hereby established as such, the same in all respects as if they had been originally designated on the said commissioners' map; *provided*, that in the laying or opening of any of the streets or avenues hereinbefore mentioned, any lots or property shall be taken or damage thereto shall accrue, the assessment for damages and rewards for benefits shall be adjusted by commissioners in the same manner as now provided for in the law relative to opening streets and avenues, to which this is a further supplement.

Proviso

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

Approved April 2, 1868.

CHAPTER CCLXXXV.

An Act to incorporate the Union Cornet Band of the city of Camden, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William H. Jenkins, Philip Stephany, Charles Frost, David Gaunt, Charles Baxter, Thomas R. Grapewine, William W. Donley, George W. Hart, Josephus Jennings, William Whitley, Elijah Lamb, Abel Clements and their successors, be and they are hereby constituted and declared to be a body corporate, in fact and in law, by the name of the "Union Cornet Band of the city of Camden, in the State of New Jersey." Corporators. Name.

2. *And be it enacted*, That the capital stock of said company shall be five thousand dollars, and shall be devoted to the erection of a building and the procurement of such uniforms, instruments, and the defraying of such expenses as shall be incident to the more efficient organization of said company. Capital stock.

3. *And be it enacted*, That said company shall have power to elect, once in each year, 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, in conformity with the laws of this state and the United States; and that 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 the said company in its corporate name may institute suits for the recovery of all fines, dues, debts and arrearages due the said company, and may purchase, hold, and transfer any real and personal estate which they may deem necessary for the purposes contemplated by this act. Officers.

4. *And be it enacted*, That the above named corporators shall act until their successors are duly elected and qualified, and that the election for officers of the said company shall be annually on the first day of July in each and every year, and shall be by ballot; and in case said incorporators shall fail to elect their officers on the day specified herein, it shall and may be Failure to elect officers not to dissolve

New Jersey State Library

lawful for them to elect the same on any day during said year.

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

Approved April 2, 1868.

CHAPTER CCLXXXVI.

An Act to incorporate the Great Western Express Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William H. Perry, Tompkins A. Lewis, Hugh C. Hinman, Enoch Taylor and Oliver H. Perry, together with such other persons as shall subscribe to the stock hereinafter authorized, and their successors, be and they are hereby constituted a body corporate in law, by the

Name.

name of "The Great Western Express Company," for the purpose of carrying on a general forwarding and express

Objects of corporation.

business in the transportation from place to place of all goods, chattels, merchandise, bullion, specie, money, bills, notes, bonds, mortgages and other property, which may be entrusted to said company for such purpose.

Capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be three hundred thousand dollars, and may at any time, by the vote of a majority in value of the stockholders of said company, be increased to five 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 the company, and subscriptions thereto shall be made and be paid in at such times, in such manner, and upon such notice as the directors of said company may appoint; and the office of said company shall be located in Jersey City, where all elections for directors and officers shall take place.

May purchase and hold real estate, &c.

3. *And be it enacted*, That the said company may commence business whenever one hundred thousand dollars of the capital stock shall have been subscribed for, and for carrying out the purposes mentioned in the first section of this act, may purchase or receive, and hold and use such real and personal

property as the said company may deem necessary for the convenient transaction of the business aforesaid.

4. *And be it enacted*, That the property and business of said company shall be managed and conducted by a board of five directors, a majority of whom shall constitute a quorum for the transaction of business, and who, as soon as practicable after their election, shall appoint a president, secretary and treasurer from among their number; the said directors shall be elected annually, on the second Tuesday of each January hereafter, by the stockholders of said company, in such manner as the said company may prescribe; said directors shall hold their office for one year and until their successors are chosen; and it shall be the duty of the said secretary to notify the stockholders in said company of such meetings for the election of directors, by mailing to the address of each stockholder, as the same appears on the books of the company, at least thirty days before such meeting, notice of the time and place, when and where the same shall be held; and at all elections of directors each stockholder shall be entitled to cast one vote for each share of the stock he or she may hold in said company, and may cast the same in person or by proxy duly authorized; *provided*, that only stockholders in said company shall be eligible as directors. Directors, how elected. Proviso.

5. *And be it enacted*, That the corporators named in the first section of this act shall constitute the board of directors of said company until the first election of directors pursuant to the provisions of this charter hereinafter made; and in case an election of directors shall not be regularly held on any day specified therefor, this charter shall not be void by reason of the want of such election, or of any irregularity therein, but such election shall be held as soon as practicable thereafter, upon notice given as aforesaid; any vacancy occurring in the board of directors by the death, resignation or removal of a director, may be filled by the remaining members of said board. Failure to elect no forfeiture.

6. *And be it enacted*, That the board of directors of said company may make all such by-laws, rules and regulations as they may deem proper, consistent with the constitution and laws of this state, and may provide for general or special meetings of the stockholders, and shall have power to sell, mortgage or otherwise dispose of the real and personal property of said company, and to purchase and hold real and per- Powers of directors.

sonal property for the purposes specified in the first section of this act, and to make contracts with persons and corporations for the convenient transaction of the affairs of said company.

Forfeiture for non-payment of installments.

7. *And be it enacted*, That if any stockholders in said company, after being duly notified to pay any installment on his or her stock lawfully required, shall refuse or neglect to pay such installment at the place and time appointed, and for the space of thirty days thereafter, such stockholder shall forfeit to the use of said company every share of stock on which the installment so required remains unpaid.

May vest all powers in the board of directors.

8. *And be it enacted*, That at any lawful meeting of the stockholders, a majority in value of those voting may vest any or all the powers of the said corporation in the board of directors, who may thereupon exercise powers so vested as fully to all intents and purposes as the said corporation is or may be entitled by law to exercise the same; *provided*, that at any lawful meeting, the said stockholders may by a similar vote revoke any of the powers so vested.

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

Approved April 2, 1868.

CHAPTER CCLXXXVII.

An Act to incorporate the State Insurance Company of the City and County of Camden.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders in the capital stock hereinafter mentioned, their successors and assigns, are hereby constituted and made a body politic and corporate by the name and style of the "State Insurance Company," and by that name shall be known in law, and have power to sue and be sued, to defend and be defended, in all courts whether in law or equity; and by that name may also have, purchase, possess and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels and effects, of what nature or kind soever, necessary for the purposes of this corporation, and grant, demise, alien and dispose of the same, at pleasure, for the

Name.

General powers.

benefit of the said company; and may also have a common seal, and alter and renew the same at pleasure; and also, create and establish such by-laws and regulations as shall seem necessary and expedient for the government of said corporation, and put the same in execution; *provided*, the same be not contrary to the laws of this state or of the United States. Proviso.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, which shall be divided into shares of fifty dollars each; and there shall be paid into the treasury of the said corporation, by each subscriber of the capital stock, at the time of subscribing, an installment of five per centum on the capital stock by him subscribed for, the remainder to be paid in, in such installments, at such times, and upon such notice, as the board of directors of said corporation may determine; and the said company shall not commence the business of insurance hereby authorized until twenty-five thousand dollars of the capital herein authorized, is actually paid into the treasury thereof. Capital stock.

3. *And be it enacted*, That the business, property and affairs of said company shall be managed and conducted by ten directors, elected for two years, a majority of whom shall be citizens of this state; *provided*, that at the first election the said directors shall be divided into two equal classes, the term of the first class to expire on the second Tuesday of April next ensuing, or as soon thereafter as others may be elected in their place, and the term of the second class to expire on the second Tuesday of April in the following year, or as soon thereafter as others may be elected in their place; so that one-half may be chosen every year. Directors divided into classes.

4. *And be it enacted*, That there shall be an annual election of five directors on the second Tuesday of April in every year, to fill the vacancy of those whose term shall have expired, to be held at the office of the company or such other place as a majority of the directors may designate, of which said election a public notice shall be given, by the secretary, in the newspapers published in the city of Camden, at least two weeks previous to the time of holding the same; that such election shall be held under the direction of three stockholders, appointed by the directors, shall be by ballot, by plurality of votes of the stockholders; and each share of stock shall entitle its owner to one vote at each election, to be given either in person or by proxy; that if any of the directors shall die or refuse to Directors, and how elected.

act for the space of three months successively, then, and in every such case the remaining directors shall have power to fill such vacancy or vacancies for the unexpired term thereof; that in case it should happen an election for directors should not be held on the day, when, pursuant to this act, it ought to have been held, the said corporation shall not for that cause be dissolved, but it shall and may be lawful to hold such election on any other day appointed by the board of directors; and that the office and records of the company shall be kept in the city of Camden, in the county of Camden, in this state.

Commissioners to open books of subscription.

5. *And be it enacted*, That Peter L. Voorhees, Thomas McKeen, James B. Dayton, Isaiah Woolston, Joseph J. Read, James L. R. Campbell, Benjamin D. Shreve and Christopher A. Bergen, shall be commissioners to receive subscriptions to the capital stock of said company; and when the said stock shall be subscribed for and paid in, as mentioned in the second section of this act, the commissioners shall call a meeting of the stockholders, by an advertisement, published at least two weeks previously in the newspapers published in the city of Camden, stating the time and place at which such meeting of the stockholders shall be held, who shall by ballot elect the first directors of said company; said commissioners shall appoint three stockholders inspectors of said election, and should there be any deaths or resignations among the commissioners above appointed, then the remainder shall elect others to supply the vacancy or vacancies so occasioned.

President.

6. *And be it enacted*, That it shall be the duty of the directors on organizing the company, and annually thereafter, to choose one of their number to be president, to serve for the ensuing year or until another shall be chosen; and in case of the death, resignation, or inability to serve of the president, such vacancy may be filled by the board of directors for the remainder of the term; and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall exercise all such powers and duties as the president might exercise.

Officers.

7. *And be it enacted*, That the board of directors for the time being shall have power to appoint during their pleasure a secretary, and such other officers as they shall deem necessary for carrying on the business of the company, and allow them respectively such compensation for their services as may in their judgment be deemed reasonable.

8. *And be it enacted*, That said company shall have power, first, to make insurance upon vessels, freights, goods, wares and merchandise, and to make all and every insurance connected with marine risks and the risks of transportation and inland navigation; second, to make insurance upon dwelling houses, stores, and all kinds of buildings, and upon household furniture, merchandise and other property, against loss or damage by fire, upon such rates and conditions as shall be contained in the policy of insurance; third, to cause themselves to be insured when deemed expedient. Powers of insurance.

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

10. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold such and so much real estate as shall be necessary for their convenient accommodation in the transaction of their business, and also to take and hold any real estate or securities, bona fide mortgaged or pledged to said company, to secure the payment of any debt which may be contracted with them, and also to proceed on said mortgage or other securities for the recovery of the moneys thereby secured, either at law or in equity, and to purchase on sales made under such proceedings, or otherwise to take and receive any real estate in payment or toward satisfaction of any debt previously contracted with or due to said company, and the said real estate to mortgage, sell, exchange or otherwise dispose of; and said company may invest their capital and accumulating premiums from time to time in public stocks, bonds and mortgages, as the directors may approve; *provided*, nothing in this act contained shall authorize said company to use its funds for banking purposes. May purchase and hold real estate. Proviso.

11. *And be it enacted*, That the capital stock of said corporation shall be transferable according to the rules and regulations prescribed by the directors; and in case a subscriber or stockholder of any share or shares of said stock shall fail or refuse to pay any installment on his or her stock when called in by the directors, and required to be paid pursuant to Non-payment of installments incur a forfeiture.

the provisions of this act, it shall and may be lawful for the directors of said company, and they are hereby authorized, to forfeit the shares of each and every person so failing to pay such installments, or any of them, to and for the use of the company, or, at their option, to sue for and recover the installment or installments so remaining unpaid of the person or persons in whose name such stock shall stand on the books of the company at the time of calling in such installments respectively.

Dividends.

12. *And be it enacted*, That it shall be lawful for the directors to make dividends of so much of the profits of the company as shall appear advisable among the stockholders, which dividends shall be paid to the parties entitled thereto, or to their legal representatives.

13. *And be it enacted*, That this act shall continue in force during the pleasure of the corporators; but the legislature may at any time modify, alter or repeal the same.

Approved April 2, 1868.

CHAPTER CCLXXXVIII.

A Supplement to the act entitled, "An Act to incorporate the Camden Horse Railroad Company," approved March twenty-third, eighteen hundred and sixty-six.

May build a road on certain streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Camden Horse Railroad Company be and they are hereby empowered to build, maintain and use a railroad on Delaware, Market and such other streets in the city of Camden as may be deemed necessary for the business of said company.

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

Approved April 2, 1868.

CHAPTER CCLXXXIX.

An Act to incorporate the Elizabeth Port Savings Bank.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Wade B. Worrell, John H. Rolston, John Sammis, John Kidd, Abraham Baiz, Charles E. Moore, Richard Frohwein, Thomas Driver, Louis Brann, Robert B. Thompson, Patrick Gannon, Albert Manvel, John H. Whelan, William Smith, Patrick McGuire, Albert Dabb, Otto Waters, David Walker, Joseph Alward, Luther T. Hand, William Kennedy, Jabez B. Cooley, John Brown, William A. Morrell, Julius Haguis, Samuel Huntsman, Elias D. Smith, James C. Fairbank, John McAdams and Edward McGrath, and their successors, shall be and hereby are constituted a body corporate and politic, by the name of "The Elizabeth Port Savings Bank," to be located in Elizabeth. Corporators. Name.

2. *And be it enacted*, That the business of said corporation shall be conducted by not less than twelve nor more than thirty managers, five of whom shall constitute a quorum, and the seat of any manager who shall have neglected to attend for six successive meetings, may be vacated by the board; and when the seat of any member shall from any cause become vacant, the other members may fill such vacancy by the vote of two-thirds of their number; and the persons named in the first section of this act, shall constitute the first board of managers of the corporation, and the said board shall hereafter meet annually upon the third Tuesday of April, and choose from their number a president and vice president, and appoint a secretary and treasurer and such subordinate officers or agents as may to them appear to be necessary for conducting the business of the corporation, which officers so chosen and appointed, shall continue in office for one year, and until others are chosen or appointed in their place, and shall be under oath for the faithful performance of the duties of their respective offices. Conducted by board of managers. Officers.

3. *And be it enacted*, That the board of managers have power from time to time to make, ordain and establish such by-laws and regulations as they shall judge proper for the transacting, managing and directing the affairs of the corporation; *provided*, that such by-laws and regulations shall not Powers of managers. Proviso.

be repugnant to the constitution and laws of the state or of the United States, and shall not at any time be altered so as to affect any deposit of money previously made.

May receive deposits.

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

Moneys, how invested.

5. *And be it enacted*, That the said corporation may invest the money left with them on deposit in no other public stocks or bonds other than such as are created and issued by the United States, or by the several states of the Union, or by the several counties and cities in the different states under the laws thereof, nor upon bond and mortgage, except on unencumbered real estate, worth at least double the amount invested; *provided*, said corporation may make temporary loans upon personal securities, with pledges of collateral securities worth at least twenty per centum more than the amount loaned; but the amount thus loaned on personal security shall not at any time exceed twenty per centum of the whole amount of the assets and securities of the said corporation.

Proviso.

May regulate rate of interest.

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

Proviso.

Proviso.

surplus or contingent fund shall be allowed for moneys which have been withdrawn from deposit.

No officer shall receive emolument, &c.

7. *And be it enacted*, That no president, vice-president or manager of the said corporation as such, shall be entitled to, or receive any emolument or compensation for his services, and that no officer or manager shall, directly or indirectly, become the hirer or borrower, or surety for any hirer or borrower of the funds of the corporation; *and also*, that the corporation shall not take nor hold the bond, mortgage or other security for the payment of money which may be drawn or endorsed by, or may exist against, any officer or manager of the corporation.

Minors may make deposits and receive moneys.

8. *And be it enacted*, That it shall be lawful for the said corporation at their discretion, to pay to any depositor being a minor, such sum not exceeding five hundred dollars, as may be due to such depositor, in cases where no guardian shall have been appointed in his or her behalf; and that the receipt or acquitance of such minor shall be as valid as though the same were executed by his or her guardian duly appointed; *provided*, such deposit shall have been made personally by such minor, and not by any other person, for his or her benefit.

Proviso.

Married females may make deposits and receive moneys.

9. *And be it enacted*, That in case the said corporation shall receive any deposit or deposits from any married female, or from any single female who may afterwards marry, it shall be lawful for the said corporation to hold the same together with the interest or dividends which may accrue thereon, as the sole and separate property of such female, as though she were single, not subject to the control nor liable for the debts of her husband, and to repay the same and the interest and dividends, or any part thereof, upon her check, order, receipt or demand without the concurence of her husband; and such payment shall exonorate and discharge the said corporation from any further liability by reason thereof.

May purchase hold and convey real estate

10. *And be it enacted*, That the said corporation may purchase and hold, in fee simple or otherwise, any real estate or personal property; and the said corporation may sell, lease, or otherwise dispose of, the said real estate or personal property, or any part thereof, at their will and pleasure; *provided*, that no purchase or sale of real estate shall be made without the consent of a majority of all the managers.

Proviso.

Annual report to legislature.

11. *And be it enacted*, That it shall be the duty of the said corporation to make an annual report of its affairs and

the state of its funds to the legislature of this state, which report shall be verified by the oaths or affirmations of the president and treasurer of the said corporation.

12. *And be it enacted*, That this act shall be construed in all courts favorably and benignly for every beneficial purpose therein intended, and that no misnomer of the said corporation, in any deed, grant, devise or other instrument of contract or conveyance shall vitiate or defeat the same; *provided*, the corporation shall be sufficiently described, so as to ascertain the intention of the parties.

Proviso.

13. *And be it enacted*, That this act shall take effect immediately, and continue in force twenty years.

Approved April 2, 1868.

CHAPTER CCXC.

A Supplement to an act entitled "An Act to incorporate the Water Gap and State Line Railroad Company," approved March nineteenth, eighteen hundred and sixty-seven.

Route of railroad, and may construct a bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Water Gap and State Line Railroad Company may construct its railroad by such route as shall be most expedient, (from the state line near Port Jervis, to a point in New Jersey opposite the mouth of Broadhead's creek, in the state of Pennsylvania; *provided*, it be west of the Blue Mountains, and east of Delaware river,) and may with the consent of the state of Pennsylvania construct a bridge across the Delaware river, in the vicinity of Broadhead's creek in the state of Pennsylvania, and connect with the Delaware, Lackawanna and Western railroad, at or near said bridge, and said company may extend said railroad from the northerly line of this state, to the village of Port Jervis when permitted to do so by the legislature of the state of New York.

Proviso.

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

Approved April 2, 1868.

CHAPTER CCXCI.

An Act to incorporate the State Line Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Garret G. Ackerson, John Hopper, Robert Rennie, John H. Zabriskie, Cornelius L. Blauvelt, Manning M. Knapp and John J. Ward, 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 State Line 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. Corporators. Name.

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. 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 all the newspapers published in the several counties through which said road may pass; and if more than two hundred thousand dollars of stock be subscribed it shall be the duty of the said commissioners to make such apportionment of the stock among the subscribers as they shall think best calculated to secure the speedy construction of said road. Commissioners to open books of subscription.

4. *And be it enacted*, That at the time of subscribing for said stock, or as soon thereafter as said commissioners shall demand the same, ten per centum shall be paid upon the amount subscribed for, to the commissioners or some one of them; and when twenty thousand dollars of the capital stock shall be subscribed for in cash, it shall be lawful for 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 Directors, and how elected.

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 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.

Not dissolved by failure to elect directors.

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 offices until others shall have been chosen in their places.

Payment of installments.

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 installments and at such times as they may direct, by giving thirty days' previous notice in all the newspapers published in the several counties through which said road may pass; *provided*, that no installment shall exceed ten dollars on each share, and that no two installments shall be required to be paid within thirty days of each other; and in case of the non-payment of said installments, or any one of them, they shall have power to forfeit the share or shares upon which said default shall arise to the

Proviso.

said corporation; and the said directors shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear useful and proper touching the management and regulation of the stock, property, estate, effects and business of the said corporation, and also shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix such salaries to them and to the president as the said board shall think proper.

May survey, lay out, and construct a railroad, and the route.

7. *And be it enacted*, That the president and directors of said company be and are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from the northerly terminus of the Hackensack and New York Railroad, in the county of Bergen, to any point in the line between the states of New York and New Jersey, between the Hackensack river and the Paterson and Ramapo Railroad, now leased to the Erie Railway Company, 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 case 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 hereafter provided for.

May enter on lands, &c.

Proceedings when company and owners of property cannot agree.

8. *And be it enacted*, That if the said company or its agent or agents, cannot agree with the owner or owners of such required lands or materials for the use or purchase thereof, or if by reason of legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands or materials so requ red 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 or publication of such notice as aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents of this state, commissioners to examine and appraise the said lands 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 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 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 description 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 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.

Proceedings in case of appeal.

9. *And be it enacted*, That in case the said company or owner or owners of said land shall be dissatisfied with the report made by the commissioners named in the preceeding 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 filing 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 offered, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury or execution awarded therefor, as the court shall direct; and if the party 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.

Must construct crossings and wagon ways.

10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient crossings over 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 it shall be lawful for this company to contract with any other company for running the trains of this company over their road, or for this company to let and lease their road to the Hackensack and New York Railroad Company, to run and operate the same; and if the company created by this act shall desire to connect, at its southerly terminus, with any other road in this state, now built or hereafter to be built, then it shall be lawful for them to do so, and to make like contracts and leases with such company, upon the consent of a majority of the board of directors of the Hackensack and New York Railroad Company being first obtained for that purpose.

May connect with other roads.

Rate of transportation.

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 and three cents per mile for every pas-

Proviso.

senger 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 and 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 the 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*, 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 revested 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.

Declared a public highway.

Proviso.

Proviso.

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, declare such dividends, and pay the same to the stockholders or their legal representatives, in proportion to the amount of stock held by them respectively.

Dividends.

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 five acres in each place, and may erect and build thereon warehouses

May hold real estate.

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 road or its appurtenances.

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 or 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.

Shall file a statement of cost with secretary of state

15. *And be it enacted*, That as soon as the said railroad, or any part of it, is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages, and all expenses, in the office of the secretary of state; and annually thereafter, on the first Monday in January of each year, he shall, under oath or affirmation, make a statement to the secretary of state of the cost, equipment, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for the purpose at the time of the passage of such law or laws; and until the said railroad or any part thereof shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property, as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate and in the same manner, for the same purposes, and by the same person or persons, as other taxes assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

State tax.

Proviso.

State may take road on payment of appraisement.

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; Proviso. *provided*, that the valuation of said road shall in no case exceed the first cost thereof.

17. *And be it enacted*, That the said corporation shall have May borrow money on bond and mortgage. 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 use and objects of the said company, and to secure the repayment thereof by bond and mortgage, or otherwise, on the said roads, lands, franchises and appurtenances of or belonging to said corporation, to the extent of one hundred 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.

18. *And be it enacted*, That if the said railroad shall not Limitation. 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.

19. *And be it enacted*, That the governor, the chancellor, Passes. 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 their term of office, may pass and repass upon said railroad in the cars of the company free of charge.

20. *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 April 2, 1868.

CHAPTER CCXCII.

A Supplement to "An Act to authorize the Water Commissioners of the City of Hoboken to contract for and introduce water into said city, and to provide for the payment thereof," approved March twentieth, eighteen hundred and fifty-seven.

Publication of proceedings and statement of receipts and expenditures.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said board of water commissioners are hereby required to cause to be published the proceedings at their several meetings as they take place; and at the expiration of each and every financial year they shall cause to be made out a full and detailed statement of all the receipts and expenditures for the year last past, and after attesting the same by their authorized clerk, cause the same to be published; said publication of proceedings and annual statement to be made in the newspapers published in said city of Hoboken, now designated to publish the laws of this state.

Register of board of water commissioners.

2. *And be it enacted*, That at the annual charter election to be held in said city of Hoboken in the year eighteen hundred and sixty-eight, and every third year thereafter, there shall be elected a register for said board of water commissioners of the city of Hoboken, who shall hold his office for three years next ensuing such election, and any vacancy that shall occur in said office shall be filled by the said water commissioners, but the person so appointed to fill such vacancy shall only hold his office until the next charter election, when an election shall be held to fill said office for the unexpired term thereof, and hereafter the said board of water commissioners shall have no power to appoint any person to fill said office of register, except in case of vacancy as above; *provided however*, that said register so elected shall be subject to the rules and

Proviso.

regulations of the board of water commissioners and be removable by said board for cause by them deemed sufficient.

3. *And be it enacted*, That the said register hereafter to be elected shall give a bond with two good and sufficent sureties to the city of Hoboken in its corporate name, in the sum of ten thousand dollars, for the faithful performance of his duties. Register shall give bond.

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

Approved April 2, 1868.

CHAPTER CCXCIII.

An Act to incorporate the Mine Brook Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Garret P. Bergen, Cornelius W. Schomp, William G. Steele, Albert H. Hager, John J. Bergen, Ralph Davenport, Eugene S. Doughty, James W. Arrowsmith, Charles S. Quimby, and such other persons as may hereafter be associated with them, their successors and assigns, shall be and they are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in law, by the name of "The Mine Brook 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. Corporators. Name.

2. *And be it enacted*, That the amount of the capital stock of said company shall be five hundred thousand dollars, with liberty to increase the same to one million 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. Capital stock.

3. *And be it enacted*, That the above-named persons, or a majority of them, may open books to receive subscriptions to the capital stock of the said corporation at such time or times, and place or places, as they, or a majority of them, may think Corporators to open books of subscription.

proper; and as soon as one hundred thousand dollars shall be subscribed, and ten per centum thereof paid in cash by said subscribers, to give at least three weeks' notice, in the newspapers of Somerset county, for a meeting of the stockholders to choose nine directors; and such election shall be made at the time and place appointed by said stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the above-named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, and at the succeeding annual elections of the said corporation, shall, as soon as may be after every election, choose out of their own number a president; and in case of of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power as the by-laws of the said corporation shall provide.

Directors, and how elected.

President.

Failure to elect directors not to dissolve

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

Capital, how paid in, and forfeited for non-payment.

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of the said corporation, and shall have power to call in the capital stock of said company by such installments, not exceeding ten per centum each, and at such times and places as they may direct; and in case of the non-payment of said installments, or any one of them, upon due notice being given, or within thirty days thereafter, the share or shares, together with all previous payments thereon, upon which such default shall arise,

may be forfeited to the use of said corporation, by a vote of the directors.

6. *And be it enacted*, That the president and directors be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some suitable point of intersection on the road of the Central Railroad Company of New Jersey, west of Bound Brook and east of White House, to some point in or near the village of Morristown, in the county of Morris, not exceeding one hundred feet in width, except in those places where, from the depth of the excavation or the height of the embankment, it is necessary to take more land for the slope and protection of the side banks of the said railroad, or where it is necessary to procure materials for the construction or repair of the said railroad, in which cases, so much land as may be necessary for the purpose, and no more, shall be taken, with as many sets of tracks and rails as they may deem necessary; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, levelling or laying out the route of such railroad and locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, and all other works necessary, to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment or tender of payment of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such lands be first had and obtained.

May lay out and construct a railroad.

May enter on lands, &c.

Proviso.

7. *And be it enacted*, That when the said company or its

Proceedings when the company and owners of property cannot 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 legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of the said road, shall be given in writing under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof as he shall direct, for any term not less than six days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, not resident in the county in which the lands or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said 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 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 proceed to view and examine the said land or materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages as shall be paid by said company for such land 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 lands or materials are situate, to remain of record therein, which report, or a copy thereof, certified by the clerk

of said county, shall at all times be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possess and enjoy the said lands or materials, or of the said owner or owners to recover the amount of said valuation with interest and costs, in any action of debt in any court of competent jurisdiction, in any suit to be instituted against the company if they shall neglect or refuse to pay the same, for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage; and the said justice of the supreme court shall, upon the application of either party, and on reasonable notice to the other, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the said company.

Proceedings in case of appeal.

8. *And be it enacted*, That in case the said company, or the owner or owners of the said land or materials, shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the supreme court at the next term after the filing of the said report, the court shall have 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 cost 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 or materials 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.

Required to construct and keep bridges in repair.

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

Rates of transportation.

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

Proviso.

Dividends.

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

Penalty for injury to road, &c.

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

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

and hold real estate at the termini of their railroad and at any intermediate stations upon the line of the same, not exceeding five acres at each place, and may erect and build thereon such houses, warehouses, machine shops, and other buildings and improvements as they may deem expedient for the safety of property and the construction and repairing of cars, carriages, steam engines, and for all other necessary uses, which said land shall be obtained in the manner provided in the seventh section of this act. May purchase and hold real estate.

14. *And be it enacted*, That as soon as the railroad or any part thereof, with its appendages, shall be finished so as to be used, the president of said company shall file, under oath or affirmation, on the first Monday in January of every year a statement of the amount of the cost of said road, including all expenses, and the amount of all purchases made by virtue of this act, in the office of the secretary of this state; after the railroad or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state, a tax of one-half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter on the first Monday of January of each year, and such other tax as may be assessed from time to time by a general law, applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such laws; *provided*, that no other tax or impost shall be levied or assessed upon said company. Must file statement of cost, &c., with secretary of state. Annual tax to be paid to the state. Proviso.

15. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money from time to time, not exceeding two-thirds of the capital stock actually paid in, as shall be necessary to build, construct, operate or repair said road and furnish the said corporation with all the necessary engines and machinery for the uses and objects of the said company, and to secure the repayment thereof by bond and mortgage or otherwise on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury in any suit in law or equity instituted to enforce the payment of any bond or mortgage executed under this section. May borrow money on bond and mortgage. Proviso.

16. *And be it enacted*, That at any time after the expiration of thirty years from the completion of the said road, the State may take road on appraisement.

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 the state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature within one year from the time of their appointment; or if they cannot agree, they shall choose a seventh, who with the aforesaid six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part, for two months after 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 payment to the company of the amount of the said report, within one year after electing to take said road, which report shall be filed in the office of the secretary of this state; and the whole property and interest of said road and the appendages thereof shall be vested in the state of New Jersey upon payment of the amount so reported to the said company, and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the cost of said road and of all the receipts and disbursements of the company.

Limitation.

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

State officers to pass free.

18. *And be it enacted*, That the governor, attorney general, the chancellor, the justices of the supreme court, and the judges of the court of errors of this state, and the state superintendent of public schools, when 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 its annual or other sessions, shall pass and repass over the said railroad in the cars thereof free of charge.

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

Approved April 2, 1868.

CHAPTER CCXCIV.

An Act to incorporate the Medford and Camden Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Ellis, George Steton, Zebedee R. Wills, Thomas Evans, William Garwood, Jonathan Oliphant, William Braddock, junior, Lewis L. Sharp, M. D., Jacob B. Braddock, Freedom W. Lippincott, Benjamin D. Shreve, Ezra Evans, Thomas Evans, Joseph C. Hinchman, William R. Braddock, Isaac Witkins, and such other persons as may hereafter be associated with them shall be and they are hereby ordained, constituted and declared to be a body corporate and politic in fact and in law, by the name of "The Medford and Camden Railroad Company," and by that name they and their successors and assigns shall and may have continual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter, and they and their successors by that name and style shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient to the objects of this incorporation. Corporators. Name.

2. *And be it enacted*, That the capital stock of the said company, shall consist of two hundred and fifty thousand dollars, with liberty to increase the same to five 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 by-laws of the said corporation shall direct. Capital stock.

3. *And be it enacted*, That the above named persons or a

Commissioners to open books of subscription.

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, by giving ten days' previous notice in two or more newspapers published in Camden, and two or more newspapers published in Burlington county; and at the time of subscribing for said stock ten per centum on each share subscribed shall be paid to said commissioners; that whenever there shall be one thousand five hundred shares of said stock subscribed, the said commissioners shall give notice as above, for a meeting of the stockholders to choose nine directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of capital stock entitling the holder thereof to one vote; and the said commissioners or a majority 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 and the money paid in to said directors; and the time and place of holding the first meeting of directors, shall be fixed by the persons who act as inspectors aforesaid, 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 will provide.

Directors how elected.

President.

Failure to elect directors not to work a dissolution.

4. *And be it enacted*, That annual elections for directors shall be held at such times and places as the board of directors shall hereafter direct, of which election notice shall be given at least two weeks in two or more county newspapers, published in Camden and Burlington counties, and 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 the said election shall be held as soon thereaf-

ter as possible, and public notice shall be given as hereinbefore directed, and the directors for the time being shall continue to hold their office until others shall have been chosen in their places.

Directors may call in capital

5. *And be it enacted*, That a majority of said directors 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 installments, not to exceed ten dollars on each share at any one time, and at such times as they may direct; *provided*, that such installments shall not be called for at a shorter period than thirty days from each other; and in case of the non-payment of said installments or any part of them to forfeit the share or shares upon which such default shall arise to and for the use of such corpoation; and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper touching the management and regulation of the stock, property, estate and effects of the said corporation, and also shall have power to appoint such officers, engineers, superintendents, 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.

Proviso.

Failure to pay installments to work forfeiture.

May lay out and construct a railroad and route.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey and lay out and construct a railroad from some suitable point at or near the village of Medford, in Burlington county to some suitable point within or near the city limits of Camden, passing through or near Marlton, Ellisburg and Cooperstown, and with the privilege of connecting at either terminus with any railroad or railroads now or hereafter to be built, the said railroad not to exceed one hundred feet in width, except in such places where from the depth of the excavation or the height of the embankment it is necessary to take more land for the slope and protection of the side banks of said railroad, in which case so much land as will be necessary for the purpose and no more shall be taken, with as many sets of tracks and rails as they may deem necessary.

May enter on lands, &c.

7. *And be it enacted*, That it shall be lawful for the said company, their officers, agents, engineers, superintendents and others in their employ to enter at all times upon lands, bridges and waters for the purpose of exploring, leveling, surveying and laying out the route of such railroad and of locating and

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

Proviso

Proceedings when company and owners of land cannot agree.

8. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required lands or materials for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or 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 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 ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal three disinterested, impartial and judicious freeholders, residents in the county in which the lands or materials in controversy lie, or the owner reside, commission-

ers to examine and appraise the said lands or materials, and to assess the damages, upon such notice to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding), to meet at the time and place appointed, and proceed to view and examine the said land or materials, and to make a just and equitable estimate or appraisement of the value of the same and assessment of damages as shall be paid by the 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 situated, to remain on 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 lands or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage; and the said justice of the supreme court shall, on application of either party, and on reasonable notice to the other, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the said company.

Further proceedings in case of an appeal.

9. *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 lands or materials and damages sustained, and if they 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 or materials 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 owners thereof being under any legal disability, the same being first paid into the court of chancery.

Must construct bridge and wagon ways.

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 and passages over or under the said railroad where any public or other roads shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be impeded thereby, and also where the said railroad shall intersect any farm or land of any individual to provide and keep in repair suitable wagon-ways over or under the said road.

May borrow money on bond and mortgage.

11. *And be it enacted*, That the said corporation shall have power to borrow from time to time such sum or sums of money as shall be necessary to secure rights of way, make surveys, to construct or repair said railroad, and to furnish the said corporation with the necessary engines, machinery, cars and buildings for the uses and objects of said corporation, and to secure the repayment thereof by bond and mortgage, or otherwise, on the said road or roads, lands, property, privileges, franchises and appurtenances of or belonging to said corpo-

ration, at the rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said corporation to plead any statute or statutes of this state against usury in any court of law or equity in any suit instituted to enforce the payment of any bond or mortgage executed under this section of this act. Proviso.

12. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company for its use, and to place on any railroad constructed by them under this act, all machinery, engines, cars, wagons, carriages or vehicles for the transportation of persons, or any species of property, as they may think fit, 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*, they shall not charge more than at the rate of eight cents per ton per mile for the transportation of property, and four cents per mile for carrying each passenger on said railroad, and no charge shall be required to be less in the aggregate than ten cents; and that the railroad or roads, and their appendages, and all the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatever belonging to the said company, at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns during the continuance of this act. Rates of fare and freight. Proviso.

13. *And be it enacted*, That the said company may have and hold real estate at or near either terminus of their railroad, not exceeding six acres at each place, and at any other points along the line of said road where the directors may think proper to establish depots, not exceeding two acres at each place, and may erect and build thereon houses, warehouses, machine shops, wharves, slips, and such other buildings and improvements as they may deem expedient for the safety of the property and the construction of carriages, engines and other necessary uses, and take and receive the rents, profits and emoluments thereof; and shall have the privilege and authority to erect, build and maintain over such rivers, creeks and streams as the road may cross such piers, bridges and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act; May hold real estate.

Proviso. *provided*, that the said company, whenever it may become necessary to cross any navigable river or creek with their road, shall construct a bridge or bridges, with suitable and sufficient draws, so as not to unnecessarily impede the navigation thereof.

Dividends. 14. *And be it enacted*, That the said company shall, within one year after the said railroad shall have been completed, declare and make such dividends as they may deem prudent and proper of the net proceeds thereof, and shall in like manner, semi-annually, declare such dividends and pay the same to the stockholders of the said company in proportion to the amount of shares held by them respectively.

May make contracts with other companies. 15. *And be it enacted*, That it shall be lawful for the said corporation, at any time during the continuance of its charter, to make contracts and engagements with any other corporation, or with individuals, for transporting or carrying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contract.

Penalty for injury to works. 16. *And be it enacted*, That if any person shall wilfully injure, impair, destroy or obstruct the use of any railroad constructed under the provisions of this act, or any other necessary works, wharves, bridges, carriages or machines, such person or persons so offending shall forfeit and pay to the said company three times the amount of damages sustained by means of such injury, to be by them recovered, with costs of suit, in any court having competent jurisdiction, in an action of debt.

When to go into operation 17. *And be it enacted*, That when five miles of the said railroad 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.

Must file a statement of costs and expenses with secretary of state. 18. *And be it enacted*, That as soon as the said railroad, or any part of it, is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of said railroad, including equipments, appendages, and all expenses, in the office of the secretary of state, and annually thereafter, on the first Monday in January in each year, he shall, under oath or affirmation, make a statement to the secretary of state of the cost, equipment, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation the said corporation shall pay to the treasurer of this state a tax of

one-half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws; and until the said railroad, or any part thereof, shall be in operation, the said corporation shall be regularly assessed, and pay tax for the value of its real estate, including improvements thereon, and personal property, as now taxed in the city or cities, township or townships, wherein it lies, at the same time and rate, and in the same manner, for the same purpose, and by the same person or persons as other taxes assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company. State tax. Proviso.

19. *And be it enacted*, That at any time after the expiration of thirty-five years from the completion of said road, the legislature of this state may cause an appraisement of the said road, and the appendages thereof, to be made, by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature within one year from the time of their appointment; or if they cannot agree they shall choose a seventh, who, with the aforesaid six, or a majority of them, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part for two months after notice of the said appointment by the chief justice, then the three so appointed by him shall proceed to make such appraisement, which shall be binding on the said company; or in case the six commissioners shall be appointed and they cannot agree upon a seventh man, then upon two weeks' notice to the said company the said chief justice shall appoint said seventh man as aforesaid to make such appraisement as aforesaid, and thereupon the state shall have the privilege for two years of taking the said road, with its appendages, upon the payment to the company of the amount of said report within one year after electing to take the said road; which report shall be filed in the office of the secretary of state, and the property and interest of said road and appendages thereof shall be vested in the state of New Jersey, upon the payment of the amount so reported to the said company; State may take road on appraisement.

and it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the cost of said road, and of the receipts and disbursements of the said company; *provided, always*, that the aforesaid valuation shall be made without any reference to the receipts or disbursements of the company, or the advancement of stock; and the said valuation shall in no case exceed the first cost or valuation of said road, with the appendages thereof.

Proviso.

Passes.

20. *And be it enacted*, That the governor, chancellor, the justices of the supreme court, and the judges of the court of errors and appeals of this state, the state superintendent of public schools, and the principal of the normal school, whilst travelling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, during the term for which they may be elected or appointed, shall pass and repass on the railroad of said company free of charge.

Limitation.

21. *And be it enacted*, That if the said railroad shall not be commenced in three years, and completed and in use from Medford to Camden within six years from the fourth day of July next ensuing, then and in that case this act shall be void.

22. *And be it enacted*, That this act shall be taken and deemed to be a public act, and shall at all times be recognized as such in all courts and places whatsoever; *provided*, that this corporation shall not be exempted from the provisions of the act entitled "An Act to increase the revenues of the state of New Jersey," approved March sixth, eighteen hundred and fifty-eight, as qualified by the supplement thereto, approved March eighteenth, eighteen hundred and fifty-nine.

Proviso.

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

Approved April 2, 1868.

CHAPTER CCXCV.

An Act to incorporate the Hamilton Horse Car Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Timothy Field, Albert J. Whitaker, John V. Hutchinson, John A. Roebling, Abner R. Chambers, James F. Rusling, George F. Brown, Isaac Stephens, Charles Hewitt, Gregory A. Perdicaris, Jacob Young, Samuel K. Wilson and Edward W. Scudder, and such other persons as may hereafter be associated with them, their successors and assigns, be and they are hereby created a body corporate and politic, in fact and in law, by the name of the "Hamilton Horse Car Railroad Company," and shall be capable of purchasing, holding, and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the object of the said corporation. Corporators. Name.

2. *And be it enacted*, That the amount of the capital stock of the said corporation shall be sixty thousand dollars, with the privilege of increasing the same to one hundred thousand dollars, and shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and be transferable in such manner as the said corporation by their by-laws shall direct. Capital stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places, as they or a majority of them may think proper, giving at least twenty days' notice of the same in the newspapers published in the county of Mercer, and that at the time of subscribing ten per centum shall be paid for each share subscribed for, to the commissioners or some one of them; and as soon as twenty thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice for a meeting of the stockholders, to choose seven directors, all of whom shall be stockholders, and a majority of whom 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 capi- Commissioners to open books of subscription. Election of directors.

tal stock entitling the holder thereof to one vote; and the said above named incorporators, or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting all expenses previously incurred, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said incorporators named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

President.

Not dissolved by failure to elect directors

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

Stock forfeited if installments are unpaid.

5. *And be it enacted*, That four directors of the said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company, by such installments and at such times as they may direct, and in case of the non-payment of said installments, or any one of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper touching the management and regulation of the stock, property, estate and effects of the said corporation, and also shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish 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 said corporation shall have power and authority to construct a railroad, and the necessary turnouts thereto, from the southerly terminus of Broad street, in the city of Trenton, or the railroad station there or near there, out and along the Crosswicks and Trenton turnpike, in Hamilton township, to Chestnut avenue, as the same now is or may hereafter be opened; thence upon and along said avenue, as now or hereafter opened, to Greenwood avenue; and thence along said Greenwood or other avenues or streets to the chief railroad station at Trenton, as the same now is or hereafter may be located, with branches upon and along such other avenues, streets or roads, now opened or hereafter to be opened in said Hamilton township, as may be deemed necessary; also to lease or purchase the franchise or franchises of any other horse railroad company, or any part thereof, and construct a like railroad over the route or routes authorized by the same; *provided*, the said railroad shall not be constructed upon or along any turnpike or highway belonging to any incorporated company, except for the purpose of crossing the same, without the consent in writing of the board of directors, or a majority of them, of said incorporated company being first had and obtained, nor upon or along any public road, street or highway, except for the purpose of crossing the same, in the said township of Hamilton, without the consent in writing of the township committee thereof, or a majority of them, being first had and obtained; *and provided, further*, that said railroad shall be so constructed as to interfere as little as conveniently may be with the avenues, streets and highways, in which it shall be laid; *and provided, further*, that said railroad shall conform with the grades of said streets or highways, as the same now or hereafter may be established by the proper authorities.

May survey, lay out and construct road.

Proviso.

Proviso.

Proviso.

7. *And be it enacted*, That the said company may purchase, have and hold, real estate along the line of their said railroad. at such place or places as may be deemed necessary, not exceeding two acres, at each place, or six acres in the aggregate, and may erect and build thereon, houses, warehouses, stables, machine-shops, and such other buildings and improvements as they may deem expedient for the safety of property, the construction of carriages and other necessary uses and take and receive the rents, profits and emoluments thereof.

May purchase and hold real estate.

8. *And be it enacted*, That if the said company or its agents

Proceedings when company and owners of property cannot agree.

cannot agree with the owner or owners of such land as may be required, for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land so required 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 court of common pleas of the county of Mercer, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct, for any time not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice as aforesaid, he shall appoint under his hand and seal three disinterested, impartial and judicious freeholders, residents of this state, commissioners to examine and appraise the said lands and assess the damages upon such notice, not less than ten days, to be given to the persons interested, or otherwise, as shall be directed by the judge making the appointment of commissioners; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation before some person duly qualified to administer the same, faithfully and impartially to examine the matter in question and make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to view and examine the said lands, the said commissioners at the same time taking into consideration all the benefits to be derived from, or in consequence of, said railroad, as the case may be, to the said owner or owners, and to make a just and equitable appraisement of the value of the same, and an assessment of damages to be paid by the said company, which report shall be made in writing under the hands of the said commissioners, or any two of them, and be filed within twenty days thereafter, together with the aforesaid description of the lands, and the appointments and oaths or affirmations aforesaid, in the clerk's office of the said county, to remain of record therein; which report, or in case of an appeal, the verdict of a jury and the judgment of the court, and a copy thereof certified by the

clerk of said county (the damages and costs assessed and adjudged being first paid as hereinafter mentioned) shall at all times be considered as plenary evidence of the right of said company, to have, hold, use, occupy, possess and enjoy the said lands, and either of the judges of the said court, shall on application of either party, on reasonable notice to the other, tax and allow such costs, fees and expenses to the judges of the said court, commissioners, clerks and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

Further proceedings upon an appeal to circuit court.

9. *And be it enacted*, That in case the said company, or owner or owners of the said lands shall be dissatisfied with the report made by the said commissioners named in the preceding section of this act, the party so aggrieved may appeal to the circuit court of the said county of Mercer, at the first term after filing 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 empanneled 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 said court are tried; and it shall be the duty of the jury to assess the value of the said land and the damages sustained, and if they shall find a greater sum than the commissioners have awarded or the company may have offered to the said owner or owners, then judgment thereon with costs, shall be entered against the said company, and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded or the company offered, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct, but such application shall not prevent the company from taking the said land upon filing the said report; *provided*, that in no case whatever shall the said company enter upon or take possession of the lands of any person or persons for the purpose of actually constructing said railroad, or of making any erections or improvements whatever, or otherwise appropriating said lands to the use of

Proviso.

the company until they have paid the party or parties entitled to receive the same the amount found by the said commissioners as the value of the said lands or damages, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners in case there shall be no appeal, or the amount found by the jury in case of appeal, shall refuse, upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, then payment of the amount assessed or found as aforesaid, into the circuit court of the county of Mercer, 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 debarred thereby from an appeal from the report of the commissioners; and it shall be lawful for said company, and they are hereby authorized with their road to cross the line of any other railroad; *provided*, that the grade of the road hereby authorized, at the point or points of crossing such other railroad, shall correspond with the grade of the railroad so to be crossed, or otherwise at such point or points shall be constructed a viaduct of such height as not to interfere with the passage of the trains upon such other railroad; and it shall also be lawful for said company, and they are hereby authorized with their road to cross the line of the canal or water-course of any incorporated company, the consent in writing of the board of directors of said incorporated company, or a majority thereof, being first had and obtained.

Proviso.

Dividends.

10. *And be it enacted*, That the president and directors of the said corporation shall declare and make such dividends as they may deem prudent and proper, from time to time out of the net profits of the said railroad.

General powers.

11. *And be it enacted*, That the president and directors of said corporation shall have power to construct or have constructed, or to purchase with the funds of said corporation, all such machinery, horses, cars, wagons, carriages or other animals or vehicles for the transportation of persons or any species of property on railroads, as they may deem necessary; *provided*, that no steam power shall be used as a motive or propelling power on said railroad; and they are hereby authorized to demand and receive such sum or sums of money

Proviso.

for the transportation of persons or property thereon, as they may deem reasonable and proper; *provided*, that not more than five cents per mile for each passenger, and such reasonable rates as shall be fixed by the board of directors for all baggage and other property, shall be demanded or received by the said company, for transporting or conveying the same from any one point to another on said road. Rates of fare and freight.

12. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of said railroad, or any of its necessary works, carriages or machines, such person so offending shall forfeit and pay to the said company the sum of one hundred dollars, to be by them recovered in any court of competent jurisdiction, in an action of debt, and further shall be liable for all damages. Penalty for injuring road and works.

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, repair or equip said road to an amount not exceeding one-half their paid up capital, and to secure the payment thereof by bond or mortgage or otherwise, on the said road, lands, privileges, franchises, and appurtenances of or belonging to said corporation at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury in any suit in law or equity, instituted to enforce the payment of any bond or mortgage executed under this section. May borrow money. Proviso.

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

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

Approved April 2, 1868.

CHAPTER CCXCVI.

An Act to incorporate the Hudson Storage and Indemnity Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Conrad Spengeman, John Goldthorp, Theseus W. Thorley, Herman D. Busch, Leonard R. Townsend, John M. Francis, J. Harvey Lyons, Ezra W. Arnold, and such other persons as may be hereafter associated with them, and their successors, are hereby constituted a body corporate, in fact and in law, under the name of "The Hudson Storage and Indemnity Company," and by that name shall have perpetual succession, and may sue and be sued in any court whatever, with powers and privileges as are hereinafter provided.

Name.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, in shares of one hundred dollars each; but when fifty thousand dollars shall have been actually subscribed, and twenty thousand dollars paid in in cash, the said company may organize and proceed to business under this act.

Object of corporation.

3. *And be it enacted*, That the said company shall have power to guarantee the payment, punctual performance and collection of, promissory notes, bills of exchange, contracts, bonds, accounts, claims, rents, annuities, mortgages, choses in action, evidences of debt, and certificates of property or value, and the titles to property, real or personal, upon such terms as may be established by the board of directors of said company; to receive upon storage, deposit or otherwise, merchandise, bullion, specie, plate, stocks, bonds, promissory notes, certificates and evidences of debt, contracts or other property, and to take the management, custody and charge of real and personal estate and property, and to advance moneys, securities and credits upon evidences of debt, or any property, real or personal, on such terms as may be established by the directors of said company; but no rate of interest to exceed seven per centum per annum shall be charged or received by said company upon any transaction.

Conducted by board of directors.

4. *And be it enacted*, That the business and the corporate powers of said company shall be exercised by a board of nine

directors, to be chosen as hereinafter provided, who shall elect from their number a president, five of which directors shall constitute a quorum for the transaction of business.

Commissioners to open books of subscription.

5. *And be it enacted*, That the persons named in the first section of this act shall be and they are hereby appointed commissioners to open books for subscriptions to the capital stock of said company, at such time and place as they or a majority of them shall deem proper, and for such amounts as in their judgment the business of the company may require, but for no less amount of subscription than one hundred thousand dollars, as hereinbefore provided; the persons named in the first section of this act shall be directors of said company for one year after the passage of this act, and until others are elected in their stead; the remaining directors for the same period shall be elected by a majority in interest of the stockholders, voting at an election to be held under the inspection of said commissioners within twenty days from the closing of the subscription called for by them; and all the directors must be stockholders in said company.

Directors, and how elected.

May purchase, hold and convey real estate

6. *And be it enacted*, That it shall be lawful for said company to lease, purchase, hold and convey all such real or personal estate as may be necessary to carry on their business, as well as such real or personal estate as they may deem it necessary to acquire in the enforcement or settlement of any claim or demand arising out of their business transactions, and to sell and exchange the same for other property, as they may determine that the interests of the company may require; and the said company are hereby authorized to make, execute and issue, in the transaction of their business, all necessary receipts, certificates and contracts, which receipts, certificates and contracts shall bear the impress or stamp of the seal of the company, and shall be signed by the president and countersigned by the secretary or treasurer thereof.

May sell all property at public auction or private sale.

7. *And be it enacted*, That it shall be lawful for said company to sell at public auction or private sale, as may be specified in any contract between the parties, all property of what kind soever mentioned in, or affected by such contract after the time of the maturity of any obligation under such contract, (or immediately upon the discovery of any fraud, misrepresentation or concealment in regard to the ownership, character of the property mentioned in or affected by such contract,) and reimburse themselves out of the avails of such sale for the moneys due them, with the interest, cost and charges;

Proviso. *provided however*, that nothing in this section contained shall be construed to prevent the said company from making any such sale, at such time, and in such manner as may be provided for in any contract or agreement made by any person or persons with the said company.

Proceedings when property decreases in value.

8. *And be it enacted*, That in case any property deposited with the said company, upon which any advance shall have been made by them, shall before the maturity of the contract, from any cause decrease in value from the price originally fixed; said company may give notice in writing to the owner of such property or his agent, to perform the conditions of the contract, or make good the deficiency caused by such decrease in value within thirty days, and in default thereof, may sell and dispose of such property at public sale, and out of the proceeds thereof, may retain the amount due them under the contract, together with the costs, charges and expenses; but nothing in this act contained shall be held or construed to limit or affect the liability or obligation of the corporation hereby created, as the same is fixed by common law, any further than the same is limited or affected by the express terms of the contract in this section mentioned.

Capital stock may be increased.

9. *And be it enacted*, That it shall be lawful for said company to increase the amount of its capital stock in the manner provided in and by an act entitled "An Act to authorize the establishment and to prescribe the duties of companies for manufacturing purposes," approved March second, eighteen hundred and forty-nine, and by the fourteenth section thereof, and by the supplement or supplements to said act.

Stock transferable.

10. *And be it enacted*, That the stock of said company shall be transferable only on the books of the company.

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

Approved April 2, 1868.

CHAPTER CCXCVII.

An Act to incorporate the Beverly and Charleston Turnpike Company.

Corporators.

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 "Beverly and Charleston Turnpike Company" shall be opened by Jacob A. Vansciver, Ephraim Garwood, Edward H. Martin, Louis Stokes, Benjamin Buzby, M. A. Brett, P. N. Somers, Caleb A. Vansciver, Charles S. Martin, Amos Buzby, Timothy M. Bishop, T. G. Rich, Granville Stokes, Jonathan Good, Benjamin F. Bishop, James D. Bennett, Robert Vansciver, John B. Wills, or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and such places as they, or a majority of them, may direct, giving notice at least twenty days prior to the opening of said books, by publishing the same in one of the newspapers published in the county of Burlington.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be four thousand dollars, with liberty for said company to increase the same to eight thousand dollars, and shall be divided into shares of twenty-five dollars each, and that when sixty shares shall be subscribed for, the persons holding the same shall be and they are hereby incorporated into a company, by the name of "The Beverly and Charleston Turnpike Company," and by that name shall have, enjoy and exercise all the rights, powers and privileges appertaining to corporate bodies and necessary to carry the objects of said company into effect.

Name.

Capital, how paid in, and forfeited for non-payment.

3. *And be it enacted*, That at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed for to the commissioners, or any two 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 subscription shall be paid in installments, at such times, and at such places, and to such persons as the president and directors of the company shall from time to time direct, or 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 installments, or any of them, to and for the use of said company; *provided*, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers in proportion to the amount or number of shares by them subscribed for as aforesaid; *provided also*, that the stockholders shall, upon request, have the right to pay the stock subscribed, except the first installment, by work or labor upon said road, under such regulations, at such times and upon such notice by either party as the directors may determine; *provided also*, that no stockholder shall pay for his installments by labor for more than eight shares.

Proviso.

Proviso.

Proviso.

Limitation.

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

Directors, and how elected.

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

President.

6. *And be it enacted*, That within twenty days after the annual election as aforesaid, the said directors shall elect

from among their number, a president of the said company, who shall be a citizen of this state and 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 the said directors may direct, and shall be the presiding officer at all meetings of said directors, and shall have the casting vote when they shall be equally divided; he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of 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.

Powers of directors.

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

Proviso.

Annual statement.

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

Special meetings of the stockholders.

9. *And be it enacted*, That special meetings of the stockholders may be called by order of said president or three of the 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 meetings, which said notice shall specify

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

Failure to elect officers not to dissolve

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

Power to construct and make a turnpike.

11. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road along the public road, or any part thereof, from a point on the Camden and Amboy railroad where Cooper Town road (so called) or Cooper street crosses said railroad, to the intersection of said road or street with the Park road; and all damages which any land owner may sustain by reason of the construction of said turnpike road, to be determined as nearly as may be in the manner hereinafter provided for ascertaining and determining the damages which any land owner shall sustain by taking of stone, gravel or other material for the constructing and maintaining said turnpike road; and the public road as designated in this section shall be and the same is hereby vacated, to take effect immediately after the completion of the turnpike road authorized to be built as aforesaid.

Width of road, &c.

12. *And be it enacted*, That the width of the said turnpike road shall be governed by the width of the road along which it may be constructed, and shall be sufficiently arched and drained to make and keep the same dry, and at least fourteen feet six inches thereof shall be so graded that in its progress no part of said road shall rise above an angle of twelve degrees with the plane of the horizon, and the said company shall make good and sufficient bridges along the line of the said road, and the bridges already constructed on said route shall be deemed of sufficient width for the purposes of this act; 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 main-

tained on the sides, so as to prevent horses and carriages from running off.

May enter on lands, &c.

13. *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 burden and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosure thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road; and that when said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or, when by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of said company for 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 of the name or names of the occupant or occupants, if there be any, and of the owner or owners, if known, and their residence if the same can be ascertained, to one of the justices of the supreme court of this state, or to one of the judges of the court of common pleas of the county of Burlington, who shall cause said company to give notice thereof to the persons interested, if known and in this state, or, if unknown and 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 said lands or materials and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice or judge making such appointment, to be expressed therein not less than twenty days; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, faithfully to examine the matter in question and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view

Proceedings when company and owners cannot agree.

and examine the said lands and materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages to be paid by the said company for such land and 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 land 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 land or materials after the payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of the 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 thirty days after demand made of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage; and the said justice or judge shall tax and allow such costs, fees and expenses to the justice, commissioners, clerk 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.

May demand and receive tolls.

14. *And be it enacted*, That as soon as the said company shall have constructed said road in a workmanlike manner, according to the several directions in the twelfth section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates across said road not exceeding two in number, and to demand and receive toll for traveling each mile and all fractions over a half 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, one cent;
For every dozen of calves, sheep or hogs, two cents;
For every dozen of horses, mules or cattle, six 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 until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be construed so as to entitle said company to demand or receive toll from any one on the Sabbath day, or horses, carriages, sleighs or sleds, carrying persons to or from any funeral. Proviso.

15. *And be it enacted*, That before the said company shall receive toll for travelling said road, they shall cause mile-posts to be erected and maintained, one for each and every mile on the said road, and such post shall be fairly and legibly marked the distance the said post is from the commencement of the said road at the Beverly station to the terminus, and shall cause to be fixed and always to be kept up at the gates aforesaid, in a conspicuous place, a printed list 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 ten dollars." Must erect mile stones and put up rates of toll.

16. *And be it enacted*, That if any person shall wilfully break down, throw down or deface any of the mile posts so erected on the said road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gate or gates, such person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for 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 off 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 one dollar, to be recovered by said company for the use thereof, in an action of debt with costs of suit. Penalty for injuring mile stones or posts &c., and for forcibly passing toll gates.

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

18. *And be it enacted*, That all the drivers of the carriages, sleighs or sleds of every kind and description, whether Penalty for neglecting to turn to the right.

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 direction, leaving the other side of the road free and clear for carriages or persons on horseback; 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 when road is not kept in repair.

19. *And be it enacted*, That if the said company shall not keep the said road, bridges and railings in repair, it shall be the duty of any judge of the court of common pleas of the county of Burlington who may be disinterested, upon complaint being made to him in writing, stating the bridge or part of the road that is out of repair, specifying the particular defect, and after four days' notice in writing, given to the president or any one of the directors of said company, specifying the part or parts complained of, and after hearing the parties, if the said company have not repaired the said bridge, road or railing as specified, to appoint, under his hand and seal, three judicious freeholders not interested in said road, being residents of said county and non-residents of the townships through which the said road is located, who having being duly qualified and sworn to act impartially in the case, shall proceed to view and examine the part or parts complained of, and report to the said judge in writing, signed by them or any two of them, whether the said road is in such state as the law requires it to be kept, and if the report be unfavorable to said road, that said judge shall immediately, under his hand and seal, in writing, order the keeper of the gate or part complained of, to keep the said gate open until otherwise ordered; and if the said keeper, after service of a copy of said order upon him, shall, notwithstanding the order of the said judge to open said gates or turnpike, exact toll of travellers, the said company 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 to view the road one dollar each, to be paid by the company; and upon due proof before said judge that said company repaired or mended said bridge, road or railing in the particular complained of, he shall by an order in writing,

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 fee to 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 shall be paid by the person or persons making the complaint.

20. *And be it enacted*, That when the said company shall have completed any one mile of said road according to the directions and true intent and meaning of this act, it shall be lawful for said company to erect a toll gate across said road, and demand and receive toll for traveling thereon, agreeably to the foregoing rates. When lawful to erect a toll gate.

21. *And be it enacted*, That this act shall be taken and construed to be a public act, and 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 fourteenth, eighteen hundred and forty-six, and the supplements thereto, as far as the same are applicable.

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

Approved April 2, 1868.

CHAPTER CCXCVIII.

An Act to incorporate the Passaic Brick, Tile and Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Inglis, Henry W. Merrill, Robert J. Hopper, David Roe and John Hopper, and their associates, be and are hereby created a body politic and corporate, in fact and in law, by the name and style of "The Passaic Brick, Tile and Manufacturing Company," for the purpose of manufacturing, selling and dealing in brick Corporators. Name.

and tile of every description, and of carrying on the business incident thereto; and for such purpose the said company shall or may raise by subscription, by opening the books therefor or otherwise, a capital stock of one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same, from time to time, to any amount not exceeding three hundred thousand dollars; and it shall be lawful for said company to issue certificates of stock in whole or in part payment for any real or personal property purchased or leased by said company for the purpose of their business aforesaid.

Capital stock.

May purchase and hold real estate and issue bonds.

2. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease or otherwise dispose of the same at pleasure; and may borrow money and issue bonds therefor, not to exceed at any time two-thirds of their capital stock, and may sue or be sued in all courts of law or equity, and may have and use a common seal, and may change and alter the same at pleasure; and may make such by-laws for their regulation and government as they may see proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state.

Proviso.

Election of directors.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than seven directors, who shall elect one of their number president; and said directors shall be stockholders in said corporation, and shall hold their office for one year, and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders to be held on such day, at such hour of the day, and at such place as the by-laws of the said corporation shall direct; and until such annual election shall take place, Charles Inglis, Henry W. Merrill, Robert J. Hopper, David Roe and John Hopper, being stockholders, shall be directors of said corporation; a majority of the directors shall on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business; and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority

of them, shall have power to fill such vacancy by the appointment of any stockholder.

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, such notice being given of the time and place of such election as the by-laws shall prescribe. Failure to elect no forfeiture.

5. *And be it enacted*, That the said corporation shall be and is hereby empowered to purchase, use, possess, enjoy and hold in fee simple, or any less estate, any lands situate in the county of Passaic, and to mortgage, sell, lease, convey or dispose of the same or any part thereof, and to lay, cut, dig, keep and maintain drains, raceways, dams and sluices in and through their lands, and in and through contiguous and other lands, with the consent of the owners of such lands, and from time to time re-locate, deepen or change the same, and to take, draw and use the waters of any brook, stream or water course running through or adjacent to the lands of said corporation, for the manufacturing of brick, tile and other purposes, and carry and convey the said waters by and through such raceways for the purposes aforesaid, but the same shall in all cases be discharged into the Passaic river above the bridge over the same, called Lincoln bridge; and if the said drains, raceways dams or sluices shall go through or be constructed upon any lands not owned by said corporation, or if the water rights used by other parties be affected, and if for any reason, no agreement can be made for the use or purchase thereof, then the said company may proceed to acquire the same in the manner provided in the sixth and seventh sections of the act entitled "An Act to incorporate the Pequanack Peat and Maufacturing Company," approved February twenty-sixth, eighteen hundred and sixty-seven, and the appeal authorized in the proviso to the said seventh section may be had and made by either party; and the said corporation may also purchase, have, use and dispose of such machinery and personal property, and do such other acts and things, and make and construct such buildings, erections and improvements as a successful prosecution of the business of the company may require. General powers.

6. *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written state- Annual statement.

ment of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained.

Office, where located.

7. *And be it enacted*, That the principal office of the said company shall be at Paterson, in the county of Passaic, and that regular books of account shall be kept in the said office, to which books of account any stockholder may have free access at all reasonable times for the purpose of inspection; and that books of transfer of the stock shall also be kept, and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.

How dissolved.

Proviso.

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

9. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions set forth in an act entitled "An Act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same may be applicable.

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

Approved April 2, 1868.

CHAPTER CCXCIX.

An Act to incorporate the Passaic Mutual Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John N. Terhune, Alfred Speer, William S. Anderson, Richard A. Terhune, Walling Kip, Cornelius Marcelus, John V. S. Van Winkle, John T. Van Iderstine, Joseph T. Speer and Nicholas I. Kip, and others, their associates, successors and assigns, shall be and are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in name, by the name of "The Passaic Mutual Insurance Company," and by that name they and their successors shall and may have succession during the continuance of this act, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions, suits, complaints, matters and causes whatever; and 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 Passaic Mutual Insurance Company," shall be in law capable of purchasing, holding, and conveying any estate, real or personal, for the use of the said corporation; *provided*, that the lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, be only such as shall be requisite for the purpose of erecting buildings thereon, in which to meet and transact the business of the corporation, or such as shall have been bona fide mortgaged to it by way of security or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgment, or decrees which shall have been obtained for such debts, and with regard to all such lands, tenements and hereditaments, so to be held by the said corporation as aforesaid, except such as may be for its immediate accommodation as aforesaid, or such as it may hold by way of mortgage, and whereof the actual possession shall be and remain in the mortgagors, their heirs or assigns, the corporation shall be bound to sell and dispose of the same if possible, respectively within five years after it shall acquire the same.

Corporators.

Name.

May purchase and hold real estate, &c.

Proviso.

All persons insured made members of company.

2. *And be it enacted*, That all persons who shall at any time hereafter insure in or with the said association, shall, while they continue so insured, be deemed and taken as members of the said corporation; and that the property and concerns of the said corporation shall be conducted and managed by thirteen directors, all of whom shall be citizens of this state, and shall not hold a like office or agency in any other insurance company, to be chosen by ballot, by and from among the members, and shall hold their office for one year and until others are chosen; and that the election for directors shall be held on the fourth Wednesday of May in every year, at the office of the company, or such other place as a majority of the directors may previously designate, public notice of which shall be given by the secretary, in one or more newspapers printed or circulating in the county, at least two weeks previous to the time of holding said election; and if any of the directors shall die, refuse to serve or neglect to act in their said office for the space of two months, then, and in every such case, the remaining directors shall have power to fill such vacancy or vacancies until the next election; and in case it should happen that an election for directors should not be held on the day when pursuant to this act it ought to be held, the said corporation shall not be dissolved for that cause, but it shall and may be lawful to hold an election for directors pursuant to law; and until an election for directors shall be held according to the provisions of this act, the persons named in the first section of this act, shall have the direction and management of the said corporation.

Directors, how elected.

Insurance against loss by fire.

3. *And be it enacted*, That it shall and may be lawful for the said corporation to insure the dwelling houses, stores, shops, mills and other buildings, together with household furniture, merchandise, and all other personal property of its members, and of no other person or persons, against loss or damage by fire.

May take premium notes for insurance.

4. *And be it enacted*, That it shall and may be lawful for the officers of said corporation to take the notes or obligations of the members for the amount, either in part or the whole of the premium of insurance, in proportion to the amount insured, and that such note or obligation shall create a lien on the property so insured in the nature of a mortgage, which shall continue during the continuance of his policy, and commence whenever the said corporation shall file with and have entered in the book of mortgages, kept by the clerk of the

county where the property is situate, a memorandum of the name of the individual insured, a description of the property, the amount of deposit note or notes, and the term for which said policy shall continue.

Powers of directors.

5. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper for the management and disposition of the stock, property, estate and effects of the said corporation, and for all such other matters as appertain to the business thereof, and shall have power to appoint a secretary, surveyors, and such additional officers, clerks and servants for carrying on the business of said corporation, with such allowances as to them shall appear just and satisfactory; *provided*, that such by-laws, rules and regulations shall not be repugnant to the constitution or laws of the United States or of this state.

Proviso.

Officers.

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

Treasurer to give security.

Policies of insurance.

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 on such terms and conditions, and for such periods of time and confined to such places, as shall be from time to time ordered and prescribed by the by-laws, rules and regulations of said corporation; and if at any time it shall so happen that there be just claims on the corporation for losses sustained to a greater amount than they have funds on hand to discharge, in such cases the directors for the time being shall, with all convenient expedition, proceed to assess such deficiency, in a ratable proportion, on the members of the company, or their lawful representatives, according to the amount of each member's insurance; *provided*, that such assessment shall not exceed the amount of the note or obligation given by each member, which rates or assessment shall be approved of by a majority of the directors, and notice in writing shall be given to each member, or his lawful repre-

Power to assess for deficiencies.

Proviso.

sentative, of the assessment and amount by him, her or them required to be paid, and each and every member, or his lawful representative, so notified, shall pay the same to the treasurer for the time being within sixty days after such notification, and in default thereof shall forfeit all right and claim to any policy that he may have obtained, and be no longer a member of the company, and shall also be liable for the amount of such assessment, with interest, to be recovered by action of debt, with costs of suit, before any court of competent jurisdiction.

Meetings of directors.

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

Not to engage in banking.

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

10. *And be it enacted*, That this act shall continue in force for thirty years from the passage thereof, unless sooner repealed; and it shall be lawful for the legislature at any time hereafter to amend, modify or repeal the same.

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

Approved April 2, 1868.

CHAPTER CCC.

A Supplement to an act entitled "An Act concerning Turnpike Roads," approved the twenty-second day of March, anno domini eighteen hundred and sixty.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act to which this act is a supplement, as provides as follows; "*provided*, that no such company shall at any time hereafter declare or pay a dividend or dividends amounting to more than six per centum in any one year, on the amount of the capital stock paid in; and shall not directly or indirectly retain on hand as a

surplus or safety fund, more than ten per centum of such capital stock," be and the same is hereby repealed, and that this act shall take effect immediately.

Approved April 2, 1868.

CHAPTER CCCI.

An Act to incorporate the East New Jersey Baptist Aassociation, and to create a fund for the relief of disabled ministers and ministers' widows, belonging to said association, and the disbursement of the same.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Harris M. Baldwin, Augustus T. Stelle, Daniel M. Wilson, J. Boice, A. Stoutenburgh, N. Dunham, J. Sproul, A. T. McPherson, W. J. Ombuson, G. R. Colby, and R. D. Runyon, and such other persons as may hereafter be associated with them by becoming members as herein provided, and their successors, are hereby created a body corporate and politic by the name of "The East New Jersey Baptist Association."

Name.

Who may become members.

2. *And be it enacted*, That all persons who may be subscribers to said fund shall be members of said association, and any subscription of the amount of one dollar and upwards, shall entitle any person to become a member of said association.

First trustees.

3. *And be it enacted*, That the persons named in the first section of this act be, and the same are hereby declared to be the first board of trustees of said association, and shall hold their office until others are duly elected to take their places.

Election of officers.

4. *And be it enacted*, That the said board of trustees shall after ten days' notice published in two of the newspapers of the city of Newark, (in which notice the time and place of said meeting shall be named), proceed to elect a president and vice president from among their number, who shall hold their office until others are duly elected in their stead, and the said board shall also elect a secretary and treasurer, and such other officers as they may deem best for the interests of the

said association, who shall hold their offices during the pleasure of the board.

Time of holding election.

5. *And be it enacted*, That the annual election of the said association for members of the board of trustees shall be held on the first Tuesday of March, in the year eighteen hundred and sixty-nine, and on the first Tuesday in March in every year thereafter, of which due notice as to time and place shall be given by ten days' notice duly published in two of the newspapers of the city of Newark; and all persons who have during the said year paid into the said association the sum of one dollar shall be entitled to vote at said election.

Vacancies, how filled.

6. *And be it enacted*, That any vacancy occurring in the said board of trustees may be filled by the remaining members of the board, who shall hold office until the next annual meeting of the association.

Persons who receive the benefit of the fund.

7. *And be it enacted*, That the persons who shall receive the benefit of this fund are disabled ordained ministers connected with the East New Jersey Baptist Association, and the widows and orphans of deceased ordained ministers, who, at the time of their death were in good standing in the association, or who may have been members of churches connected with adjoining associations, and that have been annual contributors to this fund, said relief to be afforded to widows only during their widowhood, and no longer; and if there be no surviving widow, but children in need, they may receive the same portion as allowed to the widow until they respectively arrive at their fifteenth year of age.

Annual meetings of trustees.

8. *And be it enacted*, That the said board of trustees shall meet annually in the city of Newark, or oftener if required, for the transaction of business, and all applications for relief shall be made to the trustees in writing stating the name, residence and circumstances of the applicant; and said board shall also receive and keep in charge all moneys appropriated to this fund, receive and examine all applications for relief, and make such allowance of money to the needy as in their opinion the case may require and the state of the funds may warrant; and that the said board shall also present to the said association at each annual meeting a statement of their funds, collections and disbursements, with whatever else may be combined with this benevolent object, and the performance of their duty.

May make by-laws.

9. *And be it enacted*, That the said board of trustees may make such by-laws and regulations as may be necessary to

the carrying out the provisions of this act; but said by-laws shall not be inconsistent with the constitution of this state or of the United States.

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

Approved April 2, 1868.

CHAPTER CCCII.

An Act to incorporate the Red Bank Ferry Company.

Commissioners to open books of subscription.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the capital stock of the Red Bank Ferry Company shall be opened by William R. Tatum, Joseph W. Reeves, Robert K. Neff, Edwin Stokes, John G. Whitall, Woodward Warrick, Samuel Hopkins, Matthew Gill, Joseph L. Reeves and Charles T. Molony, or any five of them, who are hereby appointed commissioners to receive subscriptions to said stock, at such times and places as they or a majority of them may direct, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in at least two newspapers published in this state.

Capital stock.

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

Name.

Payment of installments.

3. *And be it enacted*, That at the time of subscribing for said stock, ten dollars shall be paid upon each share subscribed for, to the commissioners, or any of them, which money shall be paid over to the treasurer of said company as soon as

one shall be appointed, and the residue of the subscriptions shall be paid in installments, and at such times and places, and to such persons as the president and directors of the company shall from time to time direct, and give public notice thereof in manner aforesaid; and upon failure of payment thereof, as directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said installments, or any of them, to and for the use of the said company.

Subscriptions, how null and void.

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

Directors, and how elected.

5. *And be it enacted*, That when five hundred shares of said stock shall be subscribed for the said commissioners shall call a meeting of the stockholders, giving at least twenty days notice of the time and place of meeting, in at least one newspaper published in the county of Gloucester, at which meeting the subscription books shall be laid before the stockholders, who thereupon shall proceed to elect by ballot five directors, a majority of whom shall be citizens of this state, to manage the affairs of said company for one year, of which election the said commissioners, or a majority of them, shall be the judges; and at the expiration of that term, and annually, upon like notice, to be given by the directors for the time being, the said stockholders shall elect by ballot the same number of directors, a majority of whom shall be citizens of this state as aforesaid; and at every such election, and in all cases in which the stockholders shall be entitled to vote, a vote may be given for each share of stock by the holder or holders thereof, either in person or by proxy, and at any meeting of said directors three shall constitute a quorum for the transaction of business, any less number may adjourn from time to time.

President.

6. *And be it enacted*, That within ten days after the annual election as aforesaid the said directors shall elect from their number a president of their said company, who shall be a citizen of this state, and a resident of the county of Gloucester, who shall hold his office for one year and until another shall

be elected, and receive such compensation for his services as a majority of said directors shall direct, and shall be the presiding officer at all meetings of said directors, and shall have the casting vote when they shall be equally divided, and shall have charge of the seal of the company; and in case of his death, absence or inability so to do, the said directors shall appoint some other suitable person, who for the time being shall possess the same powers and authority, and perform all the duties herein prescribed.

Directors, and their powers.

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 secretary and a treasurer, and all other officers, agents, superintendents and servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective duties as they may think expedient; they shall regulate the rates of toll or ferriage, and have the superintendence and direction of all receipts and disbursements, and all other affairs of the company; and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfer of stock, and the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution or laws of this state or of the United States.

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Annual statement.

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

Special meetings.

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

10. *And be it enacted*, That if from any cause, any elec-

Charter not defeated by reason of failure to elect.

tion hereinbefore named shall not be had at the time specified by this act, the same may be had at any other time, on notice as aforesaid, and that until such election be had, the officers of the preceding year shall continue to hold their respective offices until others be elected in their stead; and that this charter shall not be defeated or avoided by reason of the irregularity or want of such election.

May establish a ferry or ferries.

11. *And be it enacted*, That the said company shall have power to establish and conduct a ferry or ferries across the Delaware river, between Red Bank, in the county of Gloucester, and such point or points in the city of Philadelphia as they may deem best for the public accommodation and the interest of said company; and for that purpose may purchase or lease such real estate, and may lease or erect and construct all such wharves, piers, slips, buildings, and other appendages as may be necessary to carry into effect the purposes of this act, and hire, purchase or build steamboats, vessels, or other ferry boats, of such description and dimensions as they may think best for the interests of said company.

May make contracts.

12. *And be it enacted*, That it shall be lawful for the said company at any time during its existence, to make contracts and engagements with any corporation, or with any individual or individuals, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contract.

Penalty for injuring works.

13. *And be it enacted*, That if any person or persons shall wilfully injure, impair, destroy or obstruct the wharves, slips, piers, bridges, 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, and shall 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.

Restrictions and liabilities.

14. *And be it enacted*, That the corporation hereby created shall possess the several powers, and be subject to the restrictions and liabilities set forth in "An Act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same may be applicable.

15. *And be it enacted*, That this act shall take effect immediately, and shall continue in force thirty years.

Approved April 2, 1868.

CHAPTER CCCIII.

An Act to enable meadow owners on Salem Creek to cut a canal, and to incorporate the Salem Creek Consolidated Meadow Company.

Preamble.

WHEREAS, there are several thousand of acres of meadows and low land lying upon and adjacent to Salem creek, in the county of Salem, which cannot be properly dammed by the common mode of dykes and sluices, but which could be laid dry by the draining of said creek and the cutting and opening of a canal from the said creek to the Delaware river, so that the backwater coming down the said creek may find a shorter vent into the said river, thereby giving to the said meadow lands lying below the said canal an additional fall sufficient for the said backwater to be drained off the said meadows during the ebb tides, and to the meadow lands lying above the said proposed canal a constant flow of the said backwater through the said canal into the Delaware river; and whereas, the said meadows and low lands are of little value in their present condition to the owners thereof for agricultural or any other purposes; and whereas, also by the proper drainage of said meadows and low lands great benefit and advantage would arise to the said owners, and the revenues of the state would be largely increased from the taxes which could be assessed upon the increased value of the same when properly fitted for occupancy and tillage; therefore,

Court of common pleas to appoint commissioners and surveyors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon application in writing to the court of common pleas of the county of Salem of any ten owners of meadow land lying on or draining into Salem creek, in said county, the said applicants having first given public notice of such intended application by advertisement in a public newspaper printed and published in said county, at least three

weeks before the day on which said application is intended to be made, the said court is hereby authorized and required to appoint three disinterested and judicious freeholders commissioners and surveyors, with full power to go upon and survey the several bodies of organized, unorganized and individual tracts of meadow and low lands draining into Salem creek above Dennis canal, and below the head of tide water in said creek, which are now subject to overflow by the tides or freshets, and are not in the judgment of the said commissioners sufficiently drained; and having made such survey, the said commissioners and surveyors shall make maps and surveys of all of such lands and meadows as will be in any manner benefited by the canal, dam or other works hereinafter mentioned, showing each owner's lot or parcel in the several bodies or tracts of such meadow or low lands, and a list of the names of the several owners of such meadow and low lands, and of the number of acres thereof owned by each owner or owners respectively; *provided*, that if there be any surveys or maps of such meadows or low lands heretofore made, which the said commissioners may approve, they may adopt the same and dispense with a re-survey of such meadow or low lands.

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Correct maps and list of names of owners to be filed in county clerk's office.

2. *And be it enacted*, That the said commissioners and surveyors, after they have made such surveys or maps of said meadows and low lands and said list of names of said owners, and of the number of acres owned by them respectively, or have approved and adopted said maps and surveys which have been already made, shall give three weeks' public notice, by advertisement in a public newspaper printed and published in the said county of Salem, that a meeting of the owners of said meadow and low lands will be held at Salem, at a certain time and place in said advertisement to be named, when and where the said commissioners and surveyors shall make a public exhibit of their said surveys and maps and list to the said several owners, and hear any objections that may be made to the same, and shall make such corrections and amendments thereof as the said commissioners or any two of them shall deem just and right, which said surveys, maps and list so corrected and amended, shall thereupon be returned by the said commissioners and surveyors to the clerk's office of the said court of common pleas, and be filed therein, with a certificate of said commissioners and surveyors, or any two of them, to be annexed to said return, that said surveys, maps and list

are correct and true according to the best of their skill and understanding; and the said maps and surveys, and the said list so returned and filed, shall be the basis upon which the company hereinafter named shall be formed, and upon which all assessments of taxes for the purposes of this act shall be made, until the other commissioners hereinafter mentioned shall have made their valuation of the benefits accruing to said meadows and low lands as hereinafter provided.

3. *And be it enacted*, That immediately upon the return of the said maps and surveys and list, and the filing of the same with the certificate of the said commissioners thereunto annexed, as provided for in the second section of this act, the said several owners of said meadow and low lands named in the said list shall constitute and are hereby declared and ordained to be a body politic and corporate, in fact and in name, by the name of "The Salem Creek Consolidated Meadow Company," with full powers by that name to have continual succession and to be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and to make and use a common seal, and the same to alter; and they and their successors shall be capable of purchasing, holding and conveying any lands and tenements, goods and chattels whatsoever, necessary or expedient for the purposes of said company, and to make by-laws for the government of the same not inconsistent with the laws of this state. Name of company.

4. *And be it enacted*, That at any time after the said company shall be incorporated as aforesaid, it shall be lawful for any ten of the owners of said meadow or low lands named in said list and members of said company, to call a meeting of the said company at Salem, in said county, by giving three weeks' public notice of such meeting, by advertisement in a public newspaper printed and published in said county of Salem, specifying the time and place, when and where said meeting will be held; at which time and place the owners of two-thirds of the number of acres of said meadow or low lands named in said list, having met, in person or by proxy, the said company may proceed to elect by ballot or otherwise, at the rate of one vote for every five acres or fractional part thereof held by said owners respectively, by a plurality of the votes of those present as aforesaid, three or more managers, not exceeding seven, a treasurer and clerk, who shall Election of managers and officers.

be members of said company; and the said managers, or a majority of them, shall at the said meeting of said company, and after all elections of managers thereafter, choose out of their own number a president, and in case of the death, resignation, or removal of the president or any of said managers, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the said managers or a majority of them; and the said president, managers, treasurer and clerk shall serve until the next annual meeting, and until their successors shall be chosen; and at all subsequent meetings of said company the same ratio and method of voting shall be observed as is provided in this section for the election of managers, treasurer and clerk by the said company, except that the owners of two-thirds of the number of acres of said meadow or low lands shall not be required to be met.

Failure to elect not to work a dissolution.

5. *And be it enacted*, That the annual meeting of the said company shall be held on the first Thursday in April of each year after said meeting called as aforesaid, at which time the said officers of said company shall be elected to serve for one year, by a plurality of votes of those present, in person or by proxy; but in case it shall happen that an election shall not be made on that day, the said company shall not for that cause be deemed to be dissolved, but a meeting for such election may be called at any other time by the president or two or more of the managers of said company, by giving public notice thereof by publishing the time and place of said meeting for three weeks prior thereto in some public newspaper printed and published in said county of Salem; and the officers for the time being shall continue to hold their respective offices until new ones shall have been chosen in their places, and the said president or any two or more of the managers shall call special meetings of said company at any time, giving ten days' notice thereof as aforesaid.

May survey, lay out, and construct a canal.

6. *And be it enacted*, That the president and managers of said company, or a majority of them, be and they are hereby invested with all the rights and powers necessary and expedient to survey, lay out and construct a canal from some point on Salem Creek above Dennis Canal, through the townships of Lower Penns Neck and Upper Penns Neck, in Salem county, or either of them, to any point on the river Delaware below the village of Pennsgrove in said county; *provided always*, that it shall and may be lawful for the said company to

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take and occupy as much land, not exceeding three hundred feet in width, as shall be necessary for the purpose aforesaid; and it shall and may be lawful for the president and managers, their agents and 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 the aforesaid canal, and of locating the same, and to make and erect all necessary works and appendages thereof, and to dig and remove, or fill up and bank the earth so as to open a canal sufficient for a vessel drawing five feet of water to pass from Salem creek to the Delaware river; and when the said canal is completed as aforesaid, it shall be lawful for the said president and managers, if they shall find it necessary so to do, to bank off, dam and stop the main Salem creek, below where the said canal shall join said creek, and for this purpose to dig out and remove any earth, land or material from the lands lying adjacent or near to the said dam, not exceeding two acres, and at all times to maintain and keep the said bank and dam, and to keep clear the said canal so as to turn the tide and flow of water from above said dam through the said canal, and to prevent the tide or back water from overflowing the meadows or lowlands below the said dam.

Proceedings when company and owners of property cannot agree.

7. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required earth, 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 earth, land or material so required for the use of said company 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 judges of the court of common pleas of the county of Salem, 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 two weeks, 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 said county of Salem, commissioners to appraise the said earth, land or materials, and to assess the damages, upon such notice to be given to the persons interested, as shall be directed by the judge making the 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 earth, land and materials, the 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 a just and equitable estimate or appraisement of the value of the same and assessment of damages that shall be paid by the company for such earth, land or materials and damages aforesaid, which report shall be made in writing, under the hands and seals of the said commissioners, or of any two of them, and filed in the clerk's office of the county of Salem, 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 earth, land or materials, and 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 the said company shall neglect or refuse to pay the same for sixty days after demand made of their treasurer or clerk.

Penalty for obstructing or injuring canal.

8. *And be it enacted*, That if any person or persons shall in any manner fill up or obstruct the free passage of said canal, or injure or damage the stopping across the said main creek, he, she or they shall forfeit and pay the sum of thirty dollars, with costs of suit, over and above the damages done to said canal, dam or bank.

May collect tolls, and proceedings in case of non-payment.

9. *And be it enacted*, That the president and managers, having cut the said canal, it shall and may be lawful for them to appoint such agents as they may think proper to collect and receive of and from all and every person or persons using the navigation of the said canal, the tolls or rates hereinafter mentioned; and to stop and detain any person using the navigation of said canal with any steamboat, raft or

boat, or craft of any kind, until the rates or tolls hereafter mentioned are paid, or secured to be paid, to the said agents, and to prosecute any such person who shall refuse or neglect to pay the same, in any court where the same may be cognizable, with costs of suit; and should any person or persons pass through or use the said canal with any vessel or thing subject to pay toll before the said rate or toll is paid, or secured to be paid to the said agents, or shall attempt to evade the purposes of this act regarding the same, he, she or they so offending shall forfeit and pay to the said agents, or to any one of them, the sum of six dollars for each and every offence, together with costs of suit, to be recovered as aforesaid.

Rates of toll.

10. *And be it enacted*, That the tolls or rates to be paid on lumber, goods, wares and merchandise which may be transported through the said canal, shall be fixed by the by-laws of the said company; *provided*, the sums to be fixed thereby shall not exceed the following rates, to wit: For every steamboat, shallop or wood flat entering said canal and returning, four dollars, or going through said canal, two dollars; for every scow entering into said canal and returning, two dollars, or for going through said canal, one dollar; for every market or other small boat, twenty-five cents each way, (except such boats as are towed, or carried by a shallop belonging thereto), provided such boats go under the bridge without the draw being hoisted; for ever market or other boat that requires the draw to be hoisted, one dollar each way; for every raft of logs, boards, plank or scantling, two dollars.

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Money may be raised by assessment.

11. *And be it enacted*, That the said president and managers of the said company, or a majority of them, shall have power to order to be raised such sum or sums of money as they may from time to time deem necessary for the cutting of said canal, and for the erection and maintaining of their said bank, dam, and other works, and the opening and keeping open of the said canal, and for the other purposes of the said company; and it shall be the duty of the said president and managers, or a majority of them, and they are hereby empowered to assess upon and collect the same of and from the several owner or owners of the meadows and low lands within the bounds of the said company, as set forth in the surveys, maps, and list hereinbefore mentioned, ratably, according to the number of acres of the same held by them respectively, such assessments to be set forth and specified in a duplicate made and signed by said president and managers, or a majority of them, and the

said assessments so made shall be payable, by the said owner or owners respectively, to the treasurer of the said company.

Increased value of lands to be determined by commissioners.

12. *And be it enacted*, That when the said canal shall be cut and opened so that a vessel drawing five feet water can pass from Salem creek to the Delaware river as aforesaid, and when the said main Salem creek, if it be found necessary so to do, is stopped, banked and dammed as aforesaid, it shall be lawful for the said company, at its next annual meeting thereafter, to choose by ballot or otherwise, by plurality of votes of those present in person or by proxy, three indifferent and discreet men, to view and examine the meadows and low lands contained in the maps and surveys aforesaid, or draining into Salem creek above Dennis canal, and below the head of tidewater, and not included in said surveys and maps, and the said commissioners shall thereupon view and examine said meadows and low lands and fix a fair and true estimate and valuation per acre upon the parcel of each owner separately, of the increased value of such owners, meadow or low lands by reason of the benefit accruing thereto from the cutting and opening of said canal, the stopping and damming of said creek, or the increased fall of water above or below said dam, either actual or prospective; and if the said commissioners, or any two of them, shall be of opinion that any benefit hath accrued as aforesaid to any meadows or low lands not included in said surveys and maps as aforesaid, they shall annex to their said estimate and valuation, surveys and maps of such meadows or low lands, and lists of the owner or owners thereof, and of the number of acres therein owned by each of said owners, to be made or adopted as provided in the first section of this act; and the said estimate and valuation, and the said surveys, maps, and list (if any there be) shall be in writing, and shall be filed with the treasurer of the said company, and all owners of meadows or low lands contained in such surveys and maps shall immediately become members of said company, and entitled to all the privileges of the same.

Statement of the amount of money raised by tax to be made.

13. *And be it enacted*, That the said president and managers of said company shall, upon the filing of the estimate and valuation and surveys aforesaid, make a statement of the whole amount of money raised by tax from the said meadows and low lands according to the provisions of this act, and shall apportion the said amount upon the several parcels of said meadows and low lands contained in all or any of the

aforesaid surveys and maps, according to the estimate and valuation made by said commissioners as aforesaid; and if any owner shall have paid more tax upon his parcel of meadow or low lands than is found to be his share by said apportionment, he shall be repaid by the said company all such tax overpaid by him or made from his parcel of meadows or low lands; and if any owner or owners shall have paid no tax or less than his due share according to said apportionment, the balance between the tax by him paid or made from his meadows or low lands, and the amount found to be his due share by said apportionment, shall become immediately due and payable to the treasurer of the said company from the said owner or owners.

Assessments to be made ratably.

14. *And be it enacted*, That from and after the filing of the estimate and valuation aforesaid, and the said surveys (if any there be) with the treasurer of said company, all assessments of taxes for the purposes of said company shall be made ratably upon the meadows or low lands contained in the said surveys and maps, filed with the clerk of the said court, or with the treasurer of said company, agreeably to the valuation and number of acres each owner may have, according to the estimate and valuation of said commissioners, such assessments to be set forth and specified in a duplicate to be made, and to become payable, as provided in section eleventh of this act.

Proceedings in case of failure to pay assessments.

15. *And be it enacted*, That if the said owner or owners shall neglect or refuse to pay any sum of money assessed as aforesaid for the space of twenty days after notice to him or them in writing, demanding the sum assessed as aforesaid, served personally or left at their places of abode respectively, it shall and may be lawful for the said treasurer to seize and rent out by public vendue, to the highest bidder, for so long time, and no longer, as will be requisite, so much meadows or low lands included in said surveys and maps, belonging to or in possession of such delinquent owner or owners as will suffice to discharge such assessment, and all expenses attending the recovery thereof, having first advertised the same for the space of three weeks in three of the most public places in the neighborhood where the said meadows or low lands lie or may be sold.

Company may lease canal and make contracts.

16. *And be it enacted*, That the said company shall have power to lease the said canal and to make contracts and engagements with any corporation or with individuals for trans-

porting or conveying any kind of goods, wares or merchandise, and to enforce the fulfilment of such contracts, and to take, receive and collect all or any subscriptions to be made by any person or persons in consideration of the cutting and opening of said canal as aforesaid; and the treasurer of the said company may be required to give bond for the security of any moneys that may come into his hands and for the faithful performance of the duties of his office in such sum as the said company by its by-laws may direct; *provided*, that one person may be chosen and may serve as both treasurer and clerk of the said company.

Proviso.

Revenue from tolls, &c., how applied.

17. *And be it enacted*, That if the revenue of the said company from tolls or other sources, after the said canal and the said dam (if it be found necessary as aforesaid) are completed shall be more than sufficient to defray the current expenses of the said company it shall be lawful for the said president and managers, or a majority of them, to present a statement of such overplus to any annual meeting of said company, and make a division thereof among the members of said company pro rata, according to the amount of tax by each of said members actually paid to said company, or made from his meadows or lowlands as aforesaid.

Commissioners to take oath.

18. *And be it enacted*, That each and every one of the commissioners named in this act shall, before he enters upon the duties of his office, take and subscribe 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 his skill and understanding; and in case of the death, inability or refusal of any or all of the said commissioners to perform the duties required, it shall be lawful (upon the application of any two or more owners of said meadows or low lands if before said company is incorporated, or of the president or two or more managers of said company, if after,) for any judge of the court of common pleas of the county of Salem to fill such vacancy or vacancies; and further that each of the said commissioners having performed the duties required by this act, shall be entitled to receive for each and every day actually employed therein the sum of three dollars, to be paid by the treasurer from the funds of said company.

Compensation

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

Approved April 2, 1868.

CHAPTER CCCIV.

An Act to set off from the township of Acquackanonk, in the county of Passaic, a new township, to be called the township of Little Falls.

Boundaries of township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Acquackanonk, in the county of Passaic, lying westerly of the line running from the line of the city of Paterson "along the steep rocks and mountains," southerly to the line of the county of Essex, being the same line known as part of the westerly line of the old Acquackanonk patent, as described in an indenture made by the lords proprietors of the province of East New Jersey to Hans Diederick and others, dated March fifteenth, sixteen hundred and eighty-four, and recorded in the office of the secretary of state of New Jersey, in Liber A of Deeds, page one hundred and sixty-four, shall be and is hereby set off from the said township of Acquackanonk, and made a new and separate township to be known by the name of the township of Little Falls.

Corporate name.

2. *And be it enacted*, That the inhabitants of the said township of Little Falls, be and they are hereby made and constituted a body politic and corporate in law, and shall be known by the name of "The Inhabitants of the township of Little Falls, in the county of Passaic," and shall be entitled to all the rights, powers, authority, privileges and advantages, and shall be subject to the same regulations, government and liabilities as the inhabitants of the present township of Acquackanonk are or may be entitled to by the existing laws of this state.

Place of holding first election in Acquackanonk township

3. *And be it enacted*, That the inhabitants of the township of Acquackanonk, as remaining after the passage of this act, shall hold their next township election at the hotel of John V. Ryerson, and afterwards in each year at such place as shall be designated at their preceding annual township election, at the time fixed by law; and at the said first township election John J. McCleese, John H. Couenhoven and Daniel H. Schoonmaker shall act as judges, and Henry P. Simmons shall act as clerk of the said first election.

Place of holding first election in Little Falls township.

4. *And be it enacted*, That the inhabitants of the township of Little Falls shall hold their first township election at Smith's hotel, at Little Falls, and afterwards in each year, at such place as the inhabitants of said township shall, at their preceding annual township meeting determine, at the time fixed by law for the annual township elections in the said township of Acquackanonk; and at the said first township election William M. Morrell, Charles T. Van Winkle and Francis Van Ness shall act as judges, and Francis W. Van Ness as clerk of said election.

Names of election officers.

Place and time of meeting to divide township property.

5. *And be it enacted*, That the township committees of said townships of Acquackanonk and Little Falls, elected at the said first elections respectively, shall meet on the fourth Monday of April next, at the hotel of Henry F. Piaget, at the Notch, at ten o'clock in the forenoon, and afterwards if necessary, at such times and places as the majority of those present may determine, and then and there, by writing signed by a majority of said committees, allot and divide between said townships, such property, if any, as may be owned by the present township of Acquackanonk, and also such moneys and assets as may be on hand or due or to become due to said townships, in proportion to the taxable property and ratables in said townships respectively, as shall be determined by the last assessment of taxes of the said former township of Acquackanonk, and each of the said townships shall be and remain liable to pay its just proportion of the debts and obligations of the present township of Acquackanonk, according to said last assessment as the said debts and obligations shall exist at the next annual town meeting, until the same are fully paid and discharged, such proportion of said indebtedness to be assessed on the inhabitants of said township respectively in accordance with the laws now applicable thereto, and each of said townships shall support the paupers whose settlement is or may be within their bounds respectively; and if any of the persons composing either of the said township committees shall refuse or neglect to meet as aforesaid, those assembled may proceed to make said division, and the decision of a majority of those present shall be final and conclusive.

Commissions of justices of the peace and of commissioners of deeds not to be impaired.

6. *And be it enacted*, That nothing in this act contained shall be construed so as to interfere with or impair the commissions of the justices of the peace, or of the commissioners for taking the acknowledgments and proof of deeds until they

shall expire by their own limitation, or so as to impair the rights of the said township of Little Falls in and to its just and legal proportion of the surplus revenue of the general government and the interest due or becoming due thereon.

7. *And be it enacted*, That the said township of Little Falls shall form a part of the first assembly district of the county of Passaic as heretofore. Assembly district.

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

Approved April 2, 1868.

CHAPTER CCCV.

An Act for the Improvement of Passaic.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the limits of the village of Passaic, in the township of Acquackanonk, in the county of Passaic, for the purposes of this act shall be as follows: Beginning at low water mark on the west side of the Passaic river, at a point where the railroad of the Erie Railway Company crosses the same; thence along said railroad northwesterly to the division line of lands of Mrs. Jane Aycrigg and Mrs. Anna Paulison; thence along said division line westerly to the north side of the road leading from Passaic to Bloomfield; thence in a direct line to a point on the Paterson and New York plank road one hundred feet north of the dwelling house of Henry P. Simmons; thence in a direct line northeasterly to the Weasel road, at a point where it is intersected by the road leading to the residence of the widow of John J. E. Vreeland; thence in the direct line of said last mentioned road easterly to low water mark on the west bank of the Passaic river; and thence along the west bank of the Passaic river to the place of beginning. Boundaries of the village of Passaic.

2. *And be it enacted*, That the land owners, who are also residents of the said village of Passaic within the limits above described, shall hold an election at the hotel of John Beard, junior, in said village, on the first Monday of May, eighteen Time of holding first election for board of commissioners.

hundred and sixty-eight, and on the first Monday of May in each year thereafter, between the hours of two o'clock in the afternoon and seven o'clock in the evening, at which election there shall be chosen by ballot, by a plurality of the votes cast, five of the freeholders, and residents within the limits aforesaid, who shall be denominated "The Board of Commissioners of Passaic," and by that name they and their successors in office may sue and be sued, make contracts and agreements, make regulations and ordinances upon the matters by this act placed within the regulation and control of said board (not inconsistent with or contrary to the constitution or laws of this state), and impose and enforce, by suit at law in any court of competent jurisdiction, penalties not exceeding in amount fifty dollars, for the purpose of carrying out and effecting the objects and purposes of this act.

Names of officers of first election.

3. *And be it enacted*, That the first election for commissioners under this act shall be held as aforesaid, on the first Monday of May, eighteen hundred and sixty-eight, at the hotel of John Beard, junior, in said village, and subsequent elections shall be held at such place in said village, within the limits aforesaid, as by resolution of said board of commissioners for the time being shall be appointed and designated, of which subsequent elections the said board shall give two weeks' notice by advertisement in the newspapers of the said county, and by handbills posted up at five public places in said village, within the limits aforesaid; that for the purpose of holding the first one of said elections, William J. Boggs, John V. Ryerson and Garret Jacobus shall be the judges, and John H. Couenhoven clerk; and the said elections shall be conducted in the manner that township elections in the township in which the said village is situated are conducted, and the election officers of said elections shall be qualified, and possess the same powers and be subject to the same duties and restrictions, except so far as by this act is otherwise directed, as the like officers of said township possess and are subject to; and that at the close of said election, and of every subsequent election held under this act, the judges of the election shall canvass the votes cast, and publicly declare who have been chosen, and the number of votes given for each and every candidate, and shall make out and sign a certificate of the result of such election, which certificate shall be filed and recorded in the minutes of the proceedings of the said board of commissioners, and also, within ten days after every

such election, a copy of the said certificate, attested by the clerk of such election, shall be filed in the clerk's office of the county of Passaic, and be also delivered by said clerk to each of the commissioners chosen at such election; and at the first election of commissioners, and at every subsequent election under this act, there shall be elected, in addition to the said commissioners, three judges and one clerk to hold the next subsequent annual election, who shall hold, conduct and certify the same in the manner required by this act.

Commissioners to appoint from their own number a president, secretary and treasurer.

4. *And be it enacted*, That the commissioners chosen at the first election under this act, shall meet at the house of John Beard, junior, in said village, on the second Monday after said election, at seven o'clock in the afternoon, and the commissioners chosen at every such subsequent election, shall meet on the second Monday after the election, at the same hour and at their former usual place of meeting, or at such place and hour as the previous board of commissioners by resolution or ordinance may have appointed; and the said commissioners when met as aforesaid, shall choose and appoint from their own number a president, secretary and treasurer, who shall severally perform such duties as shall be prescribed by the said board, or on failure of the board to prescribe such duties, then such as are usually performed by such officers; the said board shall also appoint a superintendent of streets, who shall attend to and perform such duties as the board shall prescribe; a majority of the said commissioners shall constitute a quorum for the transaction of the business of the board, and the said board shall hold regular meetings at such times as the board by ordinance shall direct, and also adjourned meetings, for the transaction of business; all ordinances, resolutions and proceedings of the board shall be entered and recorded by the secretary in a book to be provided and kept for that purpose, to which all persons interested shall have access at reasonable times; the treasurer of the board shall annually give bond to said board in such sum and with such sureties as the board shall require, conditioned for the faithful performance of the duties of his office, he shall render annually, and as often as the board shall by resolution require an account of all moneys received and disbursed by him, and he shall pay out no moneys except upon a resolution of the board directing to whom and for what the money is to be paid, and the amount thereof in every case, adopted or passed by at least a majority of all the commissioners.

Commissioners to be sworn.

5. *And be it enacted*, That the said commissioners before entering upon the duties of their office, shall severally take and subscribe an oath or affirmation before some officer duly qualified to administer the same, that they will faithfully and impartially execute the duties of their office, according to the best of their ability, skill and understanding, which shall be filed and preserved among the files of the said commissioners.

Vacancies, how filled.

6. *And be it enacted*, That if any of the said commissioners shall refuse or neglect to take and subscribe the oath or affirmation prescribed in the last preceding section for twenty days after receiving the notice of his election, or shall resign or remove out of the said limits of the village of Passaic, his office as commissioner shall thereby become and be vacant, and such vacancy may be filled by the other members of the said board for the balance of the year, by the election of some qualified person to the same.

Powers and duties of the commissioners.

7. *And be it enacted*, That it shall and may be lawful for the said board of commissioners to have the general supervision, management and control of the public streets, sidewalks, roads, public squares and parks within the said limits of said village, and for this purpose may, by a vote of the majority of the whole number of said board, by ordinances, make all needful rules and regulations touching and concerning such streets, sidewalks, roads, public squares and parks; and more particularly that the said board may by such ordinances cause the streets and roads which are or shall be in use and recognized as public streets or roads, or such part or parts thereof as they may deem advisable, to be graded, graveled or otherwise improved and repaired, and to prevent and cause to be removed all obstructions thereon, and to fix and determine the grade and construction of the sidewalks and crosswalks within the said limits, and cause the said sidewalks and crosswalks, or such and such parts of them as they may deem necessary, to be paved, flagged, or graveled and curbed, at the expense of the several owner or owners of the property adjoining or fronting on the same; and in case any owner or owners shall neglect or refuse to comply with and carry out any such ordinances or regulations touching or concerning the sidewalks or crosswalks in front of or adjoining their land, then the said board may cause the same to be done and carried out by contract with the lowest bidder, or by their workmen, laborers or agents as the said board may determine, keeping a particular account of the expenses attending the

same, to and with reference to the several owners of said lands respectively, and in default of the payment of such expenses by any such owner or owners, upon such notice printed or written, and within such time as said board may direct, then the said board of commissioners by their aforesaid title of office, may sue for and recover the same in any court of competent jurisdiction, with all such necessary costs and expenses as may be awarded by said court, which moneys when recoverd shall be applied by said board to carry out the purposes of this act; and the said board of commissioners shall also have power to cause to be constructed, enlarged, repaired and extended any culverts, sewers, drains or ditches, in or along any of the said streets or roads, and therein and thereby to carry off, divert, receive and discharge the drainage of said streets and roads with reference to the greatest public convenience, and so as to do the least private injury possible.

Compensation

8. *And be it enacted*, That no compensation shall be paid to any of said commissioners, judges, or clerk of election, or any other officer, for their services, except such sum to the superintendent of streets, not exceeding one hundred dollars per year, and to the secretary of the board, not exceeding fifty dollars per year, as the board shall direct; nor shall any of them be interested, directly or indirectly, in any contract for work to be awarded by the said board under this act; that the said board shall not have power to levy any tax, or make any assessment upon the real estate or the inhabitants within said limits, excepting only for the construction and repairs of sidewalks and crosswalks as herein provided for, unless the same shall be herein authorized; that the taxes which shall hereafter be assessed, levied, and collected upon and from the taxable inhabitants of said village, and upon the real estate therein, within the limits aforesaid, for roads, or for the improvement or repairs of roads by the officers of the township within which the said village is situated, shall not be applied to the roads without the limits aforesaid of the said village, but that the assessor and collector of the said township shall hereafter assess and collect upon and from the taxable inhabitants of the said township, and the taxable property therein, the road tax which shall have been ordered to be raised at the previous annual township election, in the same manner as the same has been heretofore assessed, levied and collected, and it shall be the duty of the collector of said township to pay over to the treasurer of the said board of commissioners

Road taxes assessed, levied and collected, for what purposes to be applied.

the amount of the road tax by him received, and which shall have been assessed upon and collected from the taxable persons and property within the aforesaid limits of the village of Passaic, to be applied and expended by the said board in carrying out the purposes of this act in respect to streets and roads, culverts, sewers, drains and ditches, and in paying the actual necessary expenses of said board for printing, record book or books, and stationery; and for this purpose the said assessor shall by some convenient mark in his duplicate, designate the road taxes assessed against persons and property within the limits aforesaid of the said village, and the said collector shall keep the same when collected, separate and distinct from the other road taxes in said township; and in case of any dispute respecting such designation, or of the apportionment of said road taxes, such dispute shall be referred to and determined by the commissioners of appeal of said township at their regular annual meeting.

Moneys when voted for how to be assessed and collected.

9. *And be it enacted*, That the persons entitled to vote at any election for commissioners as herein provided for, may vote upon the same ballot with the names of the commissioners, such amount of money as may be deemed necessary, to be applied and expended by the said board in any one year for the purposes authorized by this act, except for sidewalks and crosswalks; but no such money shall be voted for or considered by the judges of election unless a motion or proposition to that effect shall be first made, and carried or adopted by a majority of the electors present by a viva voce vote, or a division and count had after the hour of meeting and before the reception of any ballots by the judges; nor shall any sum of money expressed upon any ballot be received and counted by the judges of election unless such sum shall also have been publicly proposed by motion made by one or more of said electors to the meeting before the reception of any ballots; and the clerk of said election shall enter in the minutes of the proceedings thereof the result of the first-mentioned vote and the motions or propositions for particular sums to be balloted for; and the result of such election for moneys when balloted for, shall be decided by a plurality vote; and whenever such vote to raise money as provided for in this section shall be had, the said judges of election shall, without delay, make out and sign a certificate of the result thereof, with the amount of the sum voted to be raised, and the clerk shall attest and deliver the same to the assessor of the said

township, and the said sum shall thereupon be assessed upon the real estate within the aforesaid limits of the said village, and be levied and collected as nearly as practicable, and by the same officers as other township taxes are assessed and collected; the account of the same shall be kept distinct from other taxes, and shall, when collected, be paid over to the treasurer of said board of commissioners, and be applied and expended by said board for the purposes for which they have been raised, as in this section mentioned.

Repealer.

10. *And be it enacted*, That the act entitled "An Act to authorize the inhabitants of the village of Passaic to improve the sidewalks of said village," approved March twenty-seventh, eighteen hundred and sixty-six, and the supplement thereto, approved March seventh, eighteen hundred and sixty-seven, be and the same are hereby repealed; and all property and articles purchased and held for public purposes by any superintendent of streets or the commissioners of assessments elected under the acts last aforesaid, shall be delivered by them to the board of commissioners when elected under this act; and the board of commissioners to be elected under this act shall, when elected and duly qualified in office, be and is hereby authorized and required to audit and settle the accounts and claims of any such superintendent and commissioners of assessment upon a just and equitable basis, and to report in writing the amount still due and owing (if anything) from any landholder within said limits, to such superintendent or commissioners of assessment, and such report and finding shall be final and conclusive as to the amount so due, unless the same shall be appealed from, as hereinafter provided; and for the purpose of ascertaining the amounts so due, the board of commissioners elected under this act, or a majority of them, shall ascertain from such superintendent the amount claimed, and from whom, and on what account, and the said board shall thereupon appoint a time and place when and where they will hear the parties, and shall give five days' notice in writing thereof to said parties, at which time and place the said board shall proceed to hear and examine the said matters, and may examine any witnesses brought before them, and administer oaths or affirmations, which said board is hereby authorized to administer, and shall receive and consider all documents, proofs and testimony presented to them, and may also personally inspect the work and materials for which compensation is claimed; and the said board

Accounts to be audited.

Proceedings for ascertaining amounts due board of commissioners.

shall, as soon as conveniently may be, make award in writing, and sign and file the same, and furnish a copy or copies thereof to said parties; and if either party is dissatisfied with such award, he may file a notice thereof with the president of said board within five days after being furnished with a copy of such award, stating therein his intention to appeal to the then next court of common pleas of the county of Passaic; such appeal may be made by petition to such court, therein reciting the matter appealed from; and such court shall thereupon hear and finally determine the said appeal according to the rules and practice of said court, and shall have power to make and enforce such rules and orders as the said court may deem necessary for a full and fair trial and decision of the matters in controversy; and when such claims and accounts shall have been ascertained and determined as aforesaid, the same shall be collected by the said board of commissioners in the manner provided in this act, and be paid by said board to the person or persons to whom the same may be due; and thereupon the said superintendent of streets, and the said commissioners of assessment, shall deliver to the said board of commissioners all documents, books, maps, profiles, accounts and papers of every kind, in reference to the said streets and sidewalks, and the work and business done by such superintendent or commissioners under the act and supplement first recited in this section.

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

Approved April 2, 1868.

CHAPTER CCCVI.

An Act to incorporate the Paterson Coöperative Machinery Manufacturing Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Columbus Force, John Cutler, George W. Greenwood, William Dobson, William Erwin, Merselis H. Post and Alexander Skelton, and their associates,

be and they are hereby created a body politic and corporate, in fact and in law, by the name and style of "The Paterson Coöperative Machinery Manufacturing Company," for the purpose of manufacturing and disposing of all kinds of machinery, castings, forgings, railroad equipments, marine work, factory, mill, and other work composed entirely or in part of either wood or metal, with such privileges as are necessarily incident thereto; and for such purpose the said company shall or may raise by subscription, by opening the books thereof, or otherwise, a capital stock of not exceeding two hundred thousand dollars, to be divided into shares of one hundred dollars each; and it shall be lawful for said company to issue certificates of stock, in whole or in part payment, for any real or personal property purchased or leased by said company for the purpose of their business aforesaid. Name. Capital stock.

2. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such real estate in fee simple, or any less estate, as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease, or otherwise dispose of the same at pleasure, and may borrow money and issue bonds therefor to an amount not exceeding at any one time two-thirds of their paid up capital stock, and may sue and be sued in all courts of law or equity, and may have and use a common seal, and may change and alter the same at pleasure, and may make such by-laws for their regulation and government as they may see proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state. May hold real estate. Proviso.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by seven directors, who shall elect one of their number president; and said directors shall be stockholders in said corporation, and shall hold their office for one year and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders, to be held on such day, at such hour of the day, and at such place as the by-laws of the said corporation shall direct; a majority of the directors shall on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business, and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect the full number authorized by this Election of directors.

act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholders.

Not dissolved by failure to elect directors.

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved; but the stockholders may proceed to hold an election for directors on any other day, ten days' notice being given of the time and place of such election.

Annual statement.

5. *And be it enacted*, That the said directors shall submit to the stockholders at their annual meeting a written statement of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained.

Principal office in Paterson.

6. *And be it enacted*, That the principal office of said company shall be in the city of Paterson, in the county of Passaic, where regular books of account shall be kept, to which any stockholder shall have free access at all reasonable times for the purpose of inspection, and that books of transfer of the stock shall also be kept, and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.

How dissolved.

7. *And be it enacted*, That the said corporation hereby created may be dissolved by a general meeting of the stockholders of the same, specially called for that purpose; *provided*,

Proviso.

that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being, and the survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for the settling all the affairs of the company, collecting and disposing of all its property and assets, paying its debts and dividing its surplus among the stockholders in proportion to their respective interests in the stock.

Powers and restrictions.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions set forth in an act entitled "An Act concerning Corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same may be applicable.

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

Approved April 2, 1868.

CHAPTER CCCVII.

A Further Supplement to the act entitled "An Act to incorporate the Manalapan and Freehold Turnpike Company," approved March eighteenth, eighteen hundred and sixty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said company to increase their capital stock from fifteen thousand to twenty thousand dollars. Capital stock may be increased.

2. *And be it enacted*, That the said company shall also be authorized to increase their rates of toll, and to demand and receive for traveling each mile, and all fractions over half a mile of their road, not exceeding the following rates, to wit: Rates of toll.

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

3. *And be it enacted*, That anything in the original act inconsistent with this supplement, be and the same is hereby repealed. Repealer.

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

Approved April 2, 1868.

CHAPTER CCCVIII.

An Act to incorporate the Elwood Shoe Manufacturing Company of Atlantic county.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Stephen Colwell, Thomas Irving George W. Rich, Elias Wright, S. R. Colwell and Benjamin H. Overhiser, and their associates and successors, be and they are hereby constituted and declared a body corporate

Name.

and politic in law by the name of the "Elwood Shoe Manufacturing Company," with all the rights, powers and privileges incident to a corporation, for the purpose of conducting the business of manufacturing, and by that name the said corporation shall have power to agree for and purchase so much land as shall be deemed necessary and expedient by them in the conduct of their business, and to erect such buildings as shall be required for the use of the said corporation, and shall also have power to purchase, hold, convey, lease, improve and otherwise dispose of any lands, tenements, hereditaments, goods and chattles whatsoever, and do all other acts and things necessary or proper to effect the object of the said corporation.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall consist of twenty shares of a par value of five hundred dollars each, with the privilege of increasing the same to one hundred shares, all of which shall be personal property and shall be transferable in such manner and subscribed and paid for at such times as the said corporation shall direct; and in case of a failure by any stockholder to pay his or her installments at the time and place appointed for the payment thereof such stockholder may, at the option of the board of directors of said company, incur a forfeiture of his or her share or shares and all previous payments thereon to the said corporation.

First managers.

3. *And be it enacted*, That the said corporators, Stephen Colwell, Thomas Irving, George W. Rich, Elias Wright, S. R. Colwell and Benjamin H. Overhiser shall manage the affairs of said corporation until it shall have been organized as hereinafter provided.

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

corporators immediately after the passage of this act or as soon thereafter as it can conveniently be done, to hold a meeting and appoint a time, place and manner in which subscriptions to the capital stock of the said corporation may be made and that so soon as twenty shares shall be subscribed they shall call a meeting of the stockholders, who shall organize the said corporation by electing from their number five directors and the adoption of a constitution and by-laws for the government of the said corporation, and at the said election and all subsequent elections, each stockholder shall have one vote for each share of stock held by him or her and no more, and a majority of the votes cast shall determine the election. Directors how elected.

5. *And be it enacted*, That thereafter the said board of five directors, any three of whom shall be a quorum, shall manage the affairs of the said corporation, in accordance with the provisions of this act and the constitution and by-laws adopted by the stockholders as aforesaid; and that the said directors may make such dividends as the profits, plans and rules of the said corporation will allow. Dividends.

6. *And be it enacted*, That it shall be the duty of the directors of the said corporation to call an annual meeting of the stockholders at the time fixed in the constitution adopted as aforesaid, and to make a report at each annual meeting setting forth the affairs of the company; and that if required by any of the stockholders, shall produce the books, accounts and papers of the company; and if the directors shall neglect or refuse to call an annual meeting of stockholders at the time prescribed, then said meeting may be called at any time thereafter by any number of stockholders holding not less than ten per centum of the stock paid in. Annual meetings.

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

Approved April 2, 1868.

CHAPTER CCCIX.

An Act to confirm the title of Francis Andrews to a lot of land in Hudson county.

Preamble.

WHEREAS, William McCarthy died siezed of a lot of land situate in the city and county of Hudson, state of New Jersey, which on a map made by William Hexamer, city surveyor, and marked "map of property belonging to Thomas Forster and Charles Clinton," and on file in the county clerk's office of said county, is known and marked as lot number five on said map; and whereas, he left a widow, Mary C. McCarthy, and three minor children; and whereas, the orphans' court of Hudson county, at May term, eighteen hundred and sixty-two, duly appointed said Mary C. McCarthy guardian of said minor children, and directed her as such guardian to sell said lot of land as appears by decrees filed in the surrogates office in said county, August fifth, eighteen hundred and sixty-two; and whereas, said Mary C. McCarthy sold said lot to Francis Andrews for three hundred and fifty dollars, the full value thereof, and received said sum therefor, but failed to comply with the statute in reference to advertisement, sale and confirmation thereof; and whereas, said Mary C. McCarthy, October thirteenth, eighteen hundred and sixty-two, executed a deed as widow and administratrix of William C. McCarthy, deceased, conveying said lot to said Francis Andrews, instead of executing the same as guardian with the proper recitals therein, which deed was duly recorded in said county; and whereas, Francis Andrews and his grantees have been in possession of said property since October thirteenth, eighteen hundred and sixty-two; therefore,

Deed legalized and confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said deed made and executed by said Mary C. McCarthy to the said Francis Andrews, bearing date October thirteenth, eighteen hundred and sixty-two, and conveying said lot number five on said "map of property belonging to Thomas Forster and Charles Clinton," and recorded in the office of the clerk of the county of Hudson, November first, eighteen hundred and sixty-two, in book fourteen of deeds, page six hundred and ninety-two, shall be

as valid and effectual in law as if said guardian Mary C. McCarthy had complied with all the requirements of the statute in reference to the said sale and deed; and said deed shall vest in said Francis Andrews, his heirs and assigns forever, the lands and premises therein and thereby granted and conveyed, subject, however, to all the covenants in said deed contained.

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

Approved April 2, 1868.

CHAPTER CCCX.

An Act for the relief of the Lambertvile Water Company.

Preamble. WHEREAS, the legislature of New Jersey, by act approved March fifteenth, eighteen hundred and fifty five, did incorporate the Lambertville Water Company; and whereas, the said company, owing to the death of some, the removal of some, and the failure of others of the corporators to act, has never been organized; and whereas, it is very desirable that the town of Lambertville be supplied with good and wholesome water; therefore,

New corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ashbel Welch, William McCready, Samuel Lilly, William Cowin, William V. Cooley, Charles A. Skillman, Gervas Ely, Joseph Smith and Charles C. Holcombe be and they are hereby substituted in lieu of the persons named in "Act to incorporate the Lambertville Water Company," approved March fifteenth, eighteen hundred and fifty-five, and shall be possessed of all the powers and subject to all the restrictions contained in said act.

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

Approved April 2, 1868.

CHAPTER CCCXI.

An Act directing the payment of certain sums of money heretofore appropriated for the purposes of African Colonization.

Preamble. WHEREAS, the legislature of this state by an act passed in the year eighteen hundred and fifty-two, did appropriate the sum of one thousand dollars a year for two years to be paid to the New Jersey Colonization Society or their authorized agent for the purpose of African colonization, and did in the year eighteen hundred and fifty-five revive and extend the same act for the further period of five years, thus appropriating the sum of seven thousand dollars for the purposes aforesaid as specified in said act, of which amount the sum of three thousand dollars remains unpaid, the said society not having drawn the same within the time limited by the last mentioned act, owing to various causes interfering with their operations; and whereas, the balance of the said appropriation is now greatly needed to promote the humane objects of the society; therefore,

Balance of appropriation to whom payable 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the balance of the appropriation so made as aforesaid, that is to say, the sum of three thousand dollars be paid to the president of the New Jersey Colonization Society or his order, in the following manner: one thousand dollars on the first day of May in the year one thousand eight hundred and sixty-eight, one thousand dollars on the first day of May in the year one thousand eight hundred and sixty-nine, and the remaining one thousand dollars on the first day of May in the year one thousand eight hundred and seventy; and that the same be applied to promoting and providing for the emigration of free persons of color to the coast of Africa according to the best judgment of the said society, always giving preference to free persons of color residents of this state.

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

Approved April 2, 1868.

CHAPTER CCCXII.

Supplement to an act entitled "An Act to incorporate the Rahway Savings Institution," approved February nineteenth, eighteen hundred and fifty-one.

Borrower to pay taxes assessed on moneys loaned.

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 Rahway Savings Institution to enter into a contract or agreement with any one to whom they have lent or may lend money, secured or to be secured by mortage upon personal or real estate, whereby the borrower shall pay any part of national, state, county, city or other local taxes which may be assessed upon the money so lent or to be loaned, and the securities for the payment thereof; and all such contracts or agreements are hereby made and declared to be valid and effectual in law, and no such mortgage or other security shall be held, deemed or taken in any court of this state to be usurious or invalidated by reason of any such contract or agreement, anything in any existing law of this state to the contrary notwithstanding.

May hold real estate.

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

Money may be invested in certain bonds.

3. *And be it enacted*, That in addition to the investments said institution is empowered to make, the managers may invest money in the bonds of any incorporated cities or townships of the counties of Union or Middlesex, and in the bonds or special stock of any incorporated company of said counties; *provided*, that no loans shall be made to any private corporation, or investments made in any bonds or special stock of any such corporation, unless secured by bond and mortgage upon the unincumbered real estate of such corporation, worth at least double the sum of the amount invested.

Proviso.

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

Approved April 2, 1868.

CHAPTER CCCXIII.

A Supplement to an act entitled "An Act to incorporate the Passaic Fire Engine Company, Number One, of the city of Paterson," approved March sixteenth, eighteen hundred and sixty-four.

Name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company shall hereafter be designated and known by and under the name and title of "The Passaic Steam Fire Engine Company, Number One, of the city of Paterson."

Increase of capital stock.

2. *And be it enacted*, That the said company be and is hereby authorized to increase its capital stock to any sum not exceeding twenty-five thousand dollars, and the same shall be applied to the purchase authorized in said act, and to the building and furnishing an engine house for the use of said company.

Property exempt from taxation.

3. *And be it enacted*, That the property of said company, held under the said act and this supplement, shall be free and exempt from all taxes and assessments.

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

Approved April 2, 1868.

CHAPTER CCCXIV.

An Act to incorporate the Epsilon Chapter of the Delta Phi Fraternity of Rutgers' College, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James W. Schermerhorn, Peter Stryker, Charles H. Winfield, William H. Ten Eyck, Jonathan Dixon, junior, Garret D. W. Vroom and Cornelius Esselstyn, and their associates, members of the Epsilon Chapter of the Delta Phi Fraternity, and their successors, be

and they are hereby constituted and declared to be a body corporate and politic in law, by the name, style and title of "The Epsilon Chapter of the Delta Phi Fraternity of Rutgers' College, New Jersey," and by that name they and their successors shall and may at all times hereafter be capable in law of having, purchasing, holding and possessing any lands, tenements, hereditaments and personal estate, purchased, devised or bequeathed by any person or persons, body politic or corporate, capable of making the same, and also to have a common seal, and the same to use at pleasure; *provided*, that the said corporation or body politic shall not at any time hold property, real, personal or mixed, exceeding in value the sum of fifteen thousand dollars. Name. Proviso.

2. *And be it enacted*, That the management and disposition of the affairs and property of the said corporation shall be vested in a board of five directors, who shall be elected at such time and manner as the said corporation shall in its by-laws direct; *provided*, such by-laws shall not be repugnant to the constitution and laws of this state or of the United States. Election of directors. Proviso.

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

Approved April 2, 1868.

CHAPTER CCCXV.

An Act to limit Assessments for the Drainage of Wet or Overflowed Lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any assessment on lands is authorized to be made for the costs and expenses of drainage of wet or overflowed lands, by any commissioner or commissioners appointed by any court, or by any justice or judge thereof, by or under any general or special law of this state heretofore enacted, said general and special acts shall be so construed and enforced that in all cases the assessments on any lands or premises provided for in and by such act or acts shall be made with reference to the benefits, Assessments to be made by commissioners.

and shall in no case be greater than the benefits resulting from said drainage under the act authorizing the same.

Modification.

2. *And be it enacted*, That all special and general laws heretofore enacted, providing for the drainage of any wet or overflowed lands, whereby commissioners may be appointed as aforesaid, be and the same are hereby modified and amended so as to conform to the provisions of the first section of this act, and shall be so considered and construed in all courts of law and equity, the same as if this was a supplement to such act.

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

Approved April 2, 1868.

CHAPTER CCCXVI.

An Act to incorporate the Phifer Plough Manufacturing Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Anderson L. Brearley, Charles H. Seaman, Edward Phifer and Joseph G. Brearley, and their associates, be and they are hereby created a body politic and corporate, in fact and in law, by the name and style of "The Phifer Plough Manufacturing Company," for the purpose of making agricultural implements and other machinery, and carrying on the business incident thereto; and for such purpose the said company shall or may raise by subscription, by opening the books therefor, or otherwise, a capital stock of thirty thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same from time to time to any sum not exceeding two hundred and fifty thousand dollars; and it shall be lawful for said company to issue certificates of stock, in whole or in part payment for any real or personal property purchased or leased by said company for the purpose of their business aforesaid.

Name.

May purchase and hold real estate.

2. *And be it enacted*, That said corporation may purchase, use, hold, possess and enjoy such real estate as may be ne-

cessary or expedient for the purposes of said corporation, and may sell, mortgage, lease, or otherwise dispose of the same at pleasure, and may borrow money and issue bonds therefor, to an amount not exceeding at any one time one-half of their paid up capital stock, and may sue and be sued in all courts of law or equity, and may have and use a common seal, and may change and alter the same at pleasure, and may make such by-laws for their regulation and government as they may deem proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state. Proviso.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president, and said directors shall be stockholders in said corporation, and shall hold their offices for one year and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders, to be held on such day, at such hour of the day, and at such place as the by-laws of the said corporation shall direct, and until such annual election shall take place, Anderson L. Brearley, Charles H. Seaman and Edward Phifer, being stockholders, shall be directors of said corporation; a majority of the directors shall, on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business; and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder. Directors, and how elected. First directors

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days' notice being given of the time and place of such election. Not dissolved by failure to elect directors

5. *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets Annual statement.

and property belonging to said corporation, as nearly as the same can be ascertained.

Principal office, where located.

6. *And be it enacted*, That the principal office of said company shall be at Trenton, in the county of Mercer, where regular books of account shall be kept, to which any stockholder shall have free access at all reasonable times for the purpose of inspection; and that books of transfer of the stock shall also be kept, and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.

How dissolved

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

Proviso.

Powers and restrictions.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions set forth in an act entitled "An Act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same may be applicable.

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

Approved April 2, 1868.

CHAPTER CCCXVII.

A Supplement to an act entitled "An Act to incorporate the Godwinville and Paterson McAdamized Road Company," approved April fourth, eighteen hundred and sixty-seven.

When company may organize.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever one hundred and fifty

shares of the capital stock of the said company shall be subscribed, and ten per centum thereon paid or secured to be paid as provided in said act, it shall be lawful for the commissioners named in the first section thereof, or a majority of them, to give the notice and proceed to organize the said company, in all respects as provided in the sixth section of the act to which this is a supplement.

2. *And be it enacted*, That whenever the road authorized to be constructed by the said act shall have been graded in the manner provided in said act, and put in good order and repair for travel thereon, it shall be lawful for the said company to erect gates and receive and collect the tolls provided for in the tenth section of the said act to which this is a supplement; and the time for completing the said road by macadamizing the same, is hereby extended to six years from the passage of this act. When tolls may be demanded.

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

Approved April 2, 1868.

CHAPTER CCCXVIII.

A Further Supplement to the act entitled "An Act to fix the salaries of the officers of the Senate and General Assembly of the state of New Jersey."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the officers of both houses of the legislature, including the journal clerks of both houses, and the doorkeeper of the ladies' gallery, receive the same salary as was received by the same officers during the session of eighteen hundred and sixty-seven, by the act entitled, "A Further Supplement to the act entitled 'An Act to fix the salaries of the officers of the senate and general assembly of the state of New Jersey.'" Compensation of legislative officers.

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

Approved April 3, 1868.

CHAPTER CCCXIX.

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

May have four commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful to appoint four commissioners for taking the acknowledgment and proof of deeds, in the third ward of the city of Hudson, in the county of Hudson.

Repealer.

2. *And be it enacted*, That so much of the act to which this is a supplement and of the supplements thereto, as is inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 3, 1868.

CHAPTER CCCXX.

An Act to incorporate the Squancum and Point Pleasant Turnpike Company.

Corporators.

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 Squancum and Point Pleasant Turnpike Company" shall be opened by John Arnold, Sydney Forman, Thomas Cook, William Curtis, William B. Hill, John J. Forman, William F. Brown, Tyler Allen, Charles Maxson, Sydney Herbert, John Frazer, Jacob Curtis, William Shatto, Isaac Nesbit and William Murrey, or a majority of them, are hereby appointed commissioners to receive subscriptions to the said stock, at such times and such places as they, or a majority of them, may direct, giving notice at least ten days

prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, with liberty for said company to increase the same to a sum not exceeding twenty thousand dollars, and shall be divided into shares of twenty-five dollars each, and that when fifty shares shall be subscribed for, the persons holding the same shall be and they are hereby incorporated into a company by the name of "The Squan-cum and Point Pleasant Turnpike Company," and by that name shall have, enjoy and exercise all the rights, powers and privileges appertaining to corporate bodies, and necessary to carry the objects of said company into effect.

Name.

Capital, how paid in, and forfeited for non-payment.

3. *And be it enacted*, That at the time for subscribing for said stock, five dollars shall be paid upon each share subscribed for to the commissioners, or any of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed, and the residue of the subscription shall be paid in installments, at such times, and at such places, and to such persons as the president and directors of the company shall from time to time direct, or 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 installments, or any of them, to and for the use of said company; *provided*, that the stockholders shall, upon request, have the right to pay the stock subscribed for, except the first installment, by work upon said road, under such regulations, at such times and upon such notice, as the directors may determine.

Proviso.

Limitation.

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

Directors, and how elected.

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

President.

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

Powers of directors.

7. *And be it enacted*, That the said directors, or a majority, may supply any vacancy in the interval between the annual elections by death, resignations, removal or refusal to act of any president or director, and may appoint a treasurer, who shall be a citizen of this state and a resident of the county of Monmouth or Ocean, and all officers, agents, superintendents or other servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls, and have the superintendence and direction of all receipts and disbursements, and all other affairs of the company, and may make

and enforce such ordinances and by-laws as they may think expedient for regulating the transfer of stock, and for the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution or laws of this state or of the United States. Proviso.

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

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

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

11. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road from Squancum, in the county of Monmouth, to Point Pleasant, in the county of Ocean, beginning at the terminus of the Squancum turnpike at Squancum, in the county of Monmouth, and ending at Point Pleasant, in the county of Ocean, at or near the residence of John Arnold, which said turnpike road shall be constructed on and along the public highway leading from Squancum to Point Pleasant, except in those places where said public highway is not straight, then and in those places said company shall have power to construct the said turnpike road where they may deem proper, and that the width of said turnpike road may be made equal to fifty feet, and to be measured from the centre of the present public road upon which Power to construct and make a turnpike.

Proviso. it may be made; *provided*, that before said company shall construct the said turnpike road aforesaid along the highway aforesaid they shall pay the respective owners of the lands over which the said highway selected for constructing the said turnpike upon now passes all damages which said owners will sustain by reason of the construction of said turnpike road; and in case the said company and any of the said owners cannot agree upon the amount of said damages, then the said damages shall be ascertained and determined as nearly as may be in the manner hereinafter provided for, for ascertaining and determining the damages which any land owner or owners shall sustain for the taking of stone, gravel, and other materials from his or her lands for the constructing and maintaining said turnpike road; *provided also*, that the said company shall have power to take only the right of way over the lands whereon the road is to be constructed, paying damages which the owner will sustain thereby; and the commissioners hereinafter named, if appointed, shall have power to assess damages for the right of way only.

Proviso.

Width of road, &c. 12. *And be it enacted*, That said turnpike road shall be constructed at least twenty-four feet in breadth along the middle as near as may be of the said highway, and shall be sufficiently arched and drained to make and keep the same dry, and at least twelve feet thereof shall be so graded that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon, and the said company shall make good and sufficient bridges along the line of said road, not less than twelve feet in breadth; and where the said road in passing over low ground shall be raised so much at the margin or side as to render vehicles drawn by horses and passing thereon liable to overset, the said company shall cause railings to be erected and maintained on the sides, so as to prevent said vehicles and horses from running off.

May enter on lands, &c. 13. *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 burden and draught, 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 as possible, repairing any breach they may make in the enclosure thereof, and to make all ditches and underdrains across and through such lands necessary for proper draining such road; and that when such company or its agents cannot agree with the owner

or owners of such required land or materials for the use or purchase thereof, or, when by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of said company for 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 of 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 supreme court of this state, or to one of the judges of the court of common pleas of the county of Monmouth or Ocean, who shall cause said company to give notice thereof to the persons interested, if known and in this state, [or,] if unknown and 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 said lands or materials and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice or judge making such appointment, to be expressed therein not less than twenty days; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, faithfully to examine the matter in question and make a true report, to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands and materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages to be paid by the said company for such land and 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 land or materials, and the appointments and oaths or affirmations aforesaid in the clerk's office of the county where said lands or materials are located, to remain on record therein, and shall be recorded by the clerk, which report, or a copy thereof, certified by the clerk of said county, shall at all times

Proceedings when company and owners cannot agree.

be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials after the payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of the said valuation, with interests 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 within twenty days after demand made of the treasurer, and shall constitute a lien upon their property in the nature of a mortgage, and payment of said assessment shall be made to the owner or owners or persons entitled to receive the same, or to the clerk of the court of common pleas of Monmouth or Ocean county, whenever the judge appointing commissioners shall so order; and the said judge shall tax and allow such costs, fees and expenses to the said judge. commissioners, clerk 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.

May demand and receive tolls.

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

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

and it shall and may be lawful for the toll-gatherers to stop persons riding, leading or driving any horses, cattle, mules, 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 so as to entitle 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

Proviso.

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

Must erect mile stones and put up rates of toll.

15. *And be it enacted*, That before the said company shall receive toll for travelling said road, they shall cause mile-stones or posts to be erected and maintained, one for each and every mile on the said road, and on each stone or post shall be fairly and legibly marked the distance the said stone is from the beginning point of said road at Squancum, and shall cause to be fixed and always to be kept up at the gates or turnpikes aforesaid, in a 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 mile stones or posts &c., and for forcibly passing toll gates.

16. *And be it enacted*, That if any person shall wilfully break down, throw down or deface any of the mile-stones, posts so erected on the said road, or wilfully tear down or deface any of the 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 gate or gates or turnpikes, such person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for 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 horses, turn off 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 a penalty of five dollars, to be recovered by said company for the use thereof in an action of debt, with costs of suit.

Penalty for hindering travel.

17. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveller passing at any of the gates or turnpikes, or shall receive more toll than is by this act established, the said company 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 neglecting to turn to the right.

18. *And be it enacted*, That all the drivers of the 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 direction, leaving the other side of the road free and clear for carriages or persons on horseback; 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 when road is not kept in repair.

19. *And be it enacted*, That if the said company shall not keep said road and bridges in repair, and complaint thereof shall be made to the judge of the court of common pleas of the said county of Monmouth or Ocean, who may be disinterested, the said judge shall immediately appoint, by writing under his hand and seal, three disinterested freeholders and residents of the county of Monmouth or Ocean aforesaid, which three persons 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 said judge shall appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine the said road so complained of, and to report to the said judge in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such state as the laws require it to be kept, and if the report be unfavorable to said road, the said judge shall immediately in writing, under his hand and seal, order the keeper of said gate or turnpike to keep the same open until otherwise ordered; and if the keeper shall notwithstanding the order of said judge to open said gate or turnpike, exact toll of travelers, the said company 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 whenever a report unfavorable to said road is made as aforesaid; and it shall be the duty also of the three persons appointed as aforesaid, or a majority of them, upon application to them made by the said company, again to view the said road and report as aforesaid, their opinion to the said judge who shall if authorized by the report of said persons, or any two of them, by license under his hand and seal, directed to the toll-gatherer, permit the gates or turnpikes to be shut and toll col-

lected 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 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.

20. *And be it enacted*, That when the said company shall have completed any two consecutive miles of said road according to the directions and true meaning of this act, it shall be lawful for said company to erect a toll gate or turnpike across said road, and demand and receive toll for traveling thereon, agreeably to the foregoing rates. When lawful to erect a toll gate.

21. *And be it enacted*, That said corporation shall possess general powers, and be subject to the restrictions and liabilities contained in the act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and and forty-six, and the supplements thereto, as far as the same are applicable.

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

Approved April 3, 1868.

CHAPTER CCCXXI.

An Act to incorporate the Stock Yard and Market Company of Camden and Gloucester counties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William B. Rosenbaum, John F. Gross, Joseph Bullock, William B. Rankin, Woodward Warrick, John Goldthorp and John Hood, and their associates, and all persons who are or may be holders of the stock hereafter mentioned, are constituted a body corporate, by the name and style of "The Stock Yard and Market Company of Camden and Gloucester counties," and by that name and style may contract and be contracted with, sue and be sued, have a common seal, and may have and exercise all the rights, Corporators. Name.

privileges and immunities which are or may be necessary to carry into effect the purposes of this act.

Object of corporation.

2. *And be it enacted*, That said company shall have power to locate, construct and maintain upon any land which they may purchase or lease for such purposes within the limits of the counties of Camden or Gloucester, or either of them, all the necessary yards, enclosures, buildings, structures, acqueducts and railway tracks, switches and turnouts, for the reception, safe keeping, feeding, watering, marketing, killing and packing, and for the weighing, delivery and transfer of cattle and live stock of every description, and also dead and undressed animals that may be at or passing through or near the counties of Camden or Gloucester, and for the accommodation and transaction of the business of a general stock yard and market establishment for cattle and live stock, including the erection and establishment of one or more hotel buildings, and the right to use, keep, manage or lease the same for the accommodation of the public doing business at the said yards and otherwise, and shall have power to enlarge, re-locate, sell or lease the said yards, structures and buildings, or any of them, as shall become necessary or expedient, from time to time, subject, nevertheless, to the restrictions above mentioned as to the location of the same, and shall have the right and power to purchase and sell, and make advances of money upon such cattle and live stock, for freight and other purposes, and for the care, subsistence and handling, and for advances made upon stock, and for killing, packing and rendering the same; the same company may require to be paid compensation therefor; the said company shall also have power to dispose of the offal, or manufacture products therefrom; and also to establish a ferry or ferries at or near their said yards for the purpose of running a steamboat or boats, and carrying their cattle to any part of the city of Philadelphia, and to carry passengers to and from said point or points, but to no other point or points of said counties of Camden or Gloucester.

May purchase, hold and convey real estate

3. *And be it enacted*, That the said company shall have power and authority for carrying out the purposes of said incorporation, to procure, hold and use such personal property, and also to purchase, lease, hold, sell and convey so much real estate as may be necessary for the proper transaction of their business.

Capital stock.

4. *And be it enacted*, That the capital stock of said company shall be three hundred thousand dollars with the privi-

lege of increasing the same to five hundred thousand dollars, which stock shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable on the books of said corporation; the said company may commence operations when fifty thousand dollars shall have been paid in cash; the board of directors shall have power to require the payment for the stock subscribed, in the manner, at the time, and in such sums as they may direct, and to declare dividends upon the profits earned by said company; on the refusal or neglect of any stockholders to make payment of any installment on the requisition of the board of directors, the share or shares of such delinquent with all installments paid, may be forfeited, or may, after thirty days' notice in the newspapers of Camden and Gloucester counties, be sold at public auction, under such rules as the directors may adopt, or said company may issue and use their stock as full paid, in the purchase of real estate or other property, or for other purposes, on such terms as the respective parties may agree upon.

First directors

5. *And be it enacted*, That the corporate powers of said company shall be vested in and exercised by a board of directors, to consist of seven in number, who shall be stockholders, and such other officers, agents and servants as they shall appoint; the first board of directors shall consist of William B. Rosenbaum, John F. Gross, Joseph Bullock, W. B. Rankin, Woodward Warrick, John Goldthorp and John Hood, who shall hold their office until the third Wednesday of January, anno domini, eighteen hundred and sixty-nine, and until their successors are elected and qualified; vacancies in said board may be filled by a vote of two-thirds of the directors remaining; an annual election for directors shall be held on the third Wednesday in January of each year, at such place and in such manner as may be provided by the by-laws of said company.

Vacancies, how filled.

Not dissolved for failure to elect directors

6. *And be it enacted*, That at any election of directors, each share of stock shall be entitled to one vote, to be given either in person or by proxy, and the seven persons receiving the largest number of votes shall be elected and hold their office until the next annual election, and until their successors shall be duly qualified; and if for any cause the annual election shall fail, the company shall not be dissolved, but the directors in office shall continue to hold their places as direct-

ors until an election shall be had and their successors duly elected and qualified.

Powers of directors.

7. *And be it enacted*, That the directors herein named shall organize by one of their number being elected president, and by appointing a secretary and treasurer; the said company shall have power to make, ordain and establish by-laws, rules and regulations necessary to fulfil the purposes and carry into effect the provisions of this act, and for the well ordering and securing the affairs, business and interests of the company.

May borrow money.

8. *And be it enacted*, That the said company is hereby authorized, from time to time, to borrow such sums of money as may be necessary, and to issue and dispose of their bonds therefor, in denominations of not less than five hundred dollars each, and to an amount which in the aggregate shall not exceed two hundred thousand dollars, bearing interest at the rate of seven per centum, and to secure the payment of the same, may execute a mortgage or mortgages, or deed of trust of all or any part of its property, real and personal.

Limitation.

9. *And be it enacted*, That the said corporation shall continue in existence for thirty years, and that this act shall take effect immediately.

Approved April 3, 1868.

CHAPTER CCCXXII.

An Act to establish a Board of Education in the town of Orange, in the county of Essex.

Corporate name of the school commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the public schools within the territorial limits of the town of Orange, in the county of Essex, shall be under the management and control of a board of education, consisting of three commissioners from each ward of the said town; that the said school commissioners and their successors shall be, and they are hereby incorporated by the name of "The Board of Education of the town of Orange," and shall be vested with all the powers and pri-

vileges appertaining to corporate bodies, necessary to carry into effect the provisions of this act, and that they and their successors may have a common seal, and alter the same at pleasure.

Names of first commissioners.

2. *And be it enacted*, That Nathan W. Pierson, James C. Hardin and William Pierson, junior, of the First ward; William Cleveland, Edward H. Ensign and William M. Price of the Second ward; and Robert L. Dashiell, Edward Coumant and Aaron Carter, junior, of the Third ward, shall be the first commissioners, and who shall constitute the first board of education of the town of Orange; and that said commissioners herein named shall meet in the common council room of the said town on the first Tuesday in May next, and the commissioners of each ward then determine by lot which of their number shall serve for the term of one year, which for two years, and which for three years, and that at each annual charter election thereafter there shall be elected in each of said wards respectively, by the legal voters, one person to serve as commissioner of public schools, who shall be a resident of that ward, and entitled to vote therein, and who shall not be a member of the common council, and who shall hold such office for three years, and until his successor is elected or appointed; and in case a vacancy shall occur in said board of education, whether by death, resignation, removal from the ward, or any other cause whatever, a person may be duly appointed by the common council of the said town to fill such vacancy until the next annual charter election, when a person shall be elected to fill the unexpired term; and the persons herein named as the first commissioners of public schools in said town, and every person who shall hereafter be elected or appointed as a commissioner of public schools under this act, shall, previous to entering upon the discharge of the duties of said office, take and subscribe, before the clerk of the town, or a justice of the peace residing in said town (who are hereby respectively authorized to administer the same), an oath or affirmation, faithfully and impartially to execute the trust reposed in him, according to the best of his ability and understanding; which oaths or affirmations shall be filed and preserved by the said clerk.

Vacancies, how filled.

Election of president and appointment of secretary.

3. *And be it enacted*, That the board of education shall meet and organize on the first Tuesday in May, after the annual charter election in each year, and shall then elect by ballot, a president from its own body, who shall continue in

office for one year, and in his absence the board shall elect a president pro tempore; the board shall appoint its times and places of meeting, and determine the rules of its own proceedings; said board shall also appoint a secretary, who shall keep a journal of its proceedings and perform such other duties as the board may prescribe; a majority of the whole number of 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 commissioners; the president of the board shall have the power to call special meetings whenever he shall deem it expedient.

Real and personal property to be transferred.

4. *And be it enacted*, That the present trustees of the respective school districts in the said town of Orange, be and they are authorized and required within thirty days after the organization of the said board of education, to convey and transfer unto the town of Orange all the real and personal property of every kind and description belonging to or vested in the said school districts, and they are hereby empowered to execute proper deeds of conveyance for the same; and the said town of Orange in its corporate capacity shall thereupon assume and become liable to pay all the just corporate debts and liabilities of the said trustees respectively; and the common council of the said town shall provide for the payment of said debts and of such other debts and liabilities as may hereafter be incurred by said town, in purchasing any real or personal property to be used for school purposes, or in erecting or repairing school houses; and for that purpose may issue and negotiate from time to time, bonds of the said town, bearing interest not exceeding seven per centum per annum, under the common seal, and signed by the mayor and clerk of the town; *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 town for school purposes, whether by bond or otherwise, shall not at any time exceed the sum of fifty thousand dollars.

Proviso.

Proviso.

Money to be raised by tax to redeem bonds and pay interest.

5. *And be it enacted*, That the common council 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 in said town, at the time and in the manner that other taxes in said town 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.

Powers and duties of the board.

6. *And be it enacted*, That the board of education shall take charge of the public school houses in said town, and shall cause all necessary repairs to be made to the same; and is also empowered to organize and establish public schools of different grades, adapted to the age and progress of the pupils, including evening schools for apprentices, minors and adult persons; to select and employ teachers; to provide school books, school furniture, and school libraries for the schools, to purchase stoves and fuel, and incur such incidental expenses for the maintenance of the said schools as may be necessary; and to adopt rules and regulations for the admission of pupils, the visitation and inspection of the schools, and the government and studies to be pursued therein; *provided*, that the said board shall at no time incur any liability exceeding the amount appropriated by the common council of said town for school purposes.

Proviso.

Annual report to be made to the common council.

7. *And be it enacted*, That the board of education shall, at least one month before the charter election in each year, prepare and transmit to the common council a report, embracing the number of schools under the charge of said board, specifying their grades, the number and names of the teachers, the number of pupils on the roll, and the average attendance in each school, the annual cost of each and every school, and a full and true account of the expenditures of said board during the year, under the respective heads of erection and repairs of school houses, salaries of teachers, school books, school furniture, and school libraries, stoves and fuel, and incidental expenses; and shall also transmit a copy of said report to the state superintendent of common schools; and the said board shall also, at the same time, prepare and transmit an estimate of the amount of money necessary for the support of public schools in said town 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 common council shall cause to be published in the newspapers printed in said town, within ten days after receiving the same; the said board shall also give such other information to the common council in relation to the public schools,

as the said common council shall, by resolution, require, and shall also promptly notify the said common council of any vacancy which may occur in the office of commissioner of public schools in said town.

Common council to determine the amount of money to be raised for school purposes.

8. *And be it enacted*, That the common council shall, on or before the first regular meeting in June, yearly and every year, in addition to the sum to be raised for the payment of the debt and interest incurred for school purposes, determine by resolution the amount of moneys to be appropriated for the purpose of organizing and maintaining the public schools in said town, which sum in the aggregate shall not exceed seven dollars, nor be less than two dollars for each child contained in the lists transmitted to the common counil by the board of education, as hereinafter provided; and after determining the sum of money to be 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 town are assessed and collected, and when collected, shall be paid over by the collectors of the several wards to the treasurer of the town, who shall place said sums of money so collected to the credit of "The Board of Education of the Town of Orange;" 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 of said board (which drafts shall state the purposes for [which] they are respectively given) to an amount not exceeding the balance remaining on his books to the credit of the said board of education, and shall preserve such drafts as vouchers to be exhibited in the settlement of his accounts as treasurer of the town.

Assessors to make list of children capable of attending school.

8. *And be it enacted*, That it shall be the duty of the assessors of the several wards of the town, and they are hereby authorized and required to make out a list of the children capable of attending school between the ages of five and eighteen years within each of said wards respectively, specifying the age of each child in years, together with the names of the parents or guardians of such children, and transmit the same, under proper certificates, on or before the first day of October, annually, to the said board of education; and a copy of said lists, duly certified by the president and secretary of said board, shall be transmitted to the common council on or

before their first regular meeting in the month of June; and the number of children in said lists shall be duly certified by the said board of education to the board of chosen freeholders of the county of Essex at their annual meeting next succeeding the return of said lists by the said assessors as aforesaid; and the quota of the town of Orange in the apportionment of the moneys appropriated by law to public schools in this state, shall be determined by the said board in the ratio of the number of children contained in said lists, in like manner as if the same had been duly ascertained and transmitted to the said board according to the provisions of an act entitled "An Act to establish a system of public instruction;" and the sum of three dollars for every one hundred names of children contained in said lists, respectively, shall be allowed to the assessors duly making and transmitting the same, to be paid by the said board of education.

Annual state appropriation, how applied.

10. *And be it enacted*, That the said town shall be entitled to its just quota of the annual appropriation made by the state for the support of public schools, to be ascertained according to law, which shall from time to time be paid to the treasurer of said town, to be expended for the support of public schools in said town, according to the provisions of this act.

School superintendent and other officers.

11. *And be it enacted*, That the said board of education shall have power, from time to time, to appoint a town superintendent of public schools, and such other officers or agents as they may deem necessary for the proper maintenance of the public schools of said town, to prescribe their duties, and to fix their compensation; said board shall also appoint two citizens of said town, to constitute, with the superintendent, a board of examiners for teachers in the public schools of said town; all said appointments shall continue during the pleasure of the board of education, and no longer.

Suitable persons to be licensed as teachers.

12. *And be it enacted*, That the board of examiners shall meet at such times and places as they shall appoint, to examine and license, by certificate, under their hands and seals, suitable persons as teachers of public schools in said town, 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 at any time be revoked at the pleasure of said board of examiners; and the board of education shall employ no person as a teacher in the public schools of the said town who has not such certificate from said board of ex-

aminers, and that no other certificate of scholarship shall be required.

Establishment of school houses.

13. *And be it enacted*, That whenever the said board shall determine to establish any school or schools in said town they shall procure a suitable house or houses therefor by hiring the same, or (with the concurrence of the common council of said town) by purchasing land and erecting necessary buildings thereon, according to plans and specifications which shall be laid before the said common council 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 buildings shall be done by contract, proposals for which shall be advertised in the newspapers of the said town of Orange 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 the 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 to re-advertise for new proposals; and whenever any contract shall be made for purchasing a site for a public school in said town, 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 common council of said town, such contract or a copy thereof, together with a statement showing in detail the amount of money to be paid by said town under such contract; and it shall be the duty of the said common council to appropriate, from time to time, such sum or sums of money as 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 common council, sell or exchange any public school property in said town.

Money for school purposes to be vested in the town of Orange.

14. *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 town, shall be vested in "The Town of Orange," and the common council shall keep all the public property in said town insured in some solvent insurance company or companies.

15. *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 Town of Orange," notwithstanding that the legal title to said property may be vested in the said "Town of Orange," and all damages which may be recovered in such actions or proceedings shall be paid into the town treasury and placed to the credit of the board of education, and shall be appropriated by the said board for the support of public schools in said town. Suits to be brought in the name of "The Board of Education of the Town of Orange."

16. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed and this act shall be deemed and taken to be a public act, and shall take effect immediately. Repealer.

Approved April 3, 1868.

CHAPTER CCCXXIII.

An Act to prevent horses, cattle, sheep and swine from running at large in the Lower township in the county of Cape May.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "An Act to prevent horses, cattle, sheep and swine from running at large in the Middle township in the county of Cape May," approved March twenty-second, eighteen hundred and sixty-five, be and the same are hereby extended to the Lower township in the county of Cape May. Provisions of act extended.

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

Approved April 3, 1868.

CHAPTER CCCXXIV.

A Further Supplement to an act entitled "An Act to determine the number of chosen freeholders, and providing for the election of county collector in the county of Camden," approved March eighteenth, eighteen hundred and fifty-eight, and the supplement thereto, approved March twenty-second, eighteen hundred and sixty.

Compensation of county collector.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the county collector of the county of Camden shall receive as full compensation for his services the sum of six hundred dollars per annum.

Repealer.

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

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

Approved April 3, 1868.

CHAPTER CCCXXV.

A Supplement to "An Act to establish the Long Branch Police Sanitary and Improvement Commission," approved April eleventh, eighteen hundred and sixty-seven.

Names of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Lewis B. Brown, Samuel Laird, Francis Corlies, Jacob Herbert and Cornelius Vanderveer, be and they hereby are appointed "The Long Branch Commissioners," and they and their successors in office, as individual commissioners and as a board, shall possess and may exercise all the rights, powers and authority conferred by the act to which this is a supplement upon the commissioners and board referred to in said act, subject to the limitations, additions and restrictions contained in this act.

2. *And be it enacted*, That the said commissioners shall hold their said office for one year from the first Monday in January, eighteen hundred and sixty-eight, and until others are appointed in their stead under this act; and that all other commissioners appointed by virtue hereof shall hold their office for one year from the first Monday in January next after their appointment, and until others are appointed in their stead under this act. Term of office.

3. *And be it enacted*, That it shall be lawful for the justice of the supreme court of this state, in whose judicial district the county of Monmouth is situate, upon the written application of ten taxpayers owning lands within the limits herein specified, annually, on the first Monday in January in each year, or at other times in the discretion of such justice, to appoint one or more commissioners, not exceeding five in number, under this act. Justice of supreme court to appoint one or more commissoners.

4. *And be it enacted*, That the said "The Long Branch Commissioners," or a majority of them, shall have power to establish ordinances, to regulate the use and location of styes, pens, and similar enclosures for cattle and swine, the location of privies, cess-pools, sewerage receptacles and drains within the district herein specified, and to cause the removal of the same when they vitiate or pollute the air and become noisome or offensive to the persons residing in the vicinity thereof, or injurious to the health of the people of the neighborhood; to license and regulate the cartage and removal of swill and other refuse matter; to prevent the running at large of horses, cattle, swine, dogs or other animals, and for that purpose to establish pounds, make regulations for the same, impose a fine on impounded animals, and appoint one or more of their marshals or other persons pound-keeper for the district hereinafter specified; to prevent reckless and dangerous driving, riding or racing on the public streets or roads; to license and regulate hacks and other public carriages, and establish the rates of compensation for the use thereof; and may establish fire-plugs and supply water for extinguishing fires and for other purposes, and may lay all pipes and erect all works necessary for such purposes, but shall not in any way use or cross any lands, except highways, without the consent in writing of the owners or occupiers thereof; and for the use or privilege to use such fire-plugs, or other water pipes or hydrants, may charge and collect a reasonable remuneration; and may establish and maintain street lights, and contract for Powers and duties of commissioners.

the supply of gas for the same; to remove telegraph posts from front avenues; and to carry the said ordinances and regulations into effect, and enforce the same in the manner provided for in the act to which this act is a supplement.

Boundaries within which the commissioners shall have power.

5. *And be it enacted*, That the said act to which this act is a supplement as modified thereby, and this act shall be in force and effect in that portion of the county of Monmouth included within the following limits, to wit: Beginning in the middle of the road leading from Branchport to the sea, at the intersection of the Long Branch and Sea Shore railroad; thence running westerly along said road to Branchport to the middle of the road leading in front of Cornelius Vanderveer's to the Eatontown and Sea Shore turnpike; thence along the same to the said Eatontown and Sea Shore turnpike; thence along the same westwardly to the northwest corner of lands late belonging to John W. Slocum, deceased; thence along the line thereof southerly to the northeast corner of Henry H. Wardell's farm, in the line of lands of Joseph Poole; thence along the line of said Poole's land westward and southerly to the road from Long Branch village to the Bath hotel; thence westerly along the same to the road leading out of said last mentioned road to Lane and Corlies' store; thence along the same to the Long Branch and Deal turnpike; thence southerly along said turnpike to the southwest corner of a tract of land purchased by Lewis B. Brown of Amzi McLane and others; thence along the southerly line of the said tract of land to the ocean at low water mark; thence along the ocean at low water mark northerly to a point due east and opposite to a certain monument on the line of the said Long Branch and Sea Shore railroad; thence southerly along the middle of said railroad to the beginning, the last course from said monument to said point of beginning being seven hundred and seventy-five yards, more or less.

Proceedings in cases of arrest, &c.

6. *And be it enacted*, That if any person shall be charged on oath or affirmation before one of the commissioners established by this act, or before any justice of the peace of the county of Monmouth, with being a professional thief, burglar or pickpocket, and who shall have been arrested by any of the marshals provided for by this act, or by any constable of the said county of Monmouth, at any steamboat landing, railroad depot or station, church, hotel, boarding house, banking institution, broker's office, auction room, store, place of public amusement or crowded thoroughfare in the district de-

scribed in this act, and if it shall be proven to the satisfaction of said commissioner or justice of the peace above named by sufficient testimony that he or she was frequenting or attending such place or places for an unlawful purpose, he or she shall be committed by the said commissioner or justice of the peace to the jail of the county of Monmouth for a term not exceeding ninety days, there to be kept at hard labor, or in the discretion of the said commissioner or justice of the peace, he or she shall be required to enter security for his or her good behavior for a period not exceeding one year, the amount and character of said security to be in the discretion of said commissioner or justice of the peace.

Discretionary powers of the commissioners.

7. *And be it enacted*, That the said commissioners in regulating and improving roads as provided in the second section of the act to which this is a supplement may or may not, at their discretion, apportion the cost thereof among the land owners through which said roads may pass in proportion to the number of running feet of land such land owner owns on said road, or in proportion to the cost of the same in front of or through whose several lands said roads are improved, which shall be assessed and collected in the manner provided in the fifth section of the act to which this is a supplement.

Repealer.

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

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

Approved April 3, 1868.

CHAPTER CCCXXVI.

A Further Supplement to an act entitled "An Act revising and amending the act to incorporate the city of Paterson," approved March fourteenth, eighteen hundred and sixty-one.

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

Reports and ordinances to be published in two newspapers.

of Paterson, the ordinances and the proceedings of the boards of aldermen and education, as well as all other matters heretofore required to be published, shall hereafter be published in two papers in said city now authorized to publish the laws of this state, and that all acts or parts of acts inconsistent with this act, be and the same are hereby repealed.

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

Approved April 3, 1868.

CHAPTER CCCXXVII.

An Act to incorporate the Dime Savings Bank of the city of Hoboken.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Lafayette Tompkins, John Kennedy, John D. P. Mount, Peter Kerregan, Jacob Bom, Jacob Fink, Hermann Lohmeyer, William A. Palmer, John Rourmelt, George P. Heime, John C. Besson, Henry C. Hintze, George Peer, John Lorton, Robert H. Besson, William T. Havens, Jeremiah J. Stagg, John Pape, Jacob Besson and William Cox, and their successors, shall be and are hereby constituted a body corporate and politic by the name of "The Dime Savings Bank" of the city of Hoboken, and by that name shall be capable of purchasing, taking, holding and enjoying to them and their successors, any real estate in fee simple or otherwise, and any goods and chattels or personal estate which shall be necessary for the purposes herein mentioned, and of selling, leasing, or otherwise disposing of the said real and personal estate or any part at their will and pleasure; *provided, always*, that the clear annual value of such real and personal estate, exclusive of the profits that may arise from any investments in which the deposits may be made, shall not exceed the sum of twenty-five thousand dollars.

Name.

Proviso.

Election of managers.

2. *And be it enacted*, That the said institution shall be conducted by seven managers, elected by ballot from among the

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

Powers of board of managers.

3. *And be it enacted*, That the board of managers shall from time to time have power to make, ordain and establish, such by-laws and regulations as they shall judge proper for the election of their officers, for prescribing their respective duties for regulating the times and places of meetings of the officers and managers, and for the transacting, managing and directing the affairs of the institution; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this state and of the United States of America; and such by-laws and regulations shall be put up in some public and conspicuous place in the room where the business of said institution shall be conducted, and shall not be altered so as to affect injuriously any one who may have been a depositor previous to the alteration.

Proviso.

May receive deposits.

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

May regulate rate of interest.

5. *And be it enacted*, That it shall be the duty of the managers to regulate the rate of interest to be allowed to the

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

Proviso.

Compensation to whom allowed.

6. *And be it enacted*, That no emolument whatever shall directly or indirectly be received by the managers, or either of them, for their services, except the president, secretary and treasurer, and the committee of examination of property offered as security for loans, who shall receive such compensation as may from time to time be established by a majority of the whole number of the managers of said corporation, nor shall the said institution issue any notes or bills nor shall any officer or agent of the institution be allowed directly or indirectly to borrow any money from said institution or to use the same, except to pay necessary expenses, nor shall the institution take or hold any bonds, mortgages or other securities for the payment of money drawn or endorsed by or existing against any officer or agent of the institution as security for money loaned by it, unless the same shall have been received in payment of debts due from other parties.

Investment of moneys.

7. *And be it enacted*, That the said institution shall invest no money in any public stocks other than such as are created under the laws of the United States or of the states of New Jersey, New York, Pennsylvania, Ohio, Kentucky, Tennessee, Missouri and Massachusetts, or in stocks or bonds of the cities of Hoboken, Jersey City, Newark, New Brunswick, and bonds of the counties of Hudson, Middlesex, Union, Bergen, Essex, in this state, or the cities of New York and Brooklyn, in the state of New York, authorized by the laws of the said states respectively, nor on bonds and mortgages except on unincumbered real estate worth at least double the amount of the sum invested, nor in stocks or bonds of any incorporated company whatever.

Certificates binding.

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

Minors may make deposits and receive moneys.

9. *And be it enacted*, That it shall be lawful for the said institution, at their discretion to pay to any depositor being a

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

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

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

12. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the institution, and every person depositing money shall be furnished with a duplicate of his or her account in which every deposit or payment shall be regularly entered as soon as made. Deposits to be entered in book.

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

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

Place of business, &c.

15. *And be it enacted*, That the office or place of business of the said institution shall be in the city of Hoboken, and the books of the institution shall be open at all times to the inspection and examination of such person or persons as the legislature may from time to time appoint for that purpose.

Misnomer in any deed, &c., not to vitiate the same.

16. *And be it enacted*, That this act shall be and is hereby declared to be a public act, and the same shall be construed in all courts favorably and benignly for every beneficial purpose therein included, and that no misnomer of the said institution in any deed, grant, devise or other instrument of contract or conveyance shall vitiate or defeat the same; *provided*, the institution shall be sufficiently described so as to ascertain the intention of the parties; *and provided, also*, that the legislature may at any time hereafter amend, modify or repeal this act.

Proviso.

Proviso.

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

Approved April 3, 1868.

CHAPTER CCCXXVIII.

A Further Supplement to an act entitled "An Act to make taxes a lien on real estate, and to authorize sales for the payment of the same," approved March the seventeenth, eighteen hundred and fifty-four.

Land and real estate may be redeemed within two years, on conditions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases of sale hereafter made of any lands, tenements, hereditaments and real estate, situate in the township of North Bergen, and the township of Union, in the county of Hudson, in this state, in pursuance of the act to which this is a supplement, and the supplement to said act, approved March twenty-fifth, eighteen hundred and sixty-three, the said lands, tenements, hereditaments or real estate so sold may be redeemed by the owner or owners, or by any other person for and on behalf of the owner or owners of such lands, tenements, hereditaments or real estate, at any time within two years after the time of such sale, by

paying to the purchaser thereof, or his or her legal representatives, the amount paid therefor by such purchaser, together with any other sum or sums paid for taxes or assessments which the said purchaser may have paid, chargable on said lands, tenements, hereditaments or real estate, and which he or she is hereby authorized to do, with interest thereon at the rate of twelve per centum per annum in addition thereto; and upon such payment being made to such purchaser, or his or her legal representatives, he, she or they shall re-convey and restore to the owner or owners such lands, tenements, hereditaments and real estate; and on failure of such redemption money being paid within the time above limited for such redemption, the right of redemption shall cease.

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

Approved April 3, 1868.

CHAPTER CCCXXIX.

Supplement to the act entitled "An Act to incorporate the Madison and Troy Railroad Company," approved March twenty-ninth, eighteen hundred and sixty-six.

Names of additional corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Andrew J. Smith, J. Condict Smith and Augustus W. Cutler, be added to the corporators named in the first section of the act to which this is a supplement; and that it shall be lawful for the said company, as soon as twenty-five per centum of the capital stock of said company is subscribed, to organize and construct said road from some convenient point on the Morris and Essex railroad, in or near the town of Morristown, to a point in the township of Hanover, in or near the village of Troy or Parsippany, in the county of Morris.

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

Approved April 3, 1868.

CHAPTER CCCXXX.

An Act to authorize the extension of the Buildings of the Soldiers' Children's Home.

Preamble. WHEREAS, the buildings erected by the three commissioners for the use of the Soldiers' Children's Home, are now crowded with the orphan children of our deceased soldiers, and many applications have been made to the board of managers for admission of others, which they have been compelled to refuse for want of room to accommodate them; therefore—

Names of commissioners. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry D. Johnson, William M. Lenox and Thomas J. Corson, be and they are hereby appointed commissioners, and they are hereby authorized to build an additional wing or wings to said buildings, sufficient to provide accommodations for one hundred additional children, and that for the purpose of defraying the expenses thereof the treasurer of the state is hereby directed to pay to the said commissioners, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, such sum or sums of money as they may require for the purpose of defraying the expense thereof, and also for the purpose of improving the buildings already erected; *provided*, that the whole cost of such extensions and improvements shall not exceed the sum of twenty thousand dollars.

Proviso.

Governor may appoint in case of neglect or refusal to serve. 2. *And be it enacted*, That if either of said commissioners shall neglect or refuse to serve, the governor shall appoint other commissioners to fill the place of such as may neglect or refuse to serve; and that such commissioners shall give bond, and make a detailed report of all moneys expended by virtue of this act, and shall have the same compensation for their services as provided in the act entitled "An Act to relieve and sustain the Soldiers' Children's Home," approved March seventh, eighteen hundred and sixty-six.

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

Approved April 3, 1868.

CHAPTER CCCXXXI.

An Act to incorporate the Paterson and Haledon Horse Railroad Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edwin T. Prall, M. H. Chapin, Edward A. Stansbury, Elisha Bloomer, Thomas D. Hoxsey and Benjamin W. Hoxsey, and such other persons as may hereafter be associated with them, shall be and are hereby made, constituted and declared a body politic and corporate, in fact and in law, by the name of "The Paterson and Haledon Horse Railroad Company," and by that name shall be capable of purchasing, holding and conveying any lands, tenements, real estate, goods and chattels, necessary or proper for the purposes of said corporation.

Name.

Capital stock.

2. *And be it enacted*, That the amount of the capital stock of said corporation shall be forty 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.

Commissioners to open books of subscription.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places in the city of Paterson and elsewhere, at their discretion, as they or a majority of them may think proper, giving at least twenty days' notice of the same in the newspapers published in the city of Paterson; and at subscribing ten per centum shall be paid in cash for each share subscribed for to the commissioners, or some one of them, and as soon as five thousand dollars of the capital stock shall be subscribed, said commissioners shall give like notice for a meeting of the stockholders to choose not less than seven nor more than nine directors, a majority of whom shall be residents of this state and citizens thereof, and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote, and the above named persons, or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify,

Election of directors.

under their hands, the names of the persons duly elected, and deliver over the subscription books and all moneys paid in (after deducting all expenses previously incurred) to such directors so elected, and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them, and the directors chosen at such meeting, or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Failure to elect directors not to work a dissolution.

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

General powers.

5. *And be it enacted*, That a majority of the directors of said corporation shall be competent to transact all business of the said corporation, and shall have power to call in the capital stock of said company by such installments and at such times as they may direct, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper touching the management and regulation of the stock, property, estate and effects of the said corporation, and shall also have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and to fix such salaries to them, and also to the president, as to the said board shall appear proper.

May lay out and construct a railroad and route.

6. *And be it enacted*, That the said corporation shall have power and authority to lay down and construct a railroad with the necessary turnouts and switches; beginning at a point on Hamburgh avenue in the city of Paterson at or near the present bridge crossing the Passaic river; thence along

said Hamburgh avenue, Rip Van Winkle avenue, and terminating in the old Pompton road, near the Haledon store, in the township of Manchester.

Width of track

7. *And be it enacted*, That the track laid by the said corporation shall be of the same width as the wagon track now established by law, and the same shall in all cases be laid level with the surface of the streets through which the same may pass, and in conformity with the grades of such streets as now or hereafter may be established in the city of Paterson, and so as to present no unnecessary obstructions to, or in any way interfere with the wagons or other vehicles turning in or crossing said streets or roads through which said road or its turnouts or switches may be laid.

May purchase and hold real estate, &c.

8. *And be it enacted*, That the said corporation may purchase, have and hold, real estate at each terminus of said road not exceeding one acre in the aggregate, and may erect and build thereon, houses, depots, stables, and such other buildings and improvements as may be necessary for carrying out the objects of the said corporation.

Dividends.

9. *And be it enacted*, That the president and directors of said corporation shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the net profits of the said railroad.

May operate railroad.

10. *And be it enacted*, That the president and directors of said corporation shall have power to purchase, or to have constructed with the funds of said corporation, all such machinery, cars, wagons, carriages, or other vehicles for the transportation of persons and property on their railroad as they may think fit, expedient or right, and also to purchase such horses or mules as they shall deem fit for the purpose of said corporation; *provided, however*, that no steam power shall be used as a motive power upon said railroad except that known as the dummy engine; and that they are hereby authorized to demand and receive such sum or sums of money for the transfer of persons or property upon said railroad as they shall think reasonable and proper.

Proviso.

Penalty for injuring road and works.

11. *And be it enacted*, That if any person or persons shall wilfully or maliciously impair, injure, destroy or obstruct said railroad or any of its works, turnouts, switches, carriages, animals or machines, such person or persons shall forfeit and pay therefor to said corporation three times the amount of damage sustained by means of such injury, to be recovered

in the name of said corporation, with costs of suit, in any court having cognizance of the same.

May borrow money on bond and mortgage.

12. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money from time to time as shall be necessary to build, construct, repair or equip said road, and to secure the payment thereof by bond and mortgage, or otherwise, on the said railroad, lands, privileges, franchises and appurtenances of the said corporation, at a rate of interest not exceeding seven per centum per annum.

Limitation.

13. *And be it enacted*, That if the said railroad shall not be completed by the fourth of July, eighteen hundred and seventy, then and in that case so much of the railroad as remains unbuilt shall not come under the provisions of this act.

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

Approved April 3, 1868.

CHAPTER CCCXXXII.

A Further Supplement to "An Act to incorporate the City of Hudson," approved April eleventh, eighteen hundred and fifty-five.

Limitations in section thirty-four of original act repealed.

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 Hudson to raise by tax so much money as they may deem expedient for the purpose in the thirty-fourth (34) section of the act to which this act is supplementary as indicated, and that all limitations of the amount of said tax on the value of property assessed, mentioned in the act to which this act is supplementary, or in any supplement thereto, are hereby repealed.

Certificates to bear interest.

2. *And be it enacted*, That all certificates for street improvements hereafter to be issued by the mayor and common council of said city shall bear interest from the date of issue.

Fire department commissioners to be elected.

3. *And be it enacted*, That there shall be elected by the firemen of the city of Hudson fire department commissioners, at the time and in the manner hereinafter provided, to be de-

nominated "The Commissioners of the City of Hudson Fire Department."

4. *And be it enacted*, That the said commissioners shall be resident and exempt firemen of the city of Hudson, and shall be elected at the same time and in the same manner as the chief and assistant engineers are elected, by or under the several ordinances of the common council of the city of Hudson, relative to the fire department of said city, as may be in force at the time of such election. Mode of election.

5. *And be it enacted*, That the first election for commissioners under this act shall take place on the second Tuesday of July, eighteen hundred and sixty-eight, and within ten days after such election the persons so elected shall, in the presence of the fire and water committee of the common council of said city, draw for the term of their respective offices: say one for the term of five years, one for the term of four years, one for the term of three years, one for the term of two years, and one for the term of one year; and annually thereafter there shall be elected one commissioner, to hold his office for the term of five years. Time of election.

6. *And be it enacted*, That in case of a vacancy in the office of either or all of the said commissioners, either by death, removal or resignation, the said firemen shall proceed, within thirty days thereafter, to fill said vacancy or vacancies, and the persons elected shall hold their office only for the balance of the unexpired term. Vacancies, how filled.

7. *And be it enacted*, That in case of the refusal or neglect of either or all of the said commissioners to perform any of the duties imposed upon them by this act, the common council of the city of Hudson shall have power to remove said commissioner or commissioners, such removal to take place only upon the petition of a majority of the officers of the city of Hudson fire department. Commissioners, how removed.

8. *And be it enacted*, That it shall be the duty of the chief engineer and secretary of the board of officers of the city of Hudson fire department to certify to the common council the names of the persons so elected fire commissioners. Certificates of election.

9. *And be it enacted*, That the said commissioners shall nominate and the common council appoint a clerk, and the commissioners and the clerk shall take an oath to well and faithfully perform their duty before the city clerk. Clerk.

10. *And be it enacted*, That it shall be the duty of the said commissioners to inquire into the application for the organi- Organization of volunteer fire companies.

zation of volunteer fire companies, and the result of such inquiry, whether in favor or against such application, shall be certified through them to the chief engineer to the common council for confirmation; no volunteer fire companies shall be organized unless approved by said commissioners save as provided for hereafter; that the clerk shall receive such compensation as the common council shall determine.

Duty of chief engineer.

11. *And be it enacted*, That it shall be the duty of the chief engineer to present to said commissioners the names of all persons applying to be made members of the fire department, and all persons expelled or resigned from the department, and on the same being duly investigated and determined by them, they shall certify the result of action to the chief engineer, who shall thereupon return the same to the common council for their approval.

Commissioners' powers and duties.

12. *And be it enacted*, That the said commissioners shall have cognizance of all complaints against members of the fire department for riotous or disorderly conduct at fires or alarms of fire, or for violation of any of the state or city laws respecting the firemen of the city of Hudson, now or hereafter to be enforced; they shall diligently inquire into the same, and if the parties so charged shall be proved guilty, the said commissioners are hereby empowered to suspend or remove such firemen, subject to the approval of the common council.

May make rules and regulations.

13. *And be it enacted*, That the said commissioners may make such rules [and] regulations as may be necessary for the performance of their duties, not inconsistent with the laws of this state or charter of the city of Hudson or of the United States.

May administer oaths, &c.

14. *And be it enacted*, That the said commissioners may administer oaths and affirmations to witnesses appearing before them, and may require such witnesses to testify in respect to any matters pending before the commissioners; and should such witness or witnesses after being duly notified refuse to attend, the commissioners may apply to one of the justices of the peace in and for the county of Hudson, and upon proper proof being made of the service of such notice, the said justice shall issue an attachment compelling the attendance of such witness or witnesses.

Of perjury.

15. *And be it enacted*, That false swearing before said commissioners shall be deemed perjury, and punishable as such in all the courts of this state having jurisdiction thereof.

16. *And be it enacted*, That so much of the second section of an act approved March fifteenth, eighteen hundred and sixty-one, entitled "An Act to enable the city of Hudson to introduce water and to pay for the laying of water pipes in a portion of said city," as limits the common council to the issue of an amount of city of Hudson water district bonds to an amount not exceeding ten thousand dollars, and that so much of the thirteenth section of an act entitled "An Act to incorporate the city of Hudson," approved April eleventh, eighteen hundred and sixty-six, as limits the said common council to the issue of thirty thousand dollars of such bonds for the purpose in said second section named, be and the same are hereby repealed, and that the said the mayor and common council are hereby authorized and empowered for the purpose in said second section named, to issue bonds to an amount not exceeding seventy-five thousand dollars, in like manner and on the same terms as are provided for the issue of said bonds in the said section mentioned. Part of former act repealed.

17. *And be it enacted*, That so much of the thirteenth section of an act entitled "An Act to incorporate the city of Hudson;" approved April eleventh, eighteen hundred and fifty-five, which said supplement was approved February twenty-ninth, eighteen hundred and sixty, as limits the common council to raise scrip or certificates of debt to be denominated on the face, "City of Hudson Public School Scrip," to an amount not exceeding twenty thousand dollars, and that so much of the fifteenth section of an act entitled "Supplement to an act entitled 'An Act to incorporate the city of Hudson,'" approved April eleventh, eighteen hundred and sixty-five, which said supplement was approved March twenty-third, eighteen hundred and sixty-six, as fixes the limit for such purpose at the sum of thirty thousand dollars, be and the same are hereby repealed; and that the said mayor and common council are hereby authorized to issue scuh scrip or certificates of debt to the amount of fifty thousand dollars, on the same conditions and subject to the same terms as are now prescribed in the said act and the supplements thereto. Continued.

18. *And be it enacted*, That the second section of an act approved March eighteenth, eighteen hundred and sixty-three, entitled "A Further Supplement to an act entitled 'An Act to incorporate the City of Hudson,'" approved April eleventh, eighteen hundred and fifty-five, be amended so as to require the application for the improvements therein Amendment.

mentioned to be made by the owner or owners of a majority of the lots bounded by the street or avenue, or part or sections of the street or avenue so sought to be improved, in the stead of any of such property owners as, by said section, is intended.

Common council to advertise for proposals.

19. *And be it enacted*, That it shall be lawful for the said common council, when in their opinion the public interests will be subserved thereby, to advertise for proposals, and contract for portions or sections of any public work authorized by the act to which this act is a supplement, or the supplements thereto, and that, in other respects, the proceedings of said council and of the board of commissioners of assessments, as now prescribed for such work, shall remain unchanged by the provisions of this section.

Repealer.

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

Approved April 3, 1868.

CHAPTER CCCXXXIII.

An Act for the Improvement of Raritan.

oundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the limits of the town of Raritan, in the county of Somerset, for the purposes of this act shall be as follows: Beginning at a point where the easterly boundary line of the homestead farm of the Reverend F. F. Cornell, as formerly owned by Richard B. Duyckink, intersects the Easton and New Brunswick turnpike; thence southerly down the easterly boundary line of said farm to the Raritan river; thence up said river to a southwest boundary of the farm owned by John V. M. Quick; thence northerly along the westerly boundary of his farm to the southerly line of the farm of Ebenezer C. Lindsey; thence along the southerly line of his farm to the southeast corner of the same thence northerly along the easterly boundary of his farm an

the westerly boundary of the farm of Jeremiah V. Perlee to the said turnpike; thence easterly down the said turnpike to the place of beginning.

Time of holding election for board of commissioners.

2. *And be it enacted*, That the freeholders, who are also residents of the said town as above bounded and limited, shall make and hold an election in said town on the first Mondays of May hereafter, at which election there shall be chosen, by a plurality of the votes cast, seven of the freeholders of the said town, who shall be denominated "The Board of Commissioners of Raritan," and by that name they and their successors in office may sue and be sued, make contracts and agreements, make regulations and ordinances, and impose penalties, not exceeding fifty dollars in amount, for the purpose of carrying out and effecting the objects and purposes of this act.

Place of holding first election.

3. *And be it enacted*, That the first election of said commissioners shall be held at the hotel of James H. Garnsey, in said town, and subsequent elections shall be held at such place in said town, as by resolution of the board of commissioners for the time being shall be appointed, of which subsequent elections such board shall give two weeks' notice, by advertisement in the newspapers of the said county; that said election shall be by ballot, and shall be opened at four o'clock in the afternoon, and closed at seven o'clock in the evening of the same day; that of the freeholders present at the opening of the polls, there shall be chosen of the electors then present, a judge and clerk of election, who shall conduct the same in the manner that township elections are conducted by ballot, which officers of election shall possess the same powers and be subject to the same duties and restrictions as the officers of township elections are subject to, and that at the close of said polls, the said judge and clerk of election shall canvass the votes, and publicly declare who have been chosen, and shall make out, under their hands, and deliver to the commissioners so chosen, a certificate of their election, which certificate shall be recorded in the minutes of the proceedings of said board.

Election of president, secretary and treasurer.

4. *And be it enacted*, That the commissioners so chosen shall, at one of the meetings of said board, as soon after their election as may be practicable, elect from their number a president, secretary and treasurer; that meetings of said board may be called by the president, or, in his absence or disability, by the treasurer, upon two weeks' notice, published

in any such newspaper, which meetings so called may be publicly adjourned to another time and place without further advertisement; that the treasurer shall give his bond to said board, with satisfactory sureties, in such amount as they may require, for the faithful performance of his office, and shall render annually, and as often as required by resolution of the board, an account of all moneys received and disbursed by him, and shall pay out no moneys except upon resolution of the board, upon bills countersigned by the president; that the secretary shall keep a minute of the proceedings of said board, and record the same in a book provided for that purpose.

General powers of board of commissioners.

5. *And be it enacted*, That it shall and may be lawful for the said board of commissioners to have the general supervision, management and control of the public streets, sidewalks and roads of said town, and of all public commons therein or adjoining thereto, and of the fire engines, and all apparatus for the suppression of fires belonging to said town, and for this purpose may, by resolutions or ordinances, make all needful rules and regulations for the promotion and advancement of the interests of said town touching and concerning the matters above mentioned, and more particularly that they may by such resolutions or ordinances cause the streets and roads of said town, or such parts thereof as they may deem advisable, to be graded, graveled, or otherwise to be improved and repaired, and to prevent and cause to be removed all obstructions thereon, so that they may be kept open to the width at which they were laid out by the surveyors of the highways, or by any deed, donation or dedication thereof by the original owner or owners thereof, and also that they may fix and determine the width, grade and construction of the sidewalks of the said town, and cause the same, or such parts thereof as they may deem necessary, to be paved, flagged, graveled and curbed, or either of them, at the expense of the several owner or owners of the improved property of said town adjoining said sidewalks; and in case any owner or owners shall neglect or refuse to comply with and carry out any such regulations or ordinances touching the sidewalks in front of and opposite their improved lots of land, then that said commissioners may cause the same to be done and carried out by their workmer, laborers or agents, keeping a particular account of the expenses attending the same, to and with reference to the several owners of such improved lots re-

spectively; and in default of payment of such expenses by any such owner or owners, then the said board of commissioners, by their above mentioned title of office, may sue for and recover the same in any court of competent jurisdiction, which moneys when recovered shall be by them applied to carry out the purposes of this act; and the said commissioners shall have power to cause to be constructed, enlarged, repaired and extended, any culverts, sewers, drains or ditches, in or along any of said streets or roads, and therein or thereby to divert, receive and discharge the drainage of said streets and roads, with reference to the greatest public convenience and doing the least private injury possible.

Assessment and collection of taxes.

6. *And be it enacted*, That no compensation shall be paid to any of said commissioners for their services; that they shall not have power to levy any tax or make any assessment upon the owners of real estate or other inhabitants of said town, excepting only for the construction and repairs of sidewalks against the several owners of improved property, for the amount of the construction and repairs of such parts thereof as may lay in front of and adjoining to the improved property of such respective owner or owners; that the taxes which shall hereafter be assessed, levied and collected upon and from the taxable inhabitants of said town, and upon the real estate therein, for roads, or for the improvement or repairs of roads by the officers of the township of Bridgewater, shall not be applied to the roads without the boundaries of said town, but that the assessor and collector of the said township shall hereafter assess and collect upon and from the taxable inhabitants of said town, and on all lands liable to be taxed therein, the road tax which shall have been ordered to be raised at the previous annual township election, in the same manner as the same have been heretofore assessed, levied and collected; and it shall be the duty of the collector or collectors of said township to pay over the amount of the road tax by him or them received, which shall have been assessed and collected upon the taxable inhabitants of said town and upon all lands liable to be taxed therein, to the treasurer of said commissioners, to be expended and applied by them in carrying out the purposes of this act, and for this purpose the said assessor of said township shall, by some convenient mark in his duplicate, designate the road taxes of the taxable inhabitants of said town; and in case of any dispute respecting such designation, or of the apportionment of said road taxes, the same shall be

determined by the commissioners of appeal in cases of taxation of said township.

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

Approved April 3, 1868.

CHAPTER CCCXXXIV.

Further Supplement to an act to incorporate the Pleasantville and Atlantic Turnpike or Plank Road Company.

May build branch roads and wharves.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the "Pleasantville and Atlantic Turnpike or Plank Road Company," after the completing the main road of said company to build two branch roads, one to Lake's Bay and one to the Beach Thoroughfare, at or near the mouth of Newfound; and also to construct wharves at the ends of said branch roads, and a wharf at the Beach Thoroughfare, where the main road crosses the same, and to charge and receive wharfage for the use of said wharves.

May run self-track laying cars and engine.

2. *And be it enacted*, That it shall be lawful for the said company to run J. S. Lake's self-track laying cars and engine on their road and branches, for the purpose of building and repairing the same; *provided*, that after the said road is opened for public travel, it shall not be lawful to run said cars and engine thereon after the fifteenth day of June until the fifteenth day of October in any year.

Proviso.

May borrow money.

3. *And be it enacted*, That it shall be lawful for the directors of said company to borrow money and issue notes or bonds of the company for the payment thereof, in such manner and to such amounts as shall be ordered by a two-thirds vote, in interest of the stockholders, voting at any special meeting of the stockholders called for that purpose; *provided*, that the whole indebtedness of the company shall not exceed ten thousand dollars.

Proviso.

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

Approved April 3, 1868.

CHAPTER CCCXXXV.

An Act to incorporate the New Jersey Society for the Prevention of Cruelty to Animals.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas T. Kinney, Moses Bigelow, Theodore Runyon, Adolph Schalk, A. A. Smalley, Theodore P. Howell, John Y. Foster, Edward N. Fuller, P. T. Quinn, R. Watson Gilder, and such other persons as shall be associated with them, and their successors, are hereby constituted a body politic and corporate under the name of "The New Jersey Society for the Prevention of Cruelty to Animals," for the purpose of the enforcement of all laws which are now or may hereafter be enacted for the protection of dumb animals.

Name.

May elect and appoint officers, &c.

2. *And be it enacted*, That the said society shall have power to elect and appoint officers and agents for carrying on the business of the same; also to make and use a common seal and alter the same; also to establish such by-laws and regulations as shall seem necessary and expedient for the government of said corporation, and by its corporate name shall be known in law, and have power to sue and be sued, and to defend and be defended in all courts, whether in law or in equity.

May hold real estate.

3. *And be it enacted*, That this society shall not, in its corporate capacity, hold real estate exceeding in value, at any one time, the sum of twenty-five thousand dollars.

Police.

4. *And be it enacted*, That the police force of all places in this state where police organizations exist, shall, as occasion may require, aid the society, its members or agents, in the enforcement of all laws which are now, or may hereafter be, enacted for the protection of dumb animals.

Fines.

5. *And be it enacted*, That one-half of the fines and forfeitures collected through the instrumentality of the society, its members or agents, for violations of such laws, shall accrue to the benefit of said society, for the furtherance of the objects thereof.

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

Approved April 3, 1868.

CHAPTER CCCXXXVI.

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

Fees that may be received.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the justice of the supreme court holding any circuit shall be entitled to receive in lieu of all other fees for services in the circuit court included in the taxable costs in any cause, the following fees which shall be allowed and taxed accordingly: on the return of every writ in the circuit, except subpœna and final process, two dollars; for the trial or hearing of every cause, three dollars; for signing every postea, two dollars; for signing every judgment, two dollars; for hearing every demurrer or certiorari, three dollars.

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

Approved April 3, 1868.

CHAPTER CCCXXXVII.

A Supplement to an act entitled "An Act to authorize conveyances in certain cases by married women, and to limit their liability upon their covenants," approved March twenty-fourth, eighteen hundred and sixty-four.

Conveyances may be made during separation from husband.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any married woman living in a state of separation from her husband, under and by virtue of the final judgment or decree of any court having competent jurisdiction in the premises, may at any time during such separation, convey absolutely or in trust, any interest she may own in any property real or personal, otherwise than by gift to her from her said husband, without the concurrence of her husband, and in the same manner and with like effect as if she were sole and unmarried; *provided*, that such convey-

Proviso.

ance shall not affect any estate or right which her husband may then have in such property.

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

Approved April 3, 1868.

CHAPTER CCCXXXVIII.

An Act to incorporate the New Brunswick City Ice Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Asa Dennett, A. K. P. Dennett, James Bishop, J. R. Van Kirk, John S. Ferguson, A. H. Hager and G. P. Bergen, and their associates, successors and assigns, be and they are hereby created a body corporate and politic, in fact and in law by the name of the "New Brunswick City Ice Company," and by that name shall be capable in law, of purchasing, holding, leasing and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of the corporation hereby created, which objects are declared to be the purchasing, cutting, securing, preserving, transporting and selling of ice. Corporators. Name.

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, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct. Capital stock.

3. *And be it enacted*, That the affairs of said company shall be managed and controlled by a board of directors, seven in number, who shall be stockholders therein, and a majority of whom shall be residents of this state, and to be chosen by the stockholders thereof, annually, at such time and in such manner as the by-laws shall provide, and who shall serve for one year and until others are elected; said directors shall elect, by ballot, a president out of their own number, and may also elect or appoint such other officers or agents as they may deem expedient; may fill vacancies in their own board, Directors, how elected.

and may have a common seal and alter the same at pleasure; and until the first annual election after the passage of this act the seven persons first named in the first section thereof shall be the directors of said company, and that said directors shall have power to make by-laws for the government thereof, not inconsistent with the laws of this state or of the United States.

Subscriptions to stock.

4. *And be it enacted*, That books of subscription to the capital stock of said company shall be opened under the direction of the board of directors, in such manner and at such times as they may designate; and it shall be lawful for said directors to call and demand from the subscribers to said stock installments not exceeding ten per centum thereof, and with at least ten days intervening between each demand so made; and in case any stockholder shall neglect or refuse to pay any installment when called for as above provided, or within thirty days thereafter, such stock and all previous payments thereon may be forfeited to the use of said company by resolution of the board of directors; as soon as twenty-five thousand dollars of said stock is subscribed and twenty-five per centum thereof paid in cash, it shall be lawful for the said company to commence business.

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

Approved April 3, 1868.

CHAPTER CCCXXXIX.

An Act for the relief of Asbury Hancock.

Restoration to citizenship.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Asbury Hancock, of the city of Burlington, in the county of Burlington, be and he is hereby restored to all his rights and privileges as a citizen of the state of New Jersey.

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

Approved April 3, 1868.

CHAPTER CCCXL.

An Act to repeal the act entitled "An Act to divide the township of Ocean, in the county of Monmouth.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to divide the township of Ocean, in the county of Monmouth," approved March sixth, eighteen hundred and sixty-seven, be, and the same is hereby repealed, and the territory described in said act is hereby annexed to and made a part of the township of Ocean, in all respects and to all intents and purposes as the same was previous to the passage of said act. Repealer.

2. *And be it enacted*, That the township committees of said townships of Ocean and Lincoln shall meet on the first day of May next at ten o'clock in the forenoon at the inn now kept by William Hendrickson, in the village of Long Branch, and shall then and there proceed to settle and adjust all and every matter of indebtedness of said townships respectively, and other matters in the same manner as provided in the sixth section of the said act, dividing said township of Ocean, so far as the same is applicable, and the said township committee of said township of Lincoln shall be continued for and have power for that purpose. Township committees to meet and adjust accounts.

3. *And be it enacted*, That nothing in this act shall be so construed as to interfere with the commissions of the justice of the peace, nor the commissioners to take the acknowledgment and proof of deeds until they shall expire by their own limitation. Commissions not to be interfered with.

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

Approved April 3, 1868.

CHAPTER CCCXLI.

An Act to incorporate the Forest Cranberry Company.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Runyon Toms, William M. Johnson, William H. Barton, James D. Woodford and Moses N. Applegate, and all such persons as may be hereafter associated with them, be and they are hereby constituted and declared to be a body politic and corporate, in fact and in law,
Name. by the name of "The Forest Cranberry Company," for the purpose of buying, holding, cultivating and improving marsh and uplands in said state, and for buying and selling wood and timber, and raising cranberries and other fruit, and selling the produce of said lands and carrying on the business incident thereto; and that they and their successors by the same name, may sell, grant, devise, alien, decree, mortgage and dispose of the said lands, tenements and hereditaments, goods and chattels, or any part thereof, and may lay, open, make and maintain ditches, drains and embankments through their own lands as they may deem for the benefit of said lands.

Capital stock. 2. *And be it enacted*, That the capital stock of said company shall be thirty thousand dollars, with liberty to increase the same to sixty thousand dollars, which shall be divided into shares of fifty dollars each, and that subscriptions to the capital stock may be paid in real and personal estate appropriate to such business, at a bona fide valuation, to be agreed upon by a majority in interest of the stockholders, and the said corporation may issue stock in payment therefor; and that the subscriptions for stock shall be opened at such places as the directors shall designate, public notice of the time and place of which shall be given not exceeding sixty days, under the direction of the board of directors, or such of them as shall be designated by the board for such purpose.

First dire tors 3. *And be it enacted*, That the affairs of said corporation shall be managed by not less than three, nor more than five directors, all of whom shall be stockholders, one of whom shall be president; and they shall hold their office until others are elected in their stead, and until an election shall be held

for directors, the three persons first named in the first section of this act shall be directors of said corporation.

4. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and shall be transferable in such manner as the by-laws may prescribe, but no dividends shall be made to the stockholders, except from the net profits of the corporation; and that regular books of accounts of the corporation shall be kept, to which every stockholder shall have free access at reasonable times for the purpose of inspection, and that their principal office shall be in Trenton, in this state. Stock transferable.

5. *And be it enacted*, That the said corporation shall possess the general powers, and be subject to the general directions and liabilities set forth in "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same are applicable. Restrictions and liabilities.

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

Approved April 3, 1868.

CHAPTER CCCXLII.

An Act to incorporate the New Jersey Real Estate Exchange.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Bishop, Amos Robins, John S. Ferguson, Christopher Myers, J. R. Van Kirk, A. H. Hager, H. R. Searles, George A. Adams, and such other persons as may hereafter be associated with them, their successors and assigns, shall be and they are hereby created and declared to be a body corporate and politic, in fact and in law, by the name, style and title of "The New Jersey Real Estate Exchange," and by that name shall be capable in law of purchasing, using, holding, leasing, improving, disposing and conveying any lands, tenements, hereditaments and appurtenances thereto belonging, goods and chattels, in amount not exceeding the capital stock of said corporation; may Corporators. Name.

erect and build dwellings and other buildings, wharves and piers upon the real estate owned by said company; may receive and execute all deeds, transfers, conveyances, covenants, grants, contracts, leases, agreements and bargains necessary for said purposes; and may receive any property, real or personal, to sell or exchange, by auction or otherwise, on commission, which commission shall not exceed two and one-half per centum of the amount of such sales or exchange, except by special agreement; and may keep books of registry for all real estate placed in their hands for sale and exchange, such books to be open for inspection by all persons having property registered therein, and such registry to be made upon the conditions and in accordance with a code of by-laws hereby authorized to be adopted by said corporation for the management of its business, and may do and perform all other acts necessary and proper for accomplishing the objects o the said corporation hereby created; *provided*, that nothing herein contained shall authorize the said company to hold in their own right, in fee simple, more than five hundred acres of land at any one time, which lands shall be within the limits of the counties of Middlesex and Somerset.

Proviso.

Capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be one million dollars, with the privilege of increasing the same to any sum not exceeding two million dollars, divided into shares of one hundred dollars each; and as soon as two hundred and fifty thousand dollars of said capital stock shall have been subscribed and ten per centum thereof paid in cash, it shall be lawful for said company to proceed to carry into effect the objects of said corporation; and it shall be lawful for the directors of said company to call and demand from the subscribers to the stock thereof respectively such installments not exceeding ten per centum of the same at one time, and at such times and upon such notice as they shall deem proper; and in case of failure by any stockholder to pay his or her installment or installments, as the case may be, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stock and all previous payments made thereon may be forfeited for the use of said company by resolution of the directors.

Stock personal property.

3. *And be it enacted*, That the capital stock of said company shall be deemed personal property, and shall be transferable on the books of the same in such manner as the board of directors by their by-laws may direct, and every share of

said stock shall entitle the owner thereof to one vote, either in person or by proxy.

4. *And be it enacted*, That the affairs of said company shall be managed by a board of directors, seven in number, who shall be stockholders therein, and a majority of whom shall be residents of this state, and to be chosen annually by the stockholders, at such time and in such manner as the by-laws shall direct, and who shall serve for one year and until their successors are elected; that a majority of said board shall constitute a quorum for the transaction of business; that the said directors shall, from time to time, elect a president and vice president out of their number, and shall also elect and appoint such other officers or agents as may be necessary; that said directors may fill vacancies in their own board until the next annual election, and the seven persons first named in the first section of this act shall be first directors of this company, a majority of whom shall, as soon as convenient after the passage of this act, assemble and organize said company, and shall continue in office until their successors shall be duly elected. Election of directors. Vacancies, how filled.

5. *And be it enacted*, That the said company be and they are hereby empowered to improve all such lands as they are hereby authorized to own or purchase in said counties of Middlesex and Somerset into lots, streets, squares, and other divisions, of grading the same and making thereon all buildings and improvements as may be deemed necessary or convenient, and renting, leasing, mortgaging, selling or exchanging the same, or using any lot or other portion of the said land for agricultural, mining or manufacturing purposes; and said company shall have power to purchase, fill up, occupy, possess and enjoy all lands covered with water fronting the lands that may be owned by them, and may construct thereon wharves, piers and slips, and all other structures requisite and proper for commercial purposes. General powers.

6. *And be it enacted*, That the principal office of said company shall be located in the city of New Brunswick, but branch offices or agencies may be established at such other places as the board of directors may approve. Principal office, where located.

7. *And be it enacted*, That the board of directors may declare and make such dividends out of the net profits of the business of said corporation as they may deem proper. Dividends.

8. *And be it enacted*, That this act shall be in force for the term of fifty years, and shall take effect immediately. Limitation.

Approved April 6, 1868.

CHAPTER CCCXLIII.

An Act to amend "An Act to incorporate the City of Hoboken."

Vacancies in office to be filled by council.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case a vacancy shall occur from any cause whatever in any of the elective offices in said city, excepting the mayor and members of the council of said city, it shall be lawful for the council to appoint others to fill said vacancies until a person is elected for said office at the next annual charter election in said city and has been duly qualified and sworn into office.

Acts of recorder confirmed.

2. *And be it enacted*, That the appointment of James Pope as recorder of said city by the council thereof to fill the vacancy occasioned by the death of George S. Avery, and all the acts done by him by virtue of his appointment to said office, are hereby confirmed and ratified and made as valid and effectual in law as if said council were expressly authorized by law to make said appointment at the time when the same was made.

Duties of police.

3. *And be it enacted*, That any policeman of said city seeing any person or persons violating any ordinance of said city may at once without summons or warrant, arrest said person or persons, and take him or them before the recorder of said city, who shall thereupon take the oath or affirmation of said officer, and thereafter proceed as if said person or persons had been brought before said recorder by a warrant regularly issued by him for a violation of any ordinance of said city.

Council may pass and repeal ordinances.

4. *And be it enacted*, That the council shall have power to pass, alter and repeal ordinances to take effect within said city for the following purposes: to license all ice carts and wagons used in said city, and to prevent and punish all persons owning or using the same without a license; to prevent the slaughtering of cattle or animals within the city limits, or the keeping or maintenance of slaughter houses therein, and to close the same and keep the same closed, and to remove any offensive matter or thing in or coming or flowing from any slaughter house in said city, and to sell any property on the premises for the payment of any expense incurred or fine

imposed by the violation of any ordinance in reference to slaughter houses.

5. *And be it enacted*, That section forty-three of the act to which this act is an amendment, be and the same is hereby amended by inserting after the words "for contingent expenses," the following words, "for rents of armories for uniformed militia companies in said city, one thousand dollars." Amendment.

6. *And be it enacted*, That the council of said city shall have power on and after the first day of May, eighteen hundred and sixty-eight, whenever they deem it for the best interests of the city, to purchase or hire the necessary workmen and horses and carts and implements necessary for removing the ashes and garbage and street dirt in said city, and keeping the streets of said city clean at all times, the said workmen and horses and carts and implements, shall be under the direction of the street commissioner, who shall be subject to the control of the committee on streets of said council, the council may at any time sell or dispose of said ashes and garbage and street dirt, and said horses and carts and implements as they may think proper. Streets to be cleaned under direction of street commissioner.

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

Approved April 6, 1868.

CHAPTER CCCXLIV.

An Act to legalize the township election held in the township of Bass River, in the county of Burlington, March tenth, eighteen hundred and sixty-eight.

WHEREAS, the persons last elected as inspectors of registry and elections for the township of Bass River, in the county of Burlington, failed to be qualified in their offices, and no appointments having been made by the governor according to law previous to the tenth day of March, eighteen hun- Preamble.

dred and sixty-eight, the period for holding the annual town meeting of said township, and the legal voters thereof, in town meeting assembled, having chosen three legal voters in said township, to act as the board of inspectors for conducting the same, who were sworn, and who held said town meeting in accordance with the registry law; and whereas, doubts have arisen in regard to the legality of the proceedings of said town meeting in the election of township officers; therefore,

Proceedings of township meeting legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proceedings of the said township meeting shall be and hereby are in all respects rendered legal, and the officers elected at the said town meeting shall be and the same are hereby declared to be the legally elected officers, in and for said township, to hold office for and during the term for which they are elected, under the law.

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

Approved April 6, 1868.

CHAPTER CCCXLV.

A Further Supplement to an act entitled "An Act to authorize the sale of lands limited over to infants, or in contingency, in cases where such sale would be beneficial," approved March twentieth, eighteen hnndred and fifty-seven.

Chancellor may make orders for sale of lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement shall be so construed as to authorize the sale of any lands where the proceeds arising from the sale thereof may be wholly or in part limited over to infants or persons not in esse, in the same manner as if the estate in lands were so limited; and if upon like proceedings instituted for this purpose, it appears to the satisfaction of the chancellor that the interests of the said infants would be promoted by such sale, the chancellor may make like orders for the sale of the same, and the deed therefor, when given pursuant to such order, shall con-

vey to the purchaser all the estate in said lands held as described in the petition filed pursuant to the provisions of this act and the act to which this is a supplement.

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

Approved April 6, 1868.

CHAPTER CCCXLVI.

A Further Supplement to an act entitled "An Act to Revise and Amend the Charter of the City of Newark," approved March eleventh, eighteen hundred and fifty-seven.

Compensation shall be made for actual damage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the common council of the city of Newark shall change or alter any grade of any street, highway or alley, or section thereof within said city, they shall make compensation to owners of property for any actual damage caused by altering or changing such grade; and the compensation to be awarded said owners for damages as aforesaid, shall constitute part of the whole amount of costs, damages and expenses to be assessed, as in a previous supplement to the aforesaid act has been provided; but no compensation shall be made, nor shall any damages be recoverable in any case, except where the common council has previously, and by virtue of its proper authority, duly established the grade of the street, highway, alley, or section thereof, so as aforesaid changed or altered, any law of the state or city to the contrary notwithstanding; and no claim shall be brought for such damages as aforesaid after the expiration of sixty days from the working of any such grade.

Alteration or change of grade not to vitiate original ordinance.

2. *And be it enacted*, That if, while the work of grading any street, highway or alley, or section thereof, is in progress, it shall by the said common council be deemed beneficial or necessary to alter or change the said grade, the change or alteration so made shall not vitiate the original ordinance nor nullify in any way the proceedings had under and by virtue of the same; but compensation for the damages suffered by

any owner of lands and real estate, by reason of altering or changing any such grade shall be made as heretofore directed.

Benefits in excess of damages to be declared in report.

3. *And be it enacted*, That in all cases where the commissioners who make an estimate and assessment of the damages any owner or owners of land and real estate may sustain by taking and appropriating lands and real estate, according to the provisions of the act to which this is a supplement, and the various supplements thereto, meet with lands not liable, or which are claimed to be not liable for assessments, the said commissioners in estimating and assessing such damages may also estimate the benefits to the owner or owners of such lands by making such improvement; and if in any case the benefits are found to exceed the damages, they shall so declare in their report, and shall specially estimate and assess the value of the lands and real estate which are necessary to be taken and appropriated for such improvement; and if the benefits are found to be less than the damages, they shall deduct the amount of such benefits from the said assessment of damages.

Repealer.

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

Approved April 6, 1868.

CHAPTER CCCXLVII.

An Act further to amend the charter of the College of New Jersey.

Number of trustees may be increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the number of trustees of the College of New Jersey may be increased to twenty-seven, whenever the board of trustees shall, by a vote of two-thirds, determine upon such increase.

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

Approved April 6, 1868.

CHAPTER CCCXLVIII.

A Supplement to an act entitled "An Act to incorporate the city of Bergen," approved March eleventh, eighteen hundred and sixty-eight.

Main avenues or thoroughfares may be widened, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and aldermen of said city of Bergen to declare by resolution, any street, road or avenue in said city to be a main avenue or thoroughfare, and such street, road or avenue when so declared to be a main avenue or thoroughfare, may be widened, regulated and improved upon the application of any person or persons, by the mayor and aldermen of said city, in the same manner and to the same extent as other streets, roads and avenues in said city, and the restriction in the charter of said city permitting a majority of the land on said main avenue or thoroughfare to stop any proposed improvement shall not apply to such main avenue or thoughfare.

Continuation of Walnut street.

2. *And be it enacted*, That said mayor and aldermen may open a street or road from the westerly line of Van Horn street, in the continuation of Walnut street to the Jersey City and Bergen Point plank road, of not less than eighty feet wide, upon the application of any person or persons whatever, and the restriction in said charter requiring the owners of property on the line of such proposed continuation of Walnut street to ask for such street, or to prevent the opening of said street, shall not apply thereto.

City shall pay one-half the expense of repairing streets

3. *And be it enacted*, That where any street in said city is already paved the board of aldermen of said city may provide by ordinance that the city shall pay one-half of the expense and costs of repaving such street of said city with Belgian blocks, macadamizing or with such other substantial material as the majority of the property holders on the line of the street may desire.

Repealer.

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

Approved April 7, 1868.

CHAPTER CCCXLIX.

A Further Supplement to the act entitled "An Act to regulate Fees," approved April fifteenth, eighteen hundred and forty-six.

Fees to be allowed for crying sales, &c.

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 sheriffs of the counties of Salem, Cumberland, Passaic, Sussex, Atlantic and Bergen, of this state, shall be allowed for crying every sale of personal property made by virtue of any execution, the sum of five dollars; for serving every execution two cents out and in for every mile, to be computed from the court house; and for every day engaged in attending the regular terms of the courts of the county the sum of three dollars per day.

Repealer.

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

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

Approved April 7, 1868

CHAPTER CCCL.

An Act to incorporate the Central Market Company of Trenton.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Taylor, William Wood, John C. Cook, Daniel B. Bodine, John Barnet and Samuel Prior and their associates, be and they are hereby created a body politic and corporate, in fact and in law, by the name

Name.

and style of "The Central Market Company of Trenton," for the purpose of building, leasing and using a market house or market houses and carrying on the business incident there-

to; and for such purpose the said company shall or may raise by subscription, by opening the books therefor, or otherwise, a capital stock of twenty-five thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same from time to time to any sum not exceeding two hundred thousand dollars; and it shall be lawful for said company to issue certificates of stock, in whole or in part payment for any real or personal property purchased or leased by said company for the purpose of their business aforesaid; and it shall be lawful for the directors of said company to call and demand from the stockholders thereof respectively such installments, and at such times, and in such proportions, and upon such notice as they shall deem proper, not exceeding ten dollars on each share at any one time; and in case of failure by any stockholder to pay his or her installment or installments, as the case may be, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and of all previous payments made thereon for the use of said company. Capital, how paid in, and forfeited for non-payment.

2. *And be it enacted*, That said corporation may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease, or otherwise dispose of the same at pleasure, and may borrow money and issue bonds therefor, to an amount not exceeding at any one time one-half of their paid up capital stock, and may sue and be sued in all courts of law or equity, and may have and use a common seal, and change and alter the same at pleasure, and may make such by-laws for their regulation and government as they may see proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state. May purchase and hold real estate. Proviso.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than five nor more than eleven directors, who shall elect one of their number president, and said directors shall be stockholders in said corporation, and shall hold their offices for one year and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders, to be held on such day, at such hour of the day, and at such place as the by-laws of the said corporation shall direct, and until such annual election shall take place, John Taylor, Daniel B. Bodine, John C. Cook, Samuel Prior, John Barnet, William Directors, and how elected. First directors

Wood, Charles Brearley, William R. Titus, Alpheus Swayze, Charles Scott and William S. Hutchinson, being stockholders, shall be directors of said corporation; a majority of the directors shall, on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business; and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholders.

Not dissolved by failure to elect directors

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days' notice being given of the time and place of such election.

Annual statement.

5. *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained.

Principal office, where located.

6. *And be it enacted*, That the meetings of the directors shall be held at such time and place as the board of directors or their by-laws shall from time to time designate, but the main office of said corporation shall be at Trenton, where regular books of account shall be kept, which shall always be open at reasonable hours for the inspection of the stockholders; and that books of transfer of stock shall also be kept, and shall be evidence of the ownership of stock in all elections and other meetings.

How dissolved

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

Proviso.

viding its surplus among the stockholders in proportion to their respective interests in the stock.

Powers and restrictions.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions set forth in an act entitled "An Act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same may be applicable.

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

Approved April 7, 1868.

CHAPTER CCCLI.

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

Extension of time.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the first section of the act entitled "A Further Supplement to the act entitled 'An Act respecting the Orphans Court and the power and authority of Surrogates,'" approved April third, eighteen hundred and sixty-six, as limits the operation thereof to the term of two years from the passage thereof, be and the same is hereby continued in force two years from and after the third day of April, eighteen hundred and sixty-eight.

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

Approved April 7, 1868.

CHAPTER CCCLII.

An Act to confirm and make valid Acknowledgments and Proofs of Deeds and other instruments taken by William P. Miller.

Preamble. WHEREAS, it appears to the legislature of the state of New Jersey, that William P. Miller, attorney at law, a resident of the city of Newark, county of Essex, and state of New Jersey, has heretofore taken the acknowledgment and proof of deeds and other instruments, as one of the masters in the court of chancery of this state under the belief that he had been appointed such master, and had authority so to act; and whereas, doubts have arisen as to his appointment as such master and his power and authority to take such acknowledgments, there being no record or other evidence of his appointment as such master in chancery on file in the office of the clerk of said court; and by reason thereof great difficulty may arise respecting the title to lands and real estate conveyed by and held under deeds and other instruments so acknowledged; therefore,

Acknowledgments declared valid. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all acknowledgments and proofs of deeds, mortgages and other instruments heretofore taken and certified by said William P. Miller, as a master in chancery of this state, be and the same are hereby confirmed and declared valid and effectual in like manner as though the same had been taken and certified by a duly and lawfully appointed master in chancery of this state.

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

Approved April 7, 1868.

CHAPTER CCCLIII.

An Act authorizing the Congregation of the Church of Saint Barnabas, in the city of Newark, in the county of Essex, and state of New Jersey, to increase the number of Vestrymen of said Church.

WHEREAS, the maximum number of vestrymen in said church is limited to eight; and whereas, said number is less than the number provided for in the act entitled "An Act to incorporate religious societies worshiping according to the customs and usages of the Protestant Episcopal Church," passed February seventeenth, eighteen hundred and twenty-nine; and whereas, it is desirable to increase the number of vestrymen in said church; therefore— Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the congregation of said church of Saint Barnabas be and they are hereby authorized to elect annually, according to the customs and usages of the Protestant Episcopal Church, two wardens, and not less than five nor more than twelve vestrymen. Number of wardens and vestrymen that may be chosen.

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

Approved April 7, 1868.

CHAPTER CCCLIV.

An Act to authorize and enable the Carbon Iron Company to hold lands and real estate in this State.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "The Carbon Iron Company," a corporation of the state of Pennsylvania, shall be and said company is hereby authorized and empowered to receive and hold, in fee simple or otherwise, lands, tenements, hereditaments and real estate, situate in this state, not exceeding five Number of acres of real estate that may be held in this state.

thousand acres, and to lease, sell, mortgage or otherwise use or dispose of the interest and estate of said corporation in said lands.

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

Approved April 7, 1868.

CHAPTER CCCLV.

A Further Supplement to an act entitled "An Act respecting the Court of Chancery."

Proceedings in case of non-resident officers or directors of corporations of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bill shall be filed in the court of chancery of this state against any corporation of this state, and it shall be made to appear by affidavit to the satisfaction of the chancellor that none of the officers or directors of such corporation are resident in this state, or that none of them can be found within this state to be served with process of subpœna, such corporation shall be deemed and taken to be an absent defendant; and that such proceedings and decree may be had against such corporation as is now provided by law in the case of absent defendants; and that in all cases where such proceedings as are required or authorized by law in case of absent defendants shall have been heretofore had against any such corporation as aforesaid, such decree may be had against such corporation as is now provided by law in the case of absent defendants.

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

Approved April 7, 1868.

CHAPTER CCCLVI.

An Act to authorize the Thomas Iron Company to hold Mineral Lands and Real Estate in the State of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for "The Thomas Iron Company," incorporated by the legislature of the state of Pennsylvania, to hold, in fee simple or otherwise, as much mineral lands and real estate in the state of New Jersey as they may deem requisite and necessary, and to lease and convey the same at pleasure. Power to hold lands, &c., in this state conferred.

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

Approved April 7, 1868.

CHAPTER CCCLVII.

A Further Supplement to an act entitled "An Act to incorporate the Elastic Cone Spring Company," approved March fifteenth, eighteen hundred and fifty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of said "Elastic Cone Spring Company," be and the same is hereby changed to the "New Jersey Car Spring and Rubber Company," and that by said name the said corporation shall have succession, and possess all the powers and be subject to the restrictions and liabilities contained and granted in the act to which this is a supplement, and the supplement thereto. Change of corporate name.

2. *And be it enacted*, That the time for holding the election of directors of said corporation be, and the same is hereby fixed upon the second Wednesday of May in each year, and that the present board of directors hold office till that time, and till their successors shall be elected. Time for holding election of directors.

Capital stock may be reduced.

3. *And be it enacted*, That said company may by a vote of a majority in interest of the stockholders or their legal representatives, at any meeting called for that purpose, reduce its capital stock to an amount not less than two hundred thousand dollars.

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

Approved April 7, 1868.

CHAPTER CCCLVIII.

An Act to alter the boundary line between the townships of Franklin and Clayton, in the county of Gloucester.

Boundary of portion of Franklin township set off to Clayton township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Franklin lying northerly and northwestwardly of a line commencing in the present line between Camden and Gloucester counties in the middle of the road leading from Clayton to Williamstown; thence along the midddle of said road leading from Clayton to Williamstown, to an angle in the same near the Friese mill dam, and thence by a line running direct from said angle to a point in the present line between Franklin and Clayton townships at the distance of fifteen chains northeastwardly of the middle of the Franklinville and Swedesboro road and near Abraham S. Latch's farm, be and the same is hereby set off from the said township of Franklin and attached to and made part of the township of Clayton.

Military tax.

2. *And be it enacted*, That the said township of Clayton shall assume and pay the proportion of military tax which may hereafter become due by the said portion of Franklin township which is by this act set off and annexed to Clayton township.

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

Approved April 7, 1868.

CHAPTER CCCLIX.

An Act to authorize the construction of works for supplying the city of Rahway and places adjacent with pure and wholesome water.

Water to be supplied from the Rahway river.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and common council of the city of Rahway be and are hereby authorized, in the manner hereinafter provided, to take and convey into and through said city, and such other places adjacent thereto as may desire the same, such portion of the water of the Rahway river, or either of its branches, as may be required to furnish the inhabitants of the said city, and others residing adjacent thereto, with a sufficient quantity of pure and wholesome water for domestic and other uses.

Proper persons to be employed to make surveys.

2. *And be it enacted*, That all authority granted or given by this act shall be exercised exclusively by and through a board of commissioners, to be appointed as hereinafter directed; and in pursuance of this authority the said commissioners may employ all proper engineers, surveyors, clerks, and other agents and assistants necessary or convenient for accomplishing the purpose contemplated by this act, and may enter upon any land or water for the purpose of making surveys and examinations for the same.

Commissioners to take and hold real estate necessary for construction of works.

3. *And be it enacted*, That the said commissioners shall, for and in the name of the mayor and common council of the city of Rahway, take and hold any lands or other real estate necessary for the construction of any canals, aqueducts, reservoirs, basins, or other works for raising, conveying or containing water, or for the erection of any buildings or machinery, or for laying any pipes or conduits for conveying the water into or through the said places, or to secure and maintain any portion of the works, and in general to do any other act necessary or convenient for accomplishing the purposes contemplated by this act; and may distribute the water throughout the corporate limits of Rahway, and through such portions of other places, as the inhabitants thereof may desire; *provided*, that no agreement for introducing or furnishing water to persons or corporations outside of the corporate

Proviso.

limits of the city of Rahway shall be made without the concurrence of the common council of said city of Rahway.

Proceedings when commissioners and owners of land cannot agree.

4. *And be it enacted*, That in case of any disagreement between the commissioners and the owner of any lands or water rights, which may be required for the said purposes, or affected by any operation connected therewith, as to the amount of compensation to be paid to such owner, or in case any such owner shall be an infant, or a married woman, or insane, or shall be absent from this state, the circuit court in and for the county of Union shall, on the application of either party, nominate and appoint three disinterested persons to examine such property, and estimate the value thereof or damages sustained thereby; and who shall, after reasonable notice to the parties of the time and place where they will be heard in relation to the matter, proceed without delay to make their report thereon, and deliver the same to the court, at the next session thereof, which shall be held in the said county.

Further proceedings.

5. *And be it enacted*, That whenever such report shall be confirmed by the court aforesaid, the commissioners shall, within two months thereafter, pay to the said owner, or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required or for the damage sustained, as the case may be; and thereupon the mayor and common council of the city of Rahway shall become seized in fee of such property so required, and shall be discharged from all claim by reason of such damage; but no claim shall be made or allowed after the expiration of three years from the time the land is taken or the damage suffered.

Damages to any road, railroad, street, &c., to be repaired.

6. *And be it enacted*, That the commissioners, in behalf of the mayor and common council of the city of Rahway, and all persons acting under their authority, shall have the right to use the ground or soil under any avenue, road, railroad, highway, street, lane or alley within this state, for the purpose of constructing the works contemplated by this act, on condition that they shall cause the surface of such avenue, road, railroad, highway, street, lane or alley to be restored to its original state, and all damages done thereto to be repaired; and all damages to any company by any interruption of travel while the work is constructing to be paid unto them.

Contracts shall be made in writing.

7. *And be it enacted*, That all contracts for materials for the construction of the work, or any part of said work, involving an expenditure of the sum of five hundred dollars or

over, shall be made in writing, and of each contract three copies shall be taken, which shall be numbered with the same number, and endorsed with the name of the contractor and a summary of the work to be done or materials furnished; one of such copies shall be deposited with the treasurer of the city of Rahway, and one shall be retained by the commissioners.

Proposals for contracts to be publicly opened.

8. *And be it enacted*, That all proposals for entering into contracts shall be publicly opened in the presence of those who choose to attend; not more than one proposition shall be received from any one person for the same contract, directly or indirectly, and all propositions of any person offering more than one shall be rejected; and every person or persons proposing shall furnish with his proposal satisfactory evidence of his ability to carry out his proposition.

Contractors to give security.

9. *And be it enacted*, That every person who shall enter into any contract with the commissioners for the supply of materials or the performance of any work or labor, shall give satisfactory security for the faithful performance of his contract, according to its terms; and no commissioner or officer employed by said board, or member of the common council of said city shall be interested, directly or indirectly, in any contract relating to said work.

Materials to be exempt from execution.

10. *And be it enacted*, That all materials procured, or partially procured, under contract with said commissioners, shall be exempt from execution; but it shall be the duty of the commissioners to pay the moneys due to such contractor for such materials to the judgment creditor of the contractor, under whose execution such materials might otherwise have been sold, upon his producing to them due proof that his execution would have so attached, and such payment shall be held as valid payment on the contract.

Commissioners shall have power to issue bonds.

11. *And be it enacted*, That for the purpose of defraying all the expenses and the cost of such lands, buildings or water privileges as shall be taken or purchased for the purposes of this act, and for the purchase of materials and constructing all works necessary to the full accomplishment thereof, and all expenses incidental thereto, the said board of commissioners shall have authority to issue, in the name of the said mayor and common council of the city of Rahway, bonds to be denominated on their face "Rahway City Water Bonds," to an amount in the whole not exceeding two hundred thousand dollars, bearing interest at the rate of seven per centum

Amount of bonds that may be issued.

per annum, and the said interest shall be payable semi-annually; and the principal of said debt shall be payable at periods not less than ten nor more than fifty years from date; and the commissioners may sell the said bonds to parties offering to take the same, on the most favorable terms, after giving not less than twenty days' notice of such sale in one or more newspapers published in the cities of New York, Newark and Rahway; and in case the revenue received by the said commissioners shall not in any year be sufficient to pay the interest and all necessary expenses of said work, an amount equal to such deficiency shall be provided for and paid by the mayor and common council of the city of Rahway, who are hereby authorized and required to raise and assess for that purpose, by tax, such amount as may be necessary, above the other taxes authorized by law; *provided*, that the commissioners may require bidders proposing to furnish materials or construct said works to designate the rates at which they will furnish such materials or construct such works, or any portion thereof, payable in bonds; and all bonds issued by said commissioners shall be signed by a majority of the board, and countersigned by the mayor of the city of Rahway; and a record of all bonds issued or disposed of shall be kept by said commissioners, and copies of such record shall be made and delivered to the treasurer of the city of Rahway; all moneys received by the commissioners shall be deposited in any bank or banks to be designated by a majority of the said commissioners, and be made payable to the joint order of the president and at least two other members of the board only.

Proviso.

Books of account shall be kept.

12. *And be it enacted*, That the commissioners shall keep regular books of accounts, and books for recording the whole of their official proceedings; and the said commissioners, and the clerks employed in their service, shall be sworn to the faithful performance of their duties; and all such books shall be open to the examination of any person or persons appointed for that purpose by the mayor and common council of the city of Rahway; the commissioners shall also, on the first Tuesday in January and the first Tuesday in July of every year, make a report to the said mayor and common council of the condition of the works under their charge, accompanied by a statement of their receipts and expenditures on account of the same.

Commissioners shall regulate the distribution of water, &c.

13. *And be it enacted*, That the board of commissioners for the time being shall regulate the distribution and use of the

water in all places and for all purposes where the same may be required, and they may erect such number of public hydrants, and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used, all which they may change at their discretion; *provided*, that all hydrants, conduits, or other appliances, required and furnished for the purpose of extinguishment of fires, shall be placed as the common council of the city of Rahway shall direct, and shall be under their exclusive control and direction. Proviso.

14. *And be it enacted*, That the owner and occupier of any house, tenement or lot, shall each be liable for the payment of the price or rent fixed by the commissioners for the use of the water by such occupier, and such price or rent so fixed, shall be a lien upon said house, tenement or lot, in the same way and manner as other taxes assessed on real estate in the city of Rahway are liens, and shall be collected in like manner, if not previously paid to the commissioners; and the said board shall have authority to require payment in advance for the use or rent of water furnished by them in or upon any building, place or premises, and in case prompt payment for the same shall not be made, they may shut off the water from such building, place or premises, and shall not be compelled again to supply said building, place or premises with water until said arrears, with interest thereon, shall be fully paid. Powers of commissioners.

15. *And be it enacted*, That the said commissioners shall make no contract for the price of using the water for a longer term than three years; and, at the expiration of any term or lease, the price for the use thereof shall be adjusted according to the regulations then established. Contracts for price of using water to be limited to three years.

16. *And be it enacted*, That it shall be the duty of said water commissioners, from time to time, to fix the prices which shall be charged for the use of the water, where the same is taken and used, and the owner and occupier of any house, lot or tenement, shall each be liable for the price so fixed; and the said commissioners shall also, from time to time, fix a sum to be assessed annually upon all vacant lots and lots with buildings thereon in which the water is not taken, if the same are situated upon any road, avenue, street, lane or alley in the city of Rahway, through or in which pipes for distributing the water are laid, which prices and sums so fixed and assessed shall be denominated "water rents;" and the said water commissioners shall, from time to time, deter- Commissioners to fix the water rents.

mine and give public notice of the times and places at which the said water rents shall be due and payable, and the penalties to be charged for delaying the payments beyond the times so fixed; and the said water rents and penalties shall, until paid, be liens upon the property charged therewith; and a certified account of all such water rents and penalties for delinquency as remain unpaid at that date shall, on the twentieth day of December in each year, be delivered by the water commissioners to the mayor and common council, to be collected, under their direction, in the same manner that arrears of taxes are collected, and interest shall be charged and collected thereon at the same rate; and all laws of the state of New Jersey, and ordinances of the mayor and common council of the city of Rahway, relating to the collection of arrears of taxes, shall be good and valid for the collection of arrears of water rents and penalties legally assessed or imposed by the water commissioners of the city of Rahway; and the amount of such arrears and interest, when collected, shall be paid to the said commissioners.

Provision for the payment of interest and purchase of water bonds.

17. *And be it enacted*, That the water commissioners of the city of Rahway shall fix the aforesaid water rents or prices for water, and assessments upon property situated where distributing pipes are laid, with reference to paying from the proceeds thereof the interest and principal of the "Rahway City Water Bonds," as they respectively fall due; and such portions of the moneys received by the said commissioners as may remain after paying all expenses for constructing and maintaining the works and raising and distributing the water, and salaries, wages, and incidental charges, shall be applied, first, to the payment of interest upon the debt created for the construction of the works, and next, to the purchase of the bonds issued therefor, if the same can be obtained at reasonable rates, or if that cannot be effected, then to be safely invested by the said water commissioners, and allowed to remain as a sinking fund, to be applied to the payment of the bonds at maturity.

Yearly estimates of receipts and expenditures shall be made for the ensuing year.

18. *And be it enacted*, That the water commissioners shall, on or before the first Tuesday of May in each year, make a careful estimate of the interest on the water debt, and cost of managing and keeping in repair and operation of water works for the ensuing year, and of the amount to be received during the same year for the use of water and water rents, and of the deficiency, if any, of such receipts for the payment of

such expenditures, and report the same in writing to the said common council; and said deficiency said city shall raise by tax, as other city taxes are levied and collected; and said water commissioners shall, in case of any estimated deficiency, furnish a copy of said reports to the assessors of taxes in said city.

Duty of the assessors.

19. *And be it enacted*, That it shall be the duty of the assessors of said city to add to the sum so reported three per centum, to cover losses and contingencies, and to assess such sum so increased upon all taxable property in said city in the same manner as other taxes are assessed; and said tax shall be collected by the tax receiver and other officers of said city and if not paid at the time required by law for other city taxes, shall be collected by warrant and by sale, in the same manner as other city taxes are collected in said city, and shall be a lien upon the property whereon the same are assessed, in like manner.

Quorum.

20. *And be it enacted*, That a majority of the said commissioners shall constitute a quorum for the transaction of any business allowed or required by the powers or duties of their commission; and all contracts and engagements, acts and doings, of the said commissioners, within the scope of their duty or authority, shall be obligatory upon and be in law considered as done by the mayor and common council of the city of Rahway; and the said mayor and common council and all real estate within said city, and all goods and chattels within said city, belonging to residents thereof shall be liable for the principal and interest that may become due on the bonds to be issued by virtue of this act.

Powers and duties of commissioners.

21. *And be it enacted*, That the said commissioners shall have power to make rules and regulations respecting the introduction of water into or upon any premises, and from time to time to regulate the use thereof in such manner as shall seem to them necessary and proper; and the members of said board and all engineers, superintendents or inspectors in their service are hereby authorized and empowered to enter at all reasonable hours any dwelling or other place where said water is taken or used, and where unnecessary waste thereof is known or suspected, and examine into and inquire the cause thereof; they shall have full power to examine all service pipes, stop cocks and other apparatus connected with said works for the purpose of ascertaining whether the same are of the character and dimensions and fixed in the manner di-

rected in the permits issued therefor; and if any person or persons shall refuse to permit such examination or oppose or obstruct such officer in the performance of such duty, he, she or they so offending shall be liable to such penalty, not exceeding ten dollars for each offence, as the said board may impose, and the supply of water may also be shut off until the required examination is made, and such alterations and repairs are completed as may be necessary.

Suits to be prosecuted by and defended in the name of the commissioners.

22. *And be it enacted*, That the said commissioners may prosecute or defend any action or process at law or in equity by the name of the "Water Commissioners of the City of Rahway," against any person or persons for money due for the use of the water, for the breach of any contract, express or implied, touching the execution or management of the works or the distribution of the water, or of any promise or contract made to or with them; and also for any injury or trespass, or nuisance done or suffered to the water, watercourses, pipes, machinery or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water; and any vacancy, or the filling any vacancy in the board of commissioners, either before or after any cause of action arises or suit is commenced, shall not change the right of said commissioners as a body, to commence or maintain such action or process at law or in equity, but in all such cases they shall be considered, from [the] time of the organization of the board as a corporation.

Penalty for injuring works, &c.

23. *And be it enacted*, That if any person or persons shall maliciously or wilfully divert the water, or any portion thereof, from the said works, or shall corrupt or render the same impure, or shall destroy or injure any canal, aqueduct, pipe, conduit, machinery, or other property used or required for procuring or distributing the water, such person or persons and their aiders and abettors, shall forfeit to the said commissioners to be recovered in an action of trespass, triple the amount of damages which shall appear on trial to have been sustained; and all such acts are hereby declared to be misdemeanors and the parties found guilty thereof may be further punished by fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both at the discretion of the court.

Names of first commissioners.

24. *And be it enacted*, That A. Maurice, J. Henry Stone James Vanderhoven, John H. Durand and the mayor of the city for the time being, shall constitute the first board of water commissioners; the said commissioners shall elect

annually one of their number to be president of the board, and shall determine by lot or otherwise the terms during which the four of the number other than the mayor of the city shall hold their offices, and these shall be as follows: one of them shall remain in office one year, one two years, one three years and one four years, all to be computed from the second Tuesday of May next ensuing; and the mayor of the city for the time being shall, ex officio, be one of the board.

Vacancies, how filled.

25. *And be it enacted*, That at the charter election to be held in said city in the year eighteen hundred and sixty-nine and every year thereafter, there shall be elected one commissioner who shall hold his office for four years next ensuing such election; and any vacancies that shall occur in said commission, by death, resignation or otherwise, shall be filled by the common council of the city of Rahway, but the person or persons so appointed to fill such vacancy shall hold his or their offices only for the residue of the term for which they may be appointed; and each of said commissioners, except the mayor of the city of Rahway, who are appointed by this act or who shall be elected or appointed under the provisions of this act, before entering upon the duties of his office, shall give a bond of ten thousand dollars, with two good and sufficient sureties, to the mayor and common council of the city of Rahway and to be approved by said mayor and common council for the faithful performance of their duties as such commissioners.

Mayor and common council shall annually fix compensation of commissioners.

26. *And be it enacted*, That the said commissioners shall be entitled to take and receive out of any moneys raised and appropriated for the construction of the Rahway water works such sum as the mayor and common council of the city of Rahway shall annually fix in full for their services, and shall also be repaid all reasonable traveling expenses incurred while employed upon the works; and they shall at their first meeting after the organization of the board, fix and determine the proportions in which the said sum shall be paid to the several members thereof, and may at their discretion annually change such apportionment.

Any commissioner may be removed.

Proviso.

27. *And be it enacted*, That the mayor and common council of the city of Rahway shall at any time remove any commissioner; *provided*, it shall satisfactorily appear, after reasonable notice to the parties, and hearing the causes of complaint and answers thereto, if any shall be offered, that the commissioner whose removal is sought has been guilty of such

maladministration, or such neglect of the duties of his office, that his removal will be right and proper, and two-thirds of all the members elected to the said common council shall concur in such removal.

Provisions shall remain inoperative until assented to by a majority of votes.

28. *And be it enacted*, That this act shall take effect immediately; but its provisions shall remain inoperative until assented to by a majority of the electors voting at an election to be held in said city, of which election the same notice shall be given as is required to be given for the annual charter election.

Approved April 7, 1868.

CHAPTER CCCLX.

An Act to provide for the cession of a portion of the road of the Newark and Pompton Turnpike Company to the City of Newark.

Copy of act of cession and transfer to be filed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the Newark and Pompton turnpike company shall cede and transfer to the city of Newark so much of their turnpike road as lies within the corporate limits of the said city, and shall file one copy of their act of cession and transfer in the office of the secretary of state of this state, and another copy in the office of the city clerk of said city of Newark, the said Newark and Pompton turnpike company shall be released and discharged from all authority and control over that part of their said road, and from all liability on account of the same, and the same shall thenceforth be, to all intents and purposes, a public street or highway of the said city of Newark, and the common council of said city shall have and exercise the same jurisdiction, authority and control over the same as over the other streets and highways of the said city; *provided*, that nothing in this section contained shall be so construed as to prevent the said Newark and Pompton turnpike company from charging and collecting the same tolls upon their said road, in the places heretofore used for that purpose, and as their charter and its amendments provide, as if this act had not been passed, but no toll gate shall be erected or used in the city of Newark.

Proviso.

2. *And be it enacted*, That if at any time authority shall be given by the said city of Newark to any horse car railroad company or companies to lay rails on any portion of said turnpike road so ceded and transferred to the said city of Newark, the rails to be used thereon by such horse car railroad company or companies, shall be of such form as may interfere as little as practicable with ordinary public travel, and shall be at all times subject to ordinances of said city now passed, or which may hereafter be passed, affecting the same in any manner, and shall be for the joint use of said turnpike and railroad company or companies, the said turnpike company being privileged to use the same free of charge should they at any future time be authorized to lay rails upon their turnpike from Montclair to said city of Newark. Conditions when authority is given to lay rails.

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

Approved April 7, 1868.

CHAPTER CCCLXI.

An Act for the further protection of the Fisheries in Maurice River, Cumberland County.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be unlawful for any person or persons not residents of this state, to take, or cause to be taken, fish of any kind or description from the waters of Maurice river in said county, its shores, flats or tributaries, by means of nets, seines, hooks, or any other tackle whatsoever; any person or persons so offending shall forfeit and pay for every such offence the sum of fifty dollars, to be recovered by action of debt, with costs, by any person who may prosecute for the same in any court having cognizance thereof, one-half of said fine to go to the prosecutor, and one-half to be paid to the county collector for the use of Cumberland county. Penalty for fishing by non residents of this state.

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

Approved April 7, 1868.

CHAPTER CCCLXII.

An Act to incorporate the Nicaragua Railway Company.

Preamble.

WHEREAS, Francis Morris, B. C. T. Pim, J. C. Woods, J. F. Randolph, J. M. Bronson and Henry Reed, have, with their associates, organized a corporation under the general laws of this state, based upon a concession granted by the government of the republic of Nicaragua to Captain B. C. T. Pim, on the twenty-second day of March, eighteen hundred and sixty-five, the said grant authorizing the formation of a company, under the laws of any one of the states of the United States, for the purpose of working the said concession; and whereas, the corporation organized as above has been named "The New Jersey and Pacific Transportation and Nicaragua Railway Company"; and whereas, the general laws of this state authorizing the formation of companies for various purposes is not of sufficient scope, nor admits of sufficient freedom of corporate action for the proper management of a company organized for the purpose of building and working an inter-oceanic transit out of the limits of the United States; now therefore,

Right to change present corporate name conferred.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the New Jersey and Pacific Transportation and Nicaragua Railway Company, their associates, successors and assigns, organized under the general laws of this state for the purpose of building, equipping, maintaining, working and enjoying an inter-oceanic transit and accessories thereto across the republic of Nicaragua, under the concession granted by that government to Captain B. C. T. Pim, on the twenty-second of March, eighteen hundred and sixty-five, shall have the right to change the title of their company to that of "The Nicaragua Railway Company," and to reorganize under the provisions of this act;

Corporate name under which the company may re-organize.

and the said New Jersey and Pacific Transportation and Nicaragua Railway Company, their associates, successors and assigns, so reörganized, and all such persons as they may thereafter associate with them, their associates, successors or assigns, shall be and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Nicaragua Railway Company," with the powers and privileges necessary for carrying on the business of transportation of passengers, freight, treasure and mails, on any route or routes across the republic of Nicaragua, from ocean to ocean, by any mode of transit they may use, and for constructing and maintaining in operation and using a telegraph line or lines in said republic; and also for building, equipping, furnishing, fitting, purchasing, chartering or hiring, or owning, or navigating steam or other vessels, or any share or shares therein, or any interest therein, legal or equitable, to be used in all lawful commerce and navigation upon any ocean or oceans, gulf or gulfs, and seas or inland lakes, and other waters, for the transportation by said company hereby incorporated of passengers, freight, specie and mails, and for providing coals, materials and supplies, with power to construct, purchase or lease and control wharves, docks and piers that may be necessary for the use of said company, and to acquire and hold such real estate and personal property as may be necessary in conducting the business of the company, and the same to sell and convey as the business of the company may require; and the company hereby incorporated is declared to be the same company as the New Jersey and Pacific Transportation and Nicaragua Railway Company, organized as hereinbefore stated, composed of the same stockholders, with the same capital stock, which shall be represented by the same certificate of stock, or by new ones as the directors of the company may determine, with the same officers until their successors are duly elected and qualified, and the same organization, assuming all the debts, liabilities and responsibilities of every name and nature of the New Jersey and Pacific Transportation and Nicaragua Railway Company, and also becoming possessed by the act of reörganization under this law of all the powers, privileges, property and franchises theretofore belonging to the said company; and the said corporate name of the New Jersey and Pacific Transportation and Nicaragua Railway Company is hereby changed to that of "The Nicaragua Rail-

Powers and privileges.

way Company," and hereby incorporated as such, with a capital stock of ten millions of dollars, with the privilege of increasing the same when the necessity arises for the company to place steamships upon the ocean, to run to and from the termini of their inter-oceanic transit.

Capital stock.

Corporation to be located in Jersey City.

2. *And be it enacted*, That the said corporation hereby incorporated shall be located in Jersey City, in the county of Hudson, in this state, and the president or vice president of said company shall reside in this state, on whom said company shall authorize process to be served, which said service shall be a service regularly on the company; and the directors shall cause a certificate over the corporate seal of the name of such president or vice president resident in this state, on whom they so authorize process to be served, to be filed in the office of the secretary of state.

Discretionary powers of directors.

3. *And be it enacted*, That it shall be lawful for the directors of the corporation hereby incorporated from time to time, at their discretion, to sell the unissued stock of the company hereby incorporated, as the business of the company may in their judgment seem to require, to such persons, whether stockholders or directors in the company hereby incorporated or others who may desire to take stock, as the directors may determine, and to require such payments to be made thereon, and to make such calls for installments to be paid thereon, as they the directors may determine to be necessary; and it shall be lawful for the directors to declare any share or shares of stock, with all previous payments that may have been made thereon, forfeited, on which the owner or owners thereof shall neglect to pay any installment or payment of money which may be called for by the directors at the time the same is payable; *provided*, that ten days' notice, exclusive of Sundays, of the time of the payment of any sum directed to be paid on the said shares of stock be given by an advertisement thereof in the newspapers published in the county of Hudson, in this state; also, in a daily newspaper published in the city of New York, state of New York; and upon the entry of such forfeiture by the directors in their books, such share or shares of stock, and any payments thereon made prior to such call and forfeiture, shall be forfeited for the use of the company, and every entry of the forfeiture of stock so made shall be sufficient authority for the directors to sell said forfeited stock in any manner and to whom they may direct, and to issue certificates thereof to the purchaser; the shares of stock in

Proviso.

the said corporation hereby created shall be deemed to be personal property, and be transferable in such manner as the company in their by-laws may provide; and it shall be lawful for any other corporation, whose business is that of transportation or of telegraphing, either by directly engaging therein or by furnishing the property or materials to be used therein, unless prohibited by their charter, to take, have issued to them, and hold stock in the company hereby incorporated, and to transfer the same by any agent or attorney, or act recognized by the company hereby incorporated.

Election of directors.

4. *And be it enacted*, That there shall be nine directors of the said company, who shall be stockholders, and who shall be annually elected on the second Monday of November by the stockholders, such election to be advertised in the newspapers published in the county of Hudson, in this state, and in a newspaper published in the city of New York, state of New York, at least two weeks before the same is to be held, by a notice setting forth the time and place of such election, and such directors shall hold office until others are duly elected in their place, and shall choose out of their own number a president, vice president, an executive committee, and shall appoint a treasurer and secretary from among the stockholders, and may appoint other officers, whose powers and duties may be regulated by said directors; and the present directors of the New Jersey and Pacific Transportation and Nicaragua Railway Company shall elect two additional directors from among their stockholders, to make their number up to nine, and shall remain, continue and be the directors of the Nicaragua Railway Company hereby incorporated, and shall hold such office until the annual election on the second Monday of November as hereinbefore provided, and any vacancy among the directors may be filled by the remaining directors; in case of failure to elect on any day named for an election of directors, such election may be held on such other day as the directors may appoint, notice thereof being given as aforesaid, and in all elections for directors, and on all questions voted on by the stockholders at any meeting, each holder of stock shall be entitled to one vote for each share of stock held by such stockholders, but only one vote shall be given for each share of stock, which vote, whether by ballot or otherwise, shall be given in person or by written proxy.

5. *And be it enacted*, That a majority of the directors of

Powers of directors.

said corporation shall constitute a quorum for the transaction of business, with power to make such by-laws, ordinances and regulations, not contrary to the constitution of the United States or of this state, as shall seem to them necessary in conducting the affairs of the corporation, and to alter and repeal the same, to retain or change or renew the present common seal, to make contracts or engagements with any government or corporation, or with any person or persons, whether stockholders of the corporation hereby incorporated or not, for transporting or carrying any passengers, freight, specie or mails for said company, or in relation to any other business of the company, and said directors are invested with all the powers of the said corporation for the control of the affairs, business and interests of the corporation, with power to appoint all agents necessary, to make them compensation, and remove them, and to make such charges for transportation or other business done by the said company, as may be lawful, and they may also from time to time make such dividends out of the net profits of the company as the business of the company may warrant, and they may hold meetings out of the state, and when so held, shall be as valid as if held in the state; but all elections for directors shall be held at the company's office in this state.

May borrow money, issue bonds, and execute mortgage.

6. *And be it enacted*, That the Nicaragua Railway Company hereby incorporated shall by the action of their board of directors, when they deem it necessary for the purposes of the company, have power to borrow money from time to time, and to make and deliver, or cause to be delivered, the bonds or other obligations of the company, executed as the directors may direct, bearing interest as expressed thereon, not exceeding seven per cent., or in coupons attached, or otherwise, with interest; the principal and interest payable at such times and places, in or out of this state, and in such manner as they may direct, and may secure the same by a mortgage or mortgages of the company, which shall be and remain a lien or liens for the amount secured thereby, unpaid; or any property, real or personal, or chartered, or other rights of the company, thereby mortgaged, until the same is paid; and the registry thereof in the office of the clerk of the county of Hudson, in this state, shall be notice to all interested, and the same shall be recorded by said clerk in the records of mortgages in his office, and it shall be lawful, and they are hereby authorized to negotiate, sell or dispose of any of the bonds or obligations

of the company, at public or private sale, and if disposed of at a rate less than their par value, the same shall not be invalidated thereby, and it shall not be lawful for the company in any suit at law or in equity, to claim or be entitled to or allowed any exemption from the payment of the principal named therein, and interest or any part of either; it shall also be lawful for the directors to make any of the bonds of the company convertible into stock of the company, at the option of the holder of said bonds, at such times, and on such terms, as shall be specified upon the faces of said bonds.

Property and business of the company may be separated.

7. *And be it enacted*, That the directors of the said Nicaragua Railway Company may separate the property and business on and of the company's inter-oceanic transit route between the Atlantic and Pacific oceans, and what pertains thereto from the other property and business of the company, and may make and keep a separate and distinct account of each respectively, and of the cost of each, and of the expense of and receipts from operating each, and may make and declare separate and distinct dividends out of the net profits of each, the same in all the foregoing particulars as if each was conducted by different companies; they may also divide the stock of the company so that each branch of the business of the company may be represented by separate and distinct stock, and they may issue certificates to represent the different kinds of stock, separate from each other, and they may make the like separation in all things of the property and business, accounts and dividends connected with the several lines of transportion, now or hereinafter established by the company, which are not on or part of their inter-oceanic transit route between the Atlantic and Pacific oceans, and also of the stock representing the same.

Dividends on special stock may be declared.

8. *And be it enacted*, That it shall be lawful for the directors of the Nicaragua Railway Company to issue the stock of the company, either partially or wholly paid up, in the purchase of franchises or property in connection with their business, either to the government of the republic of Nicaragua or to any company, or individual or individuals, and it shall be lawful for them from time to time to create of any of the unissued stock of the company a special stock, dividends on which special stock may be preferred out of the net profits, and declared and paid to an amount not exceeding eight per centum per annum on the par value thereof before dividends are declared and paid on other stock of the company, which

special stock may be so issued as to participate with other stock of the same class in dividends, after eight per centum per annum on such other stock has been declared; the directors may declare stock dividends to represent profits used or invested in the works or property of the company.

May be relieved by special contract from liability for loss or damage, &c.

9. *And be it enacted*, That the Nicaragua Railway Company hereby incorporated, may relieve themselves by special contract from all liability for the loss of or damage to any property delivered to or in the charge or custody of the company for transportation, except so far as by such contract they may agree to be responsible; and in such special contracts may, for a special compensation, become insurers for any portion of the value of any property delivered to or in the charge or custody of the company for transportation; and in case of the loss of any property so insured by them, the measure of damages to be paid by the company to the shipper or his assigns, shall not exceed the valuation as expressed in the receipt, for which special compensation has been received by the company, and inserted at the time of shipment of the property lost; and shall not be compelled to transport any property, except the baggage of passengers, without special contract, which the company are hereby authorized to make, specifying what form and degree of liability the company agree to assume as aforesaid; and the company in the absence of any special contract shall not be liable for the loss of or damage to anything as baggage except wearing apparel, nor for that to an amount exceeding one hundred and fifty dollars, for wearing apparel of a first or second class passenger, or seventy-five dollars for wearing apparel of a third class passenger, or steerage passenger; *provided*, a copy of this section of this act be printed on the face or back of, or attached to the company's tickets for passage or bills of lading, or receipts; and if on the back or attached thereto, a notice be printed on the face thereof directing attention to the same, but the company shall not be liable for any loss of, or damage or injury to wearing apparel or other property unless the same is put or left wholly and entirely in the charge and custody of the company, and a receipt, or check, or bill of lading given therefor; and nothing in this section of this act shall take away or affect the remedy to which any party is entitled against any person, whether in the employ of the company or not, for or on account of any felonious acts of such person.

Proviso.

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

Passed April 7, 1868.

CHAPTER CCCLXIII.

An Act to incorporate the General Insurance Company of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders in the capital stock hereinafter mentioned, their successors and assigns, are hereby constituted and made a body politic and corporate, by the name and style of "General Insurance Company of New Jersey," and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended in all courts, whether in law or equity, and by that name may also have, purchase, possess and enjoy, and to them and their successors, lands, tenements and hereditaments, goods, chattels and effects of whatever nature or kind soever necessary for the purposes of this corporation, and the same to grant, demise, alien and dispose of at pleasure for the benefit of said company, and may also have a common seal, and alter and renew the same at pleasure, and also to create such by-laws and regulations as shall seem necessary and expedient for the government of the said corporation, and to put the same in execution; *provided*, the same be not contrary to the laws of this state or of the United States. Corporate name. Proviso.

2. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, divided into shares of fifty dollars each, with privilege to increase the same to three hundred thousand dollars, and that one-half of said capital stock (fifty thousand dollars) shall be subscribed and actually paid in cash before it shall be lawful for said company to commence the business of insurance. Capital stock.

3. *And be it enacted*, That the business, property and affairs of the said company shall be managed and conducted Directors, and how elected.

by such directors, not less than seven nor more than fifteen, as may be elected for that purpose, a majority of whom shall form a quorum, which directors shall hold their offices for one year and until others shall be chosen, and they shall at all times during their continuance in office be stockholders in their own right, and a majority of them shall be citizens of this state; said directors shall be elected on the first Monday in May of each and every year, at such hour of the day in the state of New Jersey as the board of directors for the time being shall direct, of which election two weeks' public notice shall be given in the newspapers printed in the city of Camden, and each share of stock shall entitle the owner to one vote at each election, to be given either in person or by proxy; and that the principal office of the company shall be kept in the city of Camden, in the state of New Jersey.

Officers.

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

Commissioners to open books of subscription.

5. *And be it enacted*, That Alexander E. Donaldson, John Hood, William B. Rosenbaum, Joseph T. Rowand, Abram W. Nash, John Goldthorpe and James M. Cassady, are hereby appointed commissioners to open books for subscription to the capital stock of said company, at such place or places in the state of New Jersey, upon three weeks' notice in one or more newspapers printed in said state; and as soon as one thousand shares are subscribed, the said commissioners shall, by like notice, appoint the hour and place for holding the first election for directors.

Insurance that may be effected.

6. *And be it enacted*, That it shall and may be lawful for the said company to insure houses, and other buildings and property, furniture, goods, chattels, wares and merchandise of every description against loss or damage by fire; also to insure the lives of persons against death from disease or accident, or against injuries from accident; also to take marine risks, insuring vessels of all descriptions, their appurtenances and cargoes, rights and interests and property, against every description of casualty incident to marine and inland transportation; and also to insure live stock against loss by death from disease or accident, and generally to insure against all losses pertaining to fire, loss to persons by death from disease or

accident, loss by marine or inland transportation, casualties, and loss upon live stock by death from disease or accident, upon such terms and conditions as shall be contained in the policy of insurance.

Policies or contracts may be made with or without the seal of the company.

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

May purchase and hold real estate.

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

Stock transferable.

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

Dividends.

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

Limitation.

11. *And be it enacted*, That this act shall continue in force twenty years; *provided*, that no contract made by said cor- Proviso.

poration before the repeal or expiration of this charter shall be affected thereby, and the said corporation shall have a reasonable time to bring its accounts to a final settlement.

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

Approved April 7, 1868.

CHAPTER CCCLXIV.

A Further Supplement to an act entitled "An Act to incorporate the Passaic Water Company," approved February thirteenth, eighteen hunred and forty-nine.

Capital stock may be increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jeresy*, That the Passaic Water Company be and they are hereby authorized to increase their capital stock to the sum of five hundred thousand dollars, at such time or times and in such manner as the board of directors of said company, or a majority of them, may deem proper.

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

Approved April 7, 1868.

CHAPTER CCCLXV.

An Act to incorporate the Belleville Land Improvement Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Hugh Holmes, Thomas B. Codington, George L. Nichols, Gashrie De Witt, and Gustavus J. Abeel and all such persons as may hereafter be associated

with them their successors and assigns shall and the same are hereby constituted and declared a body corporate and politic, in fact and in law, by the name of "The Belleville Land Improvement Company," and by that name shall be capable in law of purchasing, using, holding, letting, improving, disposing of and conveying any land, hereditaments, tenements and appurtenances thereto belonging, in the township of Belleville, county of Essex, goods and chattels, and of performing all other acts necessary or proper for accomplishing the objects of the said corporation hereby granted, and may receive and make all deeds, transfers, conveyances, covenants, grants, contracts, agreements and bargains, whatsoever necessary for the said purposes. Name.

2. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, with the privilege from time to time of increasing the same to any sum not exceeding two hundred thousand dollars, divided into shares of two hundred and fifty dollars each, but as soon as twenty-five thousand dollars of said stock shall have been subscribed and shall be paid in, or secured to be paid in, it shall be lawful to carry into effect the objects of said corporation, and it shall be lawful for the directors of said company to call and demand from the stockholders thereof respectively such installments, and at such times, and in such proportion, and upon such notice as they may deem proper, and in case of failure by any stockholder to pay his or her installment or installments as the case may be, at the time and place appointed for the payment thereof or within thirty days thereafter, such stockholder shall if the company shall so direct, incur a forfeiture of his or her share or shares, and of all previous payments made thereon for the use of the company. Capital stock.

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

4. *And be it enacted*, That the affairs of said company shall be managed by a board of not less than five nor more than nine directors, to be chosen by the stockholders annually, at such time and place, and in such manner as by the by-laws of said company may be directed, and who shall serve for one year, and until others shall be chosen in their stead; notice Directors, and how elected.

of which election shall be given previously for two weeks at least in all the newspapers published in the county where the said election is to be held; that a majority of said board shall be a quorum to transact business; that the said directors shall from time to time elect a president out of their body, and shall also elect and employ such other officers as they may deem necessary; that said directors may fill vacancies in said board until the next annual election, and that the incorporators named in this act shall be the first directors of said company, who or a majority of them, shall, as soon as convenient after the passage of this act, assemble and organize said company; and shall continue in office until others, as hereinbefore directed, shall be chosen in their stead.

Division of land into lots may be made, and distributed among stockholders.

5. *And be it enacted*, That if at any time it shall be deemed advisable by the said board to divide among the said stockholders any land or lands belonging to said company, it may be lawful for said company to divide the said lands or land into a number of lots corresponding to the number of shares of capital stock which shall be then paid in, which said lots shall be distributed among the said stockholders in proportion to the number of shares which each stockholder shall hold, one lot to each share, which said distribution may be by lot or otherwise, as the board may deem proper, and conveyances may be made under the hands of the president and secretary and the seal of the company, by the said company of the lots so distributed, which said conveyances shall be good and valid in law; any law, custom or statute to the contrary notwithstanding.

How dissolved.

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

Proviso.

Limitation.

7. *And be it enacted*, That this act shall continue in force for thirty years, and it shall be lawful for the legislature of this state to alter, modify, or repeal the same, whenever the public good may require it.

8. *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 fourteenth, eighteen hundred and forty-six, as far as applicable. Powers and restrictions.

9. *And be it enacted*, That the principal office of said corporation shall be in the city of Newark, and county of Essex. Office, where located.

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

Approved April 7, 1868.

CHAPTER CCCLXVI.

A Supplement to the act entitled "An Act to create from parts of the town of Orange and the townships of Caldwell and Livingston, in the county of Essex, a new township, to be called the township of Fairmont," approved March eleventh, anno domini eighteen hundred and sixty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all acts and parts of acts by virtue whereof has been imposed any tax known as a militia tax, or a tax upon persons liable to do military duty, shall be and are hereby repealed, so far as the same relate to the imposition of any such tax upon persons residing in said township. Acts imposing a militia tax repealed, so far as relates to the township of Fairmont.

2. *And be it enacted*, That all acts and parts of acts contrary to or inconsistent with the provisions of this act are hereby repealed, and that this act shall be deemed to be a public act and shall take effect immediately. Repealer.

Approved April 7, 1868.

CHAPTER CCCLXVII.

A Further Supplement to "An Act for the relief of such portion of the Militia of this State as may be called into service," approved May eleventh, eighteen hundred and sixty-one.

Preamble. WHEREAS, by an act entitled "A Further Supplement to an act entitled 'An Act for the relief of such portion of the militia of this state as may be called into service,'" which said supplement was approved March twenty-eighth, eighteen hundred and sixty-six, all persons who enlisted in the Tenth Regiment New Jersey Volunteers and were mustered into the service of the United States as members of the said regiment previous to the twenty-ninth day of January, eighteen hundred and sixty-two, and were honorably discharged, were declared to be entitled to the relief authorized by the act to which the said act is a supplement, from the time of their enlistment in the said regiment to the said twenty-ninth day of January, eighteen hundred and sixty-two, and all persons who enlisted in the First New Jersey Cavalry, and were mustered into the service of the United States as members of the said regiment previous to the nineteenth day of February, eighteen hundred and sixty-two, and were honorably discharged therefrom, were declared to be entitled to said relief from the time of their enlistment to the said nineteenth day of February, eighteen hundred and sixty-two; and whereas, certain of the members of the above mentioned regiments, who were credited to the county of Burlington, had been paid by the authorities of the said county the amounts to which they respectively became entitled under the above supplement, before the passage of the same, in consideration of which payments by the said county they have not been paid by the state the amounts due as aforesaid under the said supplement, and the state has been to this extent relieved at the expense of the said county, which had already paid a portion of the sum assumed by the state by said supplement—therefore,

Money to be repaid. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state of New Jersey repay

to the said county of Burlington the amount of money advanced and paid as aforesaid by the said county to such of the members of the said Tenth Regiment New Jersey Volunteers and the First New Jersey Cavalry as were entitled to the relief granted by the supplement mentioned in the preamble of this act, and were not, by reason of such advance by said county, paid by the said state of New Jersey.

Adjutant general to ascertain amount expended, &c.

2. *And be it enacted*, That the adjutant general of the state of New Jersey be and he is hereby authorized and required to ascertain the exact amount of money expended by the said county of Burlington as aforesaid in the payment of members of the said regiments entitled to relief under the provisions of said supplement, and not paid by the state, and shall certify the same, with such particulars thereof as can be ascertained, to the comptroller, who shall thereupon draw his warrant for the amount upon the treasurer, in favor of the county collector of said county, and the treasurer shall pay the same.

Act how construed.

3. *And be it enacted*, That nothing in the supplement mentioned in the preamble to this act shall be construed to authorize the payment by the state of any of the money thereby provided to be paid for the relief of the members of said regiments, to any person who shall have been already paid by the said county of Burlington as above recited.

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

Approved April 7, 1868.

CHAPTER CCCLXVIII.

An Act to amend an act entitled "An Act to incorporate the Washington Rock Monument Association," approved April eleventh, eighteen hundred and sixty-seven.

Corporate name changed

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name and title of the incorporation authorized and established by an act entitled "An Act to incorporate the Washington Rock Monument Associ-

New Jersey State Library

ation," approved April eleventh, one thousand eight hundred and sixty-seven, shall be and the same is hereby so changed that the said incorporation by said act established, and now known as "The Washington Rock Monument Association," shall be hereafter designated and known as "The Washington Monument and Historical Association," and as such shall have, possess and enjoy all the rights, privileges and powers by law conferred on said incorporation so established.

Section four of original act amended.

2. *And be it enacted*, That section four of the act to which this is a supplement be and is hereby amended by striking out the words, "and the name of every person who shall subscribe to the amount of ten dollars towards the construction of said monument shall be inscribed thereupon."

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

Approved April 7, 1868.

CHAPTER CCCLXIX.

A Supplement to an act entitled "An Act authorizing the incorporation of Rural Cemetery Associations," approved March fourteenth, eighteen hundred and fifty-one.

Tenth section of original act amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the tenth section of the act to which this is a supplement be amended by the addition of the following words, to come in after the word "lands" in the first line of said section: "and bonds or mortgages given to secure the purchase money for the payment of such lands and improvements made thereon."

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

Approved April 7, 1868.

CHAPTER CCCLXX.

A Further Supplement to an act entitled "An Act to create from part of the town of Orange, in the county of Essex, a new township to be called the township of East Orange," approved March fourth, eighteen hundred and sixty-three.

Township committee shall lay pavement when petition is presented signed by owners of three-fifths of lineal feet, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a petition in writing shall be presented to the township committee of said township of East Orange, signed by the owners of three-fifths of the number of lineal feet upon one side of any road, street or avenue in said township, or upon so much of one side thereof as lies between two points named in said petition, requesting to have so much of the sidewalk of said street as lies between the said points named, and upon that side of the street named in said petition laid with stone, plank, composition, cinders or other suitable material, in such manner as to make a firm and dry sidewalk, and setting forth the material to be used and the width of walk to be made, the said township committee shall, in case they deem such a sidewalk a public improvement, proceed to lay the same, or cause the same to be laid, in accordance with the request of such petition; and when the cost of constructing such sidewalk shall have been ascertained by said committee, they shall assess said cost upon the owners of the lands in front of which such sidewalk shall have been laid, upon the same side of the street; *provided*, that in case a sidewalk shall have been already constructed of stone, plank, composition or cinders, on any part of the ground embraced in the terms of the petition, which, in the judgment of the town committee, shall be as good as that in said petition requested to be laid, they shall not take up such previously constructed sidewalk, nor make any assessment against the owner of the lands for the number of feet thus previously laid; the basis of the assessment shall in all cases be the number of lineal feet owned by each person in front of whose land the said sidewalk shall be laid, upon the same side of the street and between the points named as aforesaid; and all land owners between the points named in the petition and upon that side of the street for which such sidewalk is requested may be petitioners, whether excepted from the as-

Proviso.

sessment or not; the township committee shall deliver to the township collector a copy of the said assessment when made, and the said collector shall include in the tax bills against whom sums shall have been assessed by virtue of this act the respective sums so assessed against them, which are hereby made payable and collectable at the same time, and in the same manner and by the same means as the township taxes.

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

Approved April 7, 1868.

CHAPTER CCCLXXI.

A Further Supplement to an act entitled "An Act authorizing the appointment of commissioners to lay out and map streets, avenues and squares in that part of Bergen township, south of the Morris canal, in the county of Hudson," approved the sixteenth day of March, eighteen hundred and fifty-seven.

Preamble. WHEREAS, the appropriation made at that time was insufficient to complete the work assigned to said commissioners, and errors occurred in locating some streets according to the true intent of said commissioners, and many defects have been discovered, and doubts arisen as to the precise locality of certain streets and avenues laid down on the aforesaid map involving much trouble, expense and litigation; therefore,

Names of commissioners. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Hiram Van Buskirk, Solon Humphreys, Henry Meigs, junior, John Combs, Erastus Randall, and their successors, residents of the township of Bayonne, are hereby appointed, constituted and declared to be a board of commissioners for the purposes and with the powers hereinafter defined and ganted.

2. *And be it enacted*, That said commissioners or a ma-

jority of them shall have power and authority, and are hereby empowered to alter or change the width, course, names and location of any of the streets, avenues and squares laid down on the aforesaid map; to lay out new streets or parts of new streets, and avenues, and to vacate streets or avenues, or parts of streets and avenues now open, where and when new streets or avenues when opened would clearly be a public benefit and improvement; to erect as many monuments and no more as will serve to locate clearly and with facility the several streets and avenues of said township of Bayonne; *provided*, such changes, alterations and improvements are requested in writing by the owners of five-eighths in value of the property on the line of said streets, avenues, alterations or improvements; *provided*, no streets running to Newark or New York bays or to the river Kill Von Kull shall be vacated but may be altered in location by said commissioners; and the commissioners shall from time to time file in the office of the clerk of Bayonne township there to remain of record a full and complete map and description of the changes, alterations or improvements determined upon, together with the location of all monuments erected to mark said streets or avenues, and this shall be done within thirty days after the same shall be determined, and a copy of said map shall be filed in the office of the clerk of Hudson county; furthermore, it shall and may be lawful for said commissioners or a majority of them to purchase land for the purpose of locating two squares to be used as public parks, one in the northerly and one in the southerly part of said township; and also to purchase four plots of ground for the erection thereon of public school houses at such times as the inhabitants of said township or district in which each plot is located may elect, one of said plots to be located in the northerly, one in the central, and one in the southerly part of said township, and one in that part of said township now known as Constable Hook, to grade, fence and improve said squares and plots, and to have a general oversight and adopt all needful rules and regulations for the improvement and preservation of the same.

Powers of commissioners.

Proviso.

Proviso.

3. *And be it enacted*, That said commissioners or a majority of them are hereby authorized, empowered and directed to establish uniform grades upon all the streets and avenues in said township, and it shall be lawful for said commissioners and all persons acting under their authority to enter upon all lands, tenements and hereditaments which they shall deem

Uniform grades to be established.

necessary to be surveyed for the purpose of establishing said grades, as well as for making such changes, alterations, and laying out of new streets and parts of streets as mentioned in the second section of this act; and the said commissioners or a majority of them shall as soon as practicable, after determining upon said grades, cause a profile map or maps of said grades to be made, attested by the signatures of said commissioners or a majority of them, and filed in the office of the clerk of said township of Bayonne, there to remain of record;

Proviso. *provided*, the grades of any of said streets or avenues may be revised or altered only by a majority vote of said commissioners and township committee of said township in joint meeting assembled, upon the application in writing, of the owners of five-eighths of the property per lineal feet along said street or avenue, said application to be made to the chairman of said township committee, who shall within twenty days after said application convene said boards, giving ten days' public notice of such meeting at which time all parties interested may be heard, and the action of the joint boards shall be final and conclusive.

Bonds may be issued, and provision made for payment of the same by taxation

4. *And be it enacted*, That to pay for the lands purchased for said squares and plots, and the improvements of the same, or for other improvements in opening and grading streets, it shall and may be lawful, and the township committee of said township of Bayonne are hereby authorized, empowered and directed to issue and sell, from time to time, the bonds of said township, payable not less than twenty nor more than thirty years from the date of said bonds, not to exceed fifty thousand dollars, in such sums as circumstances may require, bearing seven per centum interest, payable semi-annually; and said township committee shall have power and authority, and are hereby directed to provide by taxation for the payment of said bonds and the interest thereon as the same shall become due and payable;

Proviso. *provided*, that any indebtedness incurred for the establishment of said squares and plots shall first be authorized by a majority of the voters of said township at any annual election; and after thirty days' notice has been given thereof by said commissioners, by posting notices thereof in three of the most public places in said township; but it shall be lawful, and said township committee are hereby empowered and directed to raise by taxation, at the same time and manner as other township taxes are raised,

a sum of money sufficient to defray the expenses of the board of commissioners appointed by this act.

Organization of the board of commissioners.

5. *And be it enacted*, That the said board of commissioners shall assemble on the first Monday of May, eighteen hundred and sixty-eight, at ten o'clock in the forenoon, and at such time as they shall deem necessary to carry out the provisions of this act; and at their first meeting they shall organize the board by electing a president and secretary, the secretary to be other than one of the commissioners, and a majority of the commissioners shall constitute a quorum for the transaction of business, and shall make such rules and regulations as may be necessary to govern said board; before proceeding to business, each of said commissioners shall take and subscribe an oath before the clerk of said township, "to faithfully and impartially execute the duties imposed upon them by the provisions of this act, according to the best of their knowledge and ability;" the president of said board shall be called superintendent of streets, and shall personally superintend all the work to be done under the provisions of this act, and shall, as shall also the secretary, receive such compensation as may be fixed by the board of commissioners; but no compensation shall be allowed to any of the other commissioners for any of the duties imposed upon them by this act; any vacancy that may occur by reason of death, resignation or otherwise, shall be filled by a majority vote of the remaining commissioners, and the township committee of said township in joint meeting assembled; and no act of said board of commissioners shall be valid unless approved by a majority of said committee.

Damages for vacating streets to be assessed.

6. *And be it enacted*, That all streets and avenues laid, altered, changed, and grades established by the aforesaid commissioners, shall be opened, regulated and graded, in accordance with laws that now are or may hereafter be in force for opening, regulating and grading the streets and avenues of said township; and the aforesaid commissioners, in all cases of vacating streets, shall assess and determine the damage, if any, that may be claimed by the owners of property affected by the vacating said streets or avenues, said assessment to be made and collected in accordance with laws that now are or may hereafter be in force for opening and regulating of streets and avenues in said township; *provided*, that whenever either of said commissioners are interested in any street or avenue so vacated, said commissioners

Proviso.

so interested shall be ineligible to act in regard to any assessment for benefits or damages upon said street, avenue or square.

Surveyors. 7. *And be it enacted*, That said commissioners are hereby empowered and authorized to employ a surveyor or surveyors, and such other persons as may be necessary, to carry out the provisions of this act.

Repealer. 8. *And be it enacted*, That the power of said commissioners appointed by this act, shall cease on the first day of May, eighteen hundred and seventy-three, and 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 be a public act, and shall take effect immediately.

Approved April 7, 1868.

CHAPTER CCCLXXII.

A Further Supplement to "An Act to incorporate the City of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Preamble. WHEREAS, John Stevens dedicated to public uses in eighteen hundred and four a portion of the tract of land in Hudson county called Hoboken, bounded on the north by Fifth street, on the south by Fourth street, on the east by Garden street, and on the west by Willow street, and designated said tract of land on a map thereof, then made by him, as Square; and whereas, the fee of said Square is in parties other than the mayor and council of the city of Hoboken, and a building is now illegally maintained thereon; and whereas, it is desirable that said building should be turned into a city hall, and the title in fee simple of said Square vested in the city of Hoboken; therefore,

Mayor and council authorized to obtain absolute title, &c. 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 purchase or obtain by gift the absolute title in fee of the whole

or any portion of said Square, and receive good and sufficient deeds therefor, and to pay the several parties owning the fee of any portion of said Square such sums of money as they may deem proper, the whole of the expenditures for this purpose not, however, to exceed ten thousand dollars.

Building may be converted into a city hall.

2. *And be it enacted*, That when said mayor and council shall have purchased or acquired by gift the fee of the portion of said Square on which the Methodist Episcopal Church now stands, they may convert the said building into a city hall and use it for public purposes, and in making the alterations necessary therefor may expend a sum not exceeding three thousand dollars.

Expense to be raised by tax.

3. *And be it enacted*, That the several sums of money mentioned in the preceding sections of this act may be included in the next general tax ordinance for raising and collecting the annual taxes for said city of Hoboken, and the same shall be assessed, collected and raised as other taxes in said city are assessed, collected and raised.

Act to be submitted to the people of the city, and decided by vote.

4. *And be it enacted*, That at the next charter election held in the city of Hoboken this act shall be submitted to the people of said city; and each voter in favor of this act shall express his assent thereto by depositing a ballot, on which there shall be written or printed the words "for city hall"; and each voter opposed to this act shall express his opposition thereto by depositing a ballot on which shall be written or printed the words "against city hall"; the officers conducting said election shall receive and count said ballots, and certify the result to the council of said city; said words whether for or against this act may be written or printed on the general ticket containing the names of the city and ward officers voted for at said election.

Powers not to be exercised until assented to by a majority vote at next charter election.

5. *And be it enacted*, That the powers granted in this act shall not be exercised by the council of said city, unless a majority of those voting at the next charter election in Hoboken express their assent to this act in the mode prescribed in section four of this act.

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

Approved April 7, 1868.

CHAPTER CCCLXXIII.

A Supplement to an act entitled "An Act relative to bridges in the counties of Somerset, Burlington, Salem, and Cumberland," revision approved April tenth, eighteen hundred and forty-six.

Provisions of act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "An Act relative to bridges in the counties of Somerset, Burlington, Salem, and Cumberland," approved April tenth, eighteen hundred and forty-six, be and the same are hereby extended to the counties of Bergen and Passaic.

Declaration may be general, &c.

2. *And be it enacted*, That the declaration in any such action may be general, stating that the demand is for a penalty incurred under this act, and the act to which this is a supplement, and that the special matters may be given in evidence under it.

Default of payment may be punished by imprisonment

3. *And be it enacted*, That in default of the payment of the fine or penalty thereby imposed, the offender shall be punished by imprisonment in the county jail for a period not exceeding two months.

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

Approved April 7, 1868.

CHAPTER CCCLXXIV.

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

Compensation of township committees and clerks.

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

repealed, and that the members of the township committee of the several townships of this state shall hereafter be allowed and paid two dollars per day each, and the clerk of the several townships as aforesaid, shall hereafter be allowed and paid three dollars per day by their respective townships for the services rendered in performing their several township duties required of them by law.

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

Approved April 7, 1868.

CHAPTER CCCLXXV.

A Supplement to an act entitled "An Act to incorporate the Ridgefield Land and Building Company," approved April fourth, eighteen hundred and sixty-seven.

Preamble. WHEREAS, The Ridgefield Land and Building Company have laid out certain streets and avenues on property known as Ridgefield Park, in the township of Hackensack, according to a certain map filed in the Bergen county clerk's office on September eighteenth, eighteen hundred and sixty-seven; and whereas, one avenue is laid out on said land and map of the width of one hundred feet, and it is desirable that said avenue be extended the same width to the Bergen turnpike company's road on the south, and the Fort Lee turnpike, or Cedar Lane, or the public road leading from the Teen Nek public road to New Bridge, on the north:

Proceedings when assent is given to lay out road. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the Ridgefield Land and Building Company, with the assent in writing of three-fourths of the persons owning land between the Bergen turnpike company's road on the south, and the Fort Lee turnpike, or Cedar Lane, or the public road leading from the Teen Nek road to the new bridge on the north, and whose land will be taken by laying out the road hereinafter provided for, shall make application in writing to the justice of the supreme court holding the circuit court of the county of Bergen,

twenty days' notice of which said application having been first given by public advertisement signed by three-fourths of said land owners, and set up in three of the most public places in the township of Hackensack, in the neighborhood where said road shall be laid; it shall be lawful for said justice to appoint three disinterested commissioners, freeholders in the county of Bergen, who shall meet at such time and place as said justice shall direct, of which meeting twenty days' notice shall be given by advertisement set up in three of the most public places in the township aforesaid, signed by at least five of said land owners, then it shall be lawful for said commissioners (having first taken an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and to make a true return according to the best of their skill and understanding) to meet at the time and place appointed, and on due proof of advertisement of said meeting according to law, proceed to view and examine said lands, and to lay out a road of one hundred feet in width in continuation of Central avenue, as laid down on said map of the Ridgefield Land and Building Company, to the Bergen turnpike company's road on the south, and the said Fort Lee turnpike, or other roads heretofore named, on the north, and to make a map of the said road and assess the damages such land owners who have not signed said application shall sustain by the laying of said road, after deducting the benefits each land owner shall receive from the laying out of said road, and fix the time when the overseer of highways of the township of Hackensack shall open the same for public use, and to make a return of the laying out of said road, with a map or draft of the same, with the courses and distances, and the time of opening the same, together with the assessment of damages, which report shall be made under the hands of said commissioners, or any two of them, and filed within fifteen days thereafter with the clerk of said circuit court in the county clerk's office, and recorded by said clerk in the road book of said county;

Proviso. *provided always*, that should any owner or owners of land feel himself, herself or themselves aggrieved by the assessment of damages of said commissioners, he, she or they may appeal to the justice of the supreme court holding the next circuit court of the county of Bergen.

Proceedings in case of appeal.

2. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section, shall

be made in writing, and in the form of petition to said justice, and filed with the clerk of said court within twenty days after the filing of the return of said commissioners; and such petition so filed shall be sufficient notice to all parties interested in the proceedings, when it shall be lawful for said justice to appoint three disinterested persons, freeholders, other than the aforesaid commissioners, in the county of Bergen, who shall meet at such time and place as said justice shall direct, notice of which meeting shall be given as is in the preceding section mentioned; then it shall be lawful for said commissioners (having first taken an oath or affirmation as aforesaid) to review the said assessment of damages and lessen or increase the same, and review the route of the road, and change the same, as said commissioners, or any two of them, shall in writing report, which report shall be filed within fifteen days after the making, in the office of the county clerk of the county of Bergen, and shall be final and conclusive on all parties.

Shall be a public road.

3. *And be it enacted*, That said road so laid out shall be a public road from the time fixed by said commissioners for opening the same, and that the damages so assessed to the land owners shall be paid by the inhabitants of the township of Hackensack.

Amendment.

4. *And be it enacted*, That the fourth section of the act to which this is a supplement, be amended by striking out the word "purchase," between words "to" and "fill," and inserting in the place thereof, the words "construct aqueducts and reservoirs, for supplying and carrying water."

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

Approved April 7, 1868.

CHAPTER CCCLXXVI.

An Act to authorize the township committee of the township of Mullica, in the county of Atlantic, to open, lay out, straighten, work and repair the public roads, streets, avenues and sidewalks in the said township.

Township committee to designate and employ agents &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the laying out, opening, straightening, working and repairing of the public roads, streets, avenues and sidewalks in the township of Mullica, in the county of Atlantic, shall be hereafter under the control, direction and supervision of the township committee of the said township, who shall designate and employ such and so many agents and laborers, and for such compensation as they shall deem expedient in the premises, and shall also have the control and disposal of all moneys raised or to be raised in the said township for said purposes.

Proceedings when application is made to open any public road, street, &c.

2. *And be it enacted*, That on the application in writing of twelve freeholders and residents in said township to the township committee to lay out, straighten or open any public road, street or avenue in said township, or to annul or discontinue any old, disused or useless road, the committee shall, within ten days after the said application shall have been served on the clerk of the said committee proceed to view and examine the place or places named in said application, and if in their judgment the application for so laying out, straightening, opening or discontinuing be necessary or to the advantage of the public, they shall forthwith proceed to designate and describe by points and bounds, the roads, streets or avenues so proposed to be laid out, straightened or opened, or the roads to be discontinued, and shall advertise the same at least ten days in the newspapers published in said county, and cause at least five notices thereof to be posted in as many public places in said township, naming a day not less than five, nor more than ten from the date of said notice, stating a place where and a time when they will meet to hear objections, if any, that may be made against granting the request named in said application; at the time and place so named the committee shall meet and hear the reasons and arguments that may be offered for or against said application, and after hearing the same, shall de-

termine what in their judgment is proper and necessary in the premises, and their decision shall be final.

Cost and expenses to be assessed.

3. *And be it enacted*, That the township committee, after having laid out, straightened or opened and put into a traveling condition any public road heretofore laid out, or which shall be hereafter laid out in the said township, shall proceed to ascertain the entire cost and expenses thereof, and thereupon make a just and equitable assessment of such cost and expenses upon the owners of land and real estate benefitted by such road in or near the line thereof, in proportion as nearly as may be to the advantages which said owner or owners shall be deemed to derive from the same respectively; *provided*, said owner or owners along the line of said laid out, opened or straightened road, street or avenue shall have previously applied in writing to the said township committee to cause the same to be laid out, straightened or opened.

Proviso.

Proceedings when notice is given that any public road is obstructed, &c.

4. *And be it enacted*, That it shall be the duty of the said township committee, on receiving a written notice from six freeholders, residents of said township, that any public road in said township is obstructed or encroached upon by fences or otherwise, to cause a written notice to be served upon the owner or occupant of the lands where such obstructions or encroachments exist to forthwith remove the same; and if the party or parties so notified shall neglect to cause said encroachments or obstructions to be removed in ten days from the service of said notice, then it shall be the duty of the township committee to cause the same to be removed, and the said party or parties so notified shall become respectively liable to pay the expenses thereof by an action of debt, to be instituted in the corporate name of said township against them, the said party or parties, in any court having cognizance thereof, with costs; *provided*, the same is not paid within thirty days from the removal of said encroachment or obstruction by said township committee.

Proviso.

Proceedings continued.

5. *And be it enacted*, That upon the laying out, straightening or opening of any public road heretofore laid out, or of any public road, street or avenue hereafter to be laid out, the township committee shall make a report thereof signed by the chairman and secretary, and shall place the same in the office of the clerk of the said township, and shall cause a notice thereof to be served on each of the parties whose lands may be affected by said laying out, straightening or opening of said road, stating that such report has been made and depos-

ited for examination as aforesaid, and designating a time when and a place where, the parties interested can be heard, and all claims for damages be adjusted; which notice shall be served at least ten days before the time so designated for such hearing, either personally or by leaving the same at the dwelling-house, or last known place of abode, of the person to be served therewith; *provided*, that if any land owner so affected shall not reside in the said township, then the said notice may be served upon such absent land owner by publishing the same by giving one insertion each in two of the newspapers printed in said county and in circulation in the neighborhood of such road, at least ten days previous to the time of said hearing.

Proviso.

Proceedings continued.

6. *And be it enacted*, That at the time and place so designated for the hearing of said parties, or at any other time and place to which such hearing may be adjourned, the said committee shall meet and proceed to hear and consider, all objections to, and all claims for damages arising from said laying out, straightening or opening of said road, street or avenue, if any, made by the said parties interested, or any of them; after hearing such objections and claims they shall proceed to make their report, and award to any party injured by such laying out, straightening or opening of such road, street or avenue, what in their judgment is equitable and just; such report to be recorded in the clerk's office of said township, and to be final and conclusive.

Assessment to be made upon the township if for public accommodation.

7. *And be it enacted*, That if any such laying out, straightening or opening of such road, street or avenue be for the accommodation of the public, the costs and expenses of said laying out, straightening or opening, together with the award for damages sustained in consequence thereof, be assessed upon the township; but if for private or individual enterprise, upon the person or persons so interested and applying for the same, and the said assessment to be enforced, in like manner as in section third of this act, for the removal of obstructions.

Proceedings to be recorded

8. *And be it enacted*, That the said committee shall cause all their proceedings authorized by this act, to be recorded in the clerk's office of said township in a book for that purpose, such record shall set forth at large all moneys received, how laid out and expended, to whom paid, and the amount to each; and no moneys so received shall be so paid out, nor any account audited, for any services in laying out, straightening, opening or discontinuing said roads, streets and avenues, or for any

other services authorized by this act, until the person or persons, claiming for said services shall have made out a just and true account of said service, giving day and date, when and where rendered, and verify the same by affidavit annexed thereto, that the said services were actually performed and that no part thereof have been paid or satisfied; and all such proceedings so had and transacted during each current year, shall be read by the clerk of said township in open meeting, at the annual township meeting for the election of officers for said township.

9. *And be it enacted*, That a majority of said committee shall constitute a quorum for the purposes of this act, and may adjourn from time to time, as they shall judge proper. Quorum.

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

Approved April 7, 1868.

CHAPTER CCCLXXVII.

A Supplement to an act entitled "An Act to incorporate the United States Casualty Company," approved February thirteenth, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate name of the said company shall be changed from "The United States Casualty Company" to "The United States Mutual Life and Casualty Insurance Company." Corporate name changed

2. *And be it enacted*, That it shall be lawful for the said corporation to make insurances based upon the lives of persons, on such terms and conditions as shall from time to time be determined upon by the board of directors of said corporation, and to make contracts upon any and all conditions appertaining to or connected with life risks, of whatever nature or kind. May effect life insurances.

3. *And be it enacted*, That it shall be lawful for any married woman, in her own name, or in the name of any third person as trustee, to cause to be insured the life of her hus- Married women may insure lives of husbands.

Principal office.

4. *And be it enacted*, That the said company may carry on its business and establish necessary offices, under the directions of its officers, in such places as they may deem expedient, but the principal office shall be located in the city of Trenton in this state.

Limitation.

5. *And be it enacted*, That this act shall take effect immediately, and shall continue in force for thirty years.

Passed April 7, 1868.

CHAPTER CCCLXXVIII.

An Act entitled "An Act to incorporate the Union Iron Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Webb, Charles Conover, Jonathan M. Welsted, Thomas Banghart, William Lance, Isaac Hummer, James H. Sullivan, Roswell Graves, John C. Welsh, Peter A. Beavers, Samuel Carhart, Lewis H. Taylor, William J. Taylor and James Moore, and their associates and survivors of them, and all such persons as may hereafter be associated with them, or their survivors 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 Union Iron Company," for the purpose of mining, smelting, manufacturing, buying and selling ores, iron, steel, minerals, earths and metalic substances of every description, in the most advantageous manner in this state, and that the office, furnace and manufacturing machinery be located at or within one mile of High Bridge, in either the townships of Lebanon or Clinton, in the county of Hunterdon, in this state, and their successors by that name shall be able and capable in law to acquire, purchase, receive, have, hold, possess and enjoy any lands, tenements, hereditaments, mines, improvements, leases, machinery, goods, chattels and effects of every kind whatsoever, which may be necessary in their business, not exceeding in value the sum of two hundred and fifty thousand dollars, with the right to increase the same to the sum of five hundred thousand dollars, to be divided in shares of one hundred dollars each; and that they by that name may sell, alien and convey any real or personal estate of which they may be seized, may have a common seal, and they and their successors shall have and enjoy all the powers which are now incident to every corporation by the laws of this state. Corporators. Name. Capital stock.

2. *And be it enacted*, That it shall be lawful for the aforesaid corporation or their successors to receive subscriptions to the capital stock of said company, which shall be deemed and considered as the sum of two hundred and fifty thousand dollars as aforesaid, by opening books or otherwise, and as soon Subscriptions to capital stock.

as fifty thousand dollars shall have been subscribed, and fifty per centum of that amount shall have been paid in cash, and an affidavit to that effect shall have been made before any officer of this state authorized to administer an oath, and a copy thereof filed with the secretary of the state, it shall be lawful for said corporators to organize said corporation, and forthwith commence and carry on its business as contemplated by this act.

Capital, how paid in, and forfeited for non-payment.

3. *And be it enacted*, That it shall be lawful for the directors of the said corporation to call for, collect and demand of the stockholders respectively, all such installments due on such stock subscribed for, and in case of neglect or refusal to pay the same, the said shares so subscribed for shall be deemed and considered forfeited to the said corporation, together with all previous payments made thereon; *provided, however*, that said stockholders being notified personally, or by advertising at least thirty days in the newspapers published in the county of Hunterdon, and circulating nearest the place of business of said corporation, previous to such installments becoming due; said stock to be transferable on the books of said company, and only in the presence of the proper officers.

Proviso.

Conducted by board of directors.

4. *And be it enacted*, That the stock, property and affairs of said corporation shall be managed and controlled by not less than seven nor more than thirteen directors, a majority of whom shall be residents of this state, who shall always be stockholders, one of whom shall be by them appointed president; said directors shall have power to appoint such other officers and agents as the by-laws may from time to time designate; said directors shall hold office until the next annual meeting after their first election and until others are elected in their stead, a majority of whom shall constitute a quorum competent to transact business; annual meetings shall be held on the first Monday of October in each and every year, at such place as the by-laws, which are adopted by said directors, may designate, due notice of which shall be given in the newspapers of the county of Hunterdon published nearest the place where such election shall be held, for at least two weeks, such election to be by ballot by the stockholders who shall attend for that purpose, either in person or by proxy; each stockholder shall be entitled to one vote for each share of stock held and owned by him or her.

5. *And be it enacted*, That no person shall be permitted to subscribe for more than two hundred shares of the capital stock of said corporation at any time. Amount of capital stock to one person limited.

6. *And be it enacted*, That the said directors shall submit to the stockholders at their annual meeting a written statement of the affairs of said corporation, setting forth the amount of capital stock paid in, the amount of property held, and the amount of money due unto, or by said corporation, and when required by any stockholder shall cause the same to be verified by the oath of one of their number or other proper officer, stating the same to be correct to the best of their knowledge and belief; and the books of the company shall at all times be open to the inspection of any stockholder. Annual statement.

7. *And be it enacted*, That dividends of so much of the profits of the company as the directors shall deem advisable may be declared at the annual meetings or semi-annually, at their option, and to be paid to the stockholders or their respective attorneys at such time as shall be directed. Dividends.

8. *And be it enacted*, That as soon as the said corporation shall have been organized in pursuance of the provisions of this act, the said stockholders may, at a meeting to be called by them, designate nine of their number to act as directors until the first Monday of October next, at which time the first annual meeting shall be held for the election of directors as hereinbefore provided; and in case any vacancy or vacancies shall occur, by death, resignation or otherwise, such vacancy or vacancies shall be filled by the directors, or a majority of them, from among the stockholders; and in case it shall so happen that an election for directors shall not be made on such day as designated by the act of incorporation or the by-laws, said corporation shall not be dissolved thereby; but the stockholders may proceed and order and hold an election on any other day by giving thirty days' previous notice of such time and place. Directors how elected.

9. *And be it enacted*, That any wood, timber, land, property, or other material used by said corporation, which may be received in payment of subscription of stock, shall be taken at a valuation approved of by a majority of the board of directors or stockholders named for such purpose. Property received in payment for stock shall be taken at an approved valuation.

10. *And be it enacted*, That this corporation shall be limited to thirty years, and that the legislature may alter, amend or repeal this act whenever the public good may require. Limitation.

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

Approved April 7, 1868.

CHAPTER CCCLXXIX.

An Act to incorporate the New York and Long Branch Railroad Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Barrowe, Charles Gould, Jacob Herbert, E. Boudinot Colt, John Travers, Robert Rennie, Anthony Reckless, James H. Peters, William H. Hendrickson, Henry S. Little, Henry W. Johnson, Aaron Longstreet, Richard S. Conover, Robert Allen, junior, and William L. Terhune, and such other persons as may be hereafter associated with them, shall be and are hereby ordained, constituted and declared a body politic and corporate, in fact and in name, by the name of "The New York and Long Branch 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.

Name.

Capital stock.

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

Directors, and how elected.

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, and at the time of subscribing ten per cent. shall be paid on each share subscribed to the commissioners or some one of them; and as soon as seventy-five thou-

sand dollars of the capital stock shall be subscribed, such commissioners, or a majority of them, shall give notice for a meeting of the stockholders, to choose nine directors, a majority of whom shall be residents of this state, and such election shall be held at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named commissioners or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners, or a majority of them.

President.

4. *And be it enacted*, That the directors chosen at such meeting, and at the annual election of said corporation shall, as soon as may be after every election, choose out of their number a president, who shall hold office until after the next succeeding election and until another shall be appointed, and they shall have power to fill any vacancy which may at any time exist in their board by death or otherwise until the next succeeding annual election.

Not dissolved by failure to elect directors

5. *And be it enacted*, That annual elections for directors shall be held at such times and places as the board of directors shall hereafter direct, of which elections public notice shall be given at least two weeks in a newspaper published in each of the counties of Monmouth and Middlesex, and such elections shall be made as hereinbefore directed; and in case it shall happen that an election of directors shall not be made during the day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but the said election shall be held as soon thereafter as possible, and public notice shall be given as before directed, and the directors for the time being shall continue to hold their office until others shall have been chosen in their places; five directors shall be a quorum to transact all business of the said corporation, and the directors shall be authorized to call in the remaining capital stock of said company, by such installments and at such times as they may direct; *provided*, that such payments shall not exceed twenty dollars on each share per month; and in case of the non-payments of said installments or any one of them, they shall have

Capital, how paid in, and forfeited for non-payment.

Proviso.

power to forfeit such share or shares upon which such default shall arise to and for the use of said corporation, and also 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 to appoint such officers, clerks and servants as to them shall seem meet, and to establish and affix such salaries to them and also to the president as to said directors shall appear proper.

May lay out and construct a railroad and route.

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 any point at or near the village of South Amboy, in the county of Middlesex, to any point on the line of the Raritan and Delaware Bay railroad, north of Eatontown, with the privilege of extending the same to Long Branch, in the county of Monmouth, said road to run by the way of the villages of Matawan and Red Bank; *provided*, that the land taken for said railroad shall not exceed one hundred feet in width, except in such places where from the depth of the excavation or height of the embankment it is necessary to take more land for the slope and protection of the side banks of said railroad, in which case so much land as will be necessary for the purpose, and no more, shall be taken, with as many sets of tracks and the rails as the company may deem necessary; and it shall and may be lawful for the 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 said route of the said 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 said railroad shall have been determined upon and a survey of the same deposited in the office of the secretary of state, then it shall be lawful for 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 lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all things which shall be suitable or necessary for the completion or repairs of said road, subject to such compensation as hereinafter provided; *pro-*

Proviso.

vided always, that the payment or tender of payment of all damages for the occupancy of lands through which said railroad may be laid out, shall be made before the said company, or any person under their direction and employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such land be first had and obtained; *and also further provided*, that in case of an appeal from the decision of any commissioners who may be appointed to estimate or appraise the value of any land or materials taken for the construction of said railroad, and the damages which the owner or owners will sustain thereby brought by such owner or owners, it shall be lawful for said company to proceed with the construction of their railroad, and to take said land and materials by depositing the sum awarded by said commissioners, with the costs, with the clerk of the circuit court, to which said appeal may be made to be applied to the payment of any judgment that may be obtained upon such an appeal in said circuit court, or to the payment of such owner or owners in case the said appeal should be withdrawn, abandoned or otherwise discharged.

Proviso.

Proviso.

7. *And be it enacted*, That when said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or, when by the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of 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 person interested, if known and in this state, or if unknown and out of this state, to make a publication thereof as he shall direct for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the counties of Monmouth and Middlesex, respectively, commissioners to

Proceedings when the company and owners of property cannot agree.

examine and appraise the said lands or materials and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein not less than ten days; and it shall be the duty of said commissioners, (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question and to make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and to proceed to review and examine the said land or materials, said commissioners at the same time taking into consideration all the benefit to be derived from or in consequence of the said railroad, as the case may be, to the said owner or owners, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages as shall be paid by the company for such land or materials and damages aforesaid; which report shall be 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 Monmouth and Middlesex counties, respectively, 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 nature of a mortgage; and said justice of the supreme court shall, upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the company; *provided always*, that should the said company, or the owner or owners of any of the land or materials feel himself, herself or themselves aggrieved by the decision of the com-

Proviso.

missioners aforesaid, he, she or they may appeal to the circuit court of the counties of Monmouth and Middlesex, respectively, at the next term thereafter.

Proceedings in case of appeal.

8. *And be it enacted*, That every appeal from the decision of the commissioners appointed under the preceding section, shall be made in writing, and in form of petition to said court, and filed with the clerk of the said court of the counties of Monmouth and Middlesex, respectively, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceedings shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next term of said court to be holden in said county, upon the like notice and in the same manner as other issues in said court are tried; and it shall be the duty of said jury to assess the value of the said land or materials, and damages sustained; and if they shall find a greater sum than the said commissioners shall have awarded in favor of said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered or the said commissioners shall have awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found, or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land, upon filing the said report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands of any person or persons for the purpose of actually constructing said railroad, or of making any erection or improvement whatever, or otherwise appropriating said land to the use of said company until they have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners as the value of such lands or damages, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, and in

Proviso.

case of appeal shall refuse, upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, then the payment of the amount assessed or found as aforesaid in the circuit court of the county wherein the said lands lie, shall be deemed a valid and legal payment; *and further*, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same, without being barred thereby from his, her or their appeal from the report of the commissioners.

Required to construct and keep bridges in repair.

9. *And be it enacted*, That it shall be the duty of said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public or other road now or hereafter laid shall cross the same, so that passages of carriages, horses and cattle on the said road shall not be impeded thereby, and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under the said railroad, and shall also construct and maintain suitable and proper cattle guards at all railroad crossings.

Rates of fare and freight

10. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, all machinery, engines, wagons, carriages or cars for transportation of persons or any species of property on the said railroad, or any railroad connected with it; *provided*, that they shall not charge over five cents per mile for carrying each passenger, but no charges shall be required in the aggregate to be less than ten cents, nor shall the company charge more than ten cents per mile per ton for the transportation of any description of property; and the said railroad, with the appendages, and the lands over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the company, are hereby vested in said company and their successors, for and during the continuance of their charter.

Proviso.

Dividends.

11. *And be it enacted*, That the president and directors of 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 said railroad.

May purchase and hold real estate, &c.

12. *And be it enacted*, That the said company may purchase, have and hold real estate at or near the commencement and termination of the said road, or at any other point

on the line of the said road where the directors may think proper to establish a depot, not exceeding twenty acres at each place, and may also erect and build thereon houses, warehouses, workshops, and such other buildings and improvements as they may deem expedient for the safety of their property, and for other necessary uses appertaining to their business, and receive the rents and emoluments thereof, and may build and maintain over such rivers and streams as the road may cross, such piers and bridges as they may deem expedient; *provided*, that suitable and sufficient draws shall be made over any navigable stream so as not to obstruct the navigation thereof. Proviso.

13. *And be it enacted*, That it shall be lawful for the said company, at any time during the continuance of its charter, to connect with and 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. May make contracts with other companies.

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

15. *And be it enacted*, That as soon as the said railroad, or any part of it is in operation the president of the said company shall file under oath or affirmation a statement of the amount of the cost of said railroad, including equipments, appendages and all expenses, in the office of the secretary of state, and annually thereafter on the first Monday in January in each year, he shall under oath or affirmation make a statement to the secretary of state of the cost, equipment, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation the said corporation shall pay to the treasurer of this state a tax of one-half of one percentum on the cost, equipment, and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws; and Must file statement of cost, &c, with secretary of state. Annual tax to be paid to the state.

until the said railroad or any part thereof shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purpose, and by the same person or persons as other taxes assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

Proviso.

May borrow money on bond and mortgage.

16. *And be it enacted*, That the said New York and Long Branch Railroad Company shall have power to borrow such sum or sums of money from time to time as shall be necessary to build, construct or repair their road, and furnish all necessary engines and machinery for the use and objects of said company, and to secure the repayment thereof by the execution and negotiation of any bond or bonds, and secured by mortgage on the said road, lands, privileges, franchises and appurtenances of and belonging to said company, said bonds bearing not more than seven per centum interest per annum; *provided, however*, that the said company shall not plead the statute of usury in consequence thereof; *and provided further*, that said bonds shall constitute the first lien on the railroad, its cars, real estate and franchises, and to dispose of said bonds for the purpose of aiding in the construction of said railroad at a rate of not less than ninety per centum of their par value and redeemable in thirty years after date.

Proviso

Proviso.

Limitation.

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

State officers to pass free.

18. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court and the judges of the court of errors of this state, whilst traveling for the purpose of discharging their official duties, and the members and officers of both houses of the legislature and state superintendent of schools, during their annual or other sessions for the year for which they are elected, shall pass and repass upon the railroad of the company in their cars free of charge.

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

Approved April 8, 1868.

CHAPTER CCCLXXX.

An Act supplementary to an act entitled "An Act to incorporate the City of Paterson," approved March fourteenth, eighteen hundred and sixty-one, and a supplement thereto approved March twenty-fourth, eighteen hundred and sixty-eight.

Place of holding election changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the twelfth section of the supplementary act, approved March twenty-fourth, eighteen hundred and sixty-eight, last mentioned in the above title, be changed in so far as to ordain that the election in and for the Third ward of the city of Paterson, to elect city officers for the ensuing year, shall be held at the dining-saloon of Mr. Allee, in Fair street, between Main and Washington streets, instead of at the corner of Washington and Broadway streets.

Election of school commissioners.

2. *And be it enacted*, That there shall be elected in and for each of the Second, Fourth and Eighth wards of said city two persons as school commissioners, and one person as school commissioner in each of the First, Third, Fifth, Sixth and Seventh wards; and that where two are elected in any one ward there shall be chosen one for two years and one for one year.

Aldermen shall be chosen.

3. *And be it enacted*, That the supplementary act to the corporate act of the city of Paterson, approved on the twenty-fourth day of March, eighteen hundred and sixty-eight, is hereby further amended in so far as that two aldermen shall be chosen in each of the First, Third and Eighth wards at the ensuing charter election, one being elected in each of the other wards, each alderman holding over being allowed in every case to represent the ward in which, according to the new division of the city, he now resides.

Repealer.

4. *And be it enacted*, That all acts and parts of acts inconsistent herewith are by this act repealed, and that this act shall take effect immediately.

Approved April 8, 1868.

CHAPTER CCCLXXXI.

An Act to incorporate the American Plate Glass and Fire Insurance Company of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and made a body politic and corporate, and have power to sue and be sued, by the name and style of "The American Plate Glass and Fire Insurance Company," and the principal office of said company shall be located in Jersey City, Hudson county, in this state; and the board of directors may establish agencies in such other places as they may deem expedient.

Name.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall not exceed two hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, and there shall be paid into the treasury of the said corporation by each subscriber to the capital, at the time of subscription, an installment of ten per centum on the stock by him subscribed, and the remainder to be paid, or secured to be paid, by first mortgage on real estate worth double the amount of such mortgages, or such other securities as the commissioners hereinafter named shall deem sufficient; and when fifty thousand dollars of said stock is subscribed and paid, or secured to be paid as aforesaid, said corporation may commence business.

Conducted by a board of directors.

3. *And be it enacted*, That the stock, property and affairs of the said corporation shall be managed and conducted by not less than three nor more than six directors, a majority of whom shall be residents of this state, which board of directors shall be elected and hold office as hereinafter provided.

Officers.

4. *And be it enacted*, That it shall be the duty of the directors on organizing the said company to elect a president and vice president from among their number, who shall hold their respective offices one year and until others shall be duly elected in their stead; *provided nevertheless*, they may resign their office, and a two thirds vote of the board of directors may remove the said president and vice president, in either of

Proviso.

which cases the board of directors shall elect to fill the vacancy so occasioned; they shall also elect or appoint a treasurer and a secretary.

Commissioners to open books of subscription.

5. *And be it enacted*, That Daniel Messmore, of Newark; Job H. Gaskill, of Pemberton; Thomas D. Armstrong and Charles E. Hendrickson, of Mount Holly, shall be commissioners to receive subscriptions to the capital stock of said company; and when the said stock shall be subscribed and paid, or secured to be paid, as mentioned in the second section of this act, the said commissioners shall call a meeting of the stockholders by an advertisement published at least ten days previously in some newspaper published in the county of Hudson, stating the time and place at which said meeting of the stockholders shall be held, and they (the stockholders) shall elect the first board of directors of said company, who shall hold their offices for one year and until others are duly elected in their stead; but it is *provided nevertheless*, that if there should be any deaths, resignations, or refusal to act of any of the said commissioners above appointed, or of the directors of the said company, then the remaining commissioners may appoint, and the remaining directors may elect to supply the vacancies so occasioned.

Proviso.

Insurance which may be effected.

6. *And be it enacted*, That the said company shall have power, first, to insure plate glass, window glass, mirrors, show cases, glass ware, statuary, ornaments, vases, china and crockery ware of every kind and description whatsoever, and in every condition whatsoever, either stationary, in use or in transportation, against loss or damage by any accident or casualty whatever; and that it shall and may be lawful for the company to insure houses, and other buildings and property against loss or damage by fire upon such terms and conditions as shall be contained in the policy of insurance; and they may also insure ships and other vessels, rights, interests and property, against every description of casualty incident to marine and inland transportation; second, to insure property of every kind and nature whatsoever against loss or damage from any cause whatever; third, to cause themselves to be reinsured when deemed expedient.

Policies, how executed.

7. *And be it enacted*, That all policies of insurance or other contracts authorized by this act which shall be made and entered into by said corporation, and shall be subscribed by the president or vice president and attested by the secretary, and being so signed, executed and attested, shall be binding and obligatory upon the said corporation ac-

cording to the true intent and meaning of said policies and contracts.

May hold real estate.

8. *And be it enacted*, That it shall be lawful for the said company to take and hold any real estate, mortgages, stock, bonds or other securities bone fide pledged to the said company, or to secure the payment of any debt which may be contracted and due to the said company, and to foreclose or sell the same, and also to purchase on sales made by virtue of any judgment at law, or any order or decree of any court of equity, or any other legal proceedings, or otherwise to receive and take any real estate, mortgages, stocks, bonds or other securities in payment or towards the satisfaction of any debt contracted and due to the said company, and to hold the same until they can conveniently sell and convert the same into money or other personal property, and also to invest the capital stock and so much of the surplus profits of the said corporation as they may see fit, in such manner as the board of directors shall decide.

Certificates of capital stock may be issued

9. *And be it enacted*, That no certificate or share of the capital stock of the said company, shall be issued until the full amount of its par value has been paid into the treasury of the said company, as prescribed in section second of this act,

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provided however, that at the first election of directors, each subscriber to the capital stock of the said corporation, having made the first payment of ten per cent. as provided in section second of this act, shall be entitled to one vote on each share of stock so subscribed, either in person or by proxy, and at all subsequent elections of directors, each stockholder of record shall be entitled to one vote for each share of stock standing in his name on the books of the said company at the date of such election, either in person or by proxy.

Dividends.

10. *And be it enacted*, That it shall and may be lawful for the directors of the said company, to make dividends of so much of the profits of the said company as shall to them appear advisable, and said dividends shall be paid to the stockholders or their legal representatives, but such dividends shall not at any time exceed the net profits made by the said company, and if the said directors shall at any time knowingly make a dividend from the capital of the said company, they shall be individually liable for the proportion of the capital so divided;

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provided, however, any director who shall record his name on the minutes of the said company, protesting against the declaring and payment of such dividend, or shall be absent from

such meeting when such dividend shall be declared, then and in that case, such absentee and protesting director shall not be held individually responsible or liable as aforesaid.

Powers of directors.

11. *And be it enacted*, That it shall be lawful for the directors of the said company, to make such by-laws for the government and prosecution of the business and affairs of the said company, naming and defining the duties of the officers, agents and employees of the same, as they may deem proper, not inconsistent with this act, the laws of this state or of the United States.

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

Approved April 8, 1868.

CHAPTER CCCLXXXII.

An Act relative to Taxes in certain Counties of this State.

Counties, &c., in which mortgages shall be exempt from tax

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all taxes hereafter to be assessed and raised in the counties of Passaic, Morris, Hudson, Union, the city of New Brunswick, in the county of Middlesex, and Essex, for state, county, township and city purposes, over and above the amount to be raised by a poll tax, shall be assessed and raised by such a per centum upon all real estate and chattels situate in said counties, both of residents and non-residents, by valuing the same at the true, full and fair value thereof, as shall be necessary to make the amount required for such taxes, and not otherwise; and the assessors shall designate in their assessments the numbers or general description of lots or parcels of land, and the value of chattels which they assess to each person or party; and all mortgages upon real or personal property within said counties shall be exempt from taxation in the hands of any inhabitant of this state; and no act shall be deemed to repeal or modify this act unless so expressed therein.

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

Approved April 8, 1868.

CHAPTER CCCLXXXIII.

A Supplement to an act entitled "An Act to incorporate the Morristown Institution for Savings," approved April ninth, eighteen hundred and sixty-seven.

Agreement may be made with borrower to pay tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said "The Morristown Institution for Savings," and the borrowers of any money secured by mortgage or other security, to enter into a contract or agreement whereby the borrower shall pay all national, state, county or city taxes which may be assessed upon the money so lent or to be loaned, and the securities given for the payment thereof, in the possession of the said savings institution; and all such contracts and agreements are hereby declared to be valid and binding in law, and no such mortgage or other security shall be held, deemed or taken in any court of this state to be usurious, or in any degree invalidated by reason of any such contract or agreement, anything in any existing law of this state to the contrary notwithstanding.

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

Approved April 8, 1868.

CHAPTER CCCLXXXIV.

An Act to incorporate the People's Gas Light Company of the cities of Hudson and Bergen, and places adjacent.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John R. McPherson, John R. Mullaney, John M. Wilson, Thomas E. Bray, Jeremiah B. Cleveland, Joseph W. Gilmore and William H. Bumstedt, 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 People's Gas Light Company of the City of Hudson," and by the said name the said corporation shall have corporate power in all courts of law and equity, and shall have power and authority to manufacture, make and sell gas, to be made of coals or other materials, for the purpose of lighting the streets, buildings, manufactories and other places in the cities of Hudson and Bergen and places adjacent in Hudson county, and to enter into and to execute all contracts, agreements or covenants in relation to the objects of this corporation, and to enforce the same, and be capable of purchasing, taking, holding and disposing of such property, real and personal, as is necessary to give effect to the purposes of this corporation, and for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold, and dispose of for the purpose of securing debts which have become due to them in the course of the business of the said corporation; *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 being first obtained in writing from the owner or owners thereof. Corporators. Name. Proviso.

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 said cities of Hudson and Bergen and places adjacent, and to do all things necessary to light the said cities and places or any part thereof; *provided*, that the public travel shall at no time be unnecessarily affected or impeded by the laying of said pipes, or the erection of said Power to lay gas pipes, &c. Proviso.

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

Commissioners to open books of subscription.

3. *And be it enacted*, That John R. McPherson, John R. Mullaney, Jeremiah B. Cleveland, are hereby appointed commissioners for receiving subscriptions for the sum of one hundred thousand dollars, to constitute the capital stock of said corporation, in shares of fifty dollars each, and the said commmissioners, or a majority of them, shall open books for that purpose, at such time and in such place or places within said cities of Hudson and Bergen, as they shall designate by a public advertisement, to be previously inserted for at least one week, in the newspapers printed in the county of Hudson, and shall continue the same open until the said one hundred thousand dollars shall be subscribed, or at their discretion close the same after they shall have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof as aforesaid; and the sum of ten per centum upon each share so subscribed, shall be paid by each subscriber, at the time of subscription to the said commissioners, or a majority of them; and each subscriber shall be entitled to receive a receipt for the installments paid by him on account of such stock from said commissioners, and as soon as the said one hundred thousand dollars shall have been subscribed, the amount so received by the said commissioners, at the time of subscription shall by them, or a majority of them, be paid over to the directors of the said company, to be elected as hereinafter directed, and all the power of said commissioners shall then cease and determine; and the said board of directors when so elected, shall have power, and they hereby are authorized to open the books for the further subscription of stock hereinafter provided, until the whole amount of said stock is subscribed, and are also authorized to call upon the said subscribers for the payment of further installments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures, as they may deem expedient, until the whole amount due on said shares so subscribed shall have been fully paid; *provided*, that no such installment shall exceed ten per centum upon each share, and that no installment shall be required to be paid by any subscriber, without public notice of said installment being due and payable, to be previously inserted

Proviso.

for twenty days in the newspapers printed in the county of Hudson.

4. *And be it enacted*, That the management of the concerns of said company shall be vested in five directors, to be selected from the stockholders, and the said directors shall choose by a plurality of votes a president from among themselves; and when twenty-five thousand dollars of said capital stock shall have been subscribed as aforesaid, the beforenamed commissioners, or a majority of them, shall convene the said stockholders, by public notice to be given as first aforesaid, and at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their offices until the second Monday in January next succeeding their selection, and until others are chosen in their stead; and on the second Monday of January in each year, at such time and place as a majority of the directors may appoint, the said stockholders shall meet for the purpose of electing a board of directors for the ensuing year, and public notice shall be given of the time and place of holding such election by advertisement, for ten days in the newspapers printed in the county of Hudson, and any vacancy in the said board of directors may be supplied 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 of stock held upon the books of the company. Election of directors.

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. Failure to elect directors not to work a dissolution.

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, and have power to make by-laws, rules and regulations not repugnant to the constitution or laws of the United States or of this state, or the provisions of this act, for the government of the said corporation, the management and disposition of the stock and the property thereof, and the duty of the officers, clerks and persons employed therein, the election of directors and all other matters appertaining to their business or concerns, and may appoint as many officers, clerks and servants, and with such salaries and allowances as shall to them seem necessary; and the said board of directors shall have power to make and declare from Powers of directors.

the profits and earnings of the company such dividend and dividends among the stockholders from time to time, and make the same payable in such manner as to them may seem expedient.

Capital stoc may be increased.

7. *And be it enacted*, That the capital stock of said corporation may be increased upon the consent of the stockholders representing a majority of the stock to any amount not exceeding five hundred thousand dollars; and all the stock of said corporation shall be transferable according to the by-laws and regulations of the company, and shall be considered personal property, and the stock and transfer books shall be open at all times to the inspection of the stockholders.

May erect gas posts and burners.

8. *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, roads, avenues or public grounds of any of the townships of the county of Hudson, adjoining the said cities of Hudson and Bergen, and with the same privileges and upon the same conditions, and with the same limitations, as by the provisions of this act they can lay them in the said cities; *provided*, that the said company shall not establish their works or lay any of their pipes within the corporate limits of Jersey City.

Proviso.

Penalty for injury to works.

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

Proviso.

Books of account shall be kept.

10. *And be it enacted*, That the said company shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open for the inspection of the stockholders.

Restrictions and privileges

11. *And be it enacted*, That any portion of the profits of this company may be divided to the consumers of gas supplied by

this company at any time upon the written consent or vote of those persons holding two-thirds of the stock of said company, in such manner as may be provided in the by-laws, and in such case said company shall thereafter be known as "The Peoples' Mutual Gas Light Company," and under such name be entitled to all the privileges and subject to all the restrictions of this act.

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

Approved April 8, 1868.

CHAPTER CCCLXXXV.

An Act to incorporate the Perth Amboy City Ice Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alfred Hall, Charles N. Buck, William Hall, John C. Tully, Alfred W. Jones, John Fothergill, and their associates, successors and assigns, be and they are hereby created a body politic and corporate, in fact and in law, by the name of "The Perth Amboy City Ice Company," and by that name shall be capable in law of purchasing, holding, leasing and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient for the objects of the corporation hereby created, which objects are declared to be the purchasing, cutting, securing, preserving, transporting and selling of ice. Corporators. Name.

2. *And be it enacted*, That the capital stock of said company shall be twenty-five thousand dollars, with power to increase the same by vote of the board of directors to fifty thousand dollars, divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct. Capital stock.

3. *And be it enacted*, That the affairs of the said company shall be managed and controlled by a board of directors, five in number, who shall be stockholders therein, and a majority of whom shall be residents of this state, and to be chosen by Election of directors.

the stockholders of said company annually, at such time and in such manner as the by-laws shall provide, giving at least ten days' notice of such election in the newspapers printed in the county of Middlesex, and said directors shall serve for one year and until others are elected; and said directors shall elect, by ballot, a president out of their own number, and may also appoint such other officers or agents as they may deem expedient; may fill vacancies in their own board, and may have a common seal and alter the same at pleasure; and until the first annual election after the passage of this act, the five persons named in the first section hereof shall be the directors of said company, and said directors shall have power to make by-laws for the government thereof, not inconsistent with the laws of this state or of the United States.

Vacancies, how filled.

Books of subscription to be opened.

4. *And be it enacted*, That the books of subscription to the capital stock of said company shall be opened under the direction of the board of directors, in such manner and at such times as they may designate; and it shall be lawful for said directors to call and demand from the subscribers to said stock installments, not exceeding ten per centum thereof, and with at least thirty days intervening between each demand so made; and in case any stockholder shall neglect or refuse to pay any installment when called for as above provided, or within sixty days thereafter, such stock and all previous payments thereon may be forfeited to the use of said company, by resolution of the board of directors; and as soon as five thousand dollars of said stock is subscribed, and twenty-five per centum thereof paid in cash, it shall be lawful for the said company to commence business.

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

Approved April 8, 1868.

CHAPTER CCCLXXXVI.

A Further Supplement to the act entitled "An Act to facilitate judicial proceedings in the county of Essex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the judge of the circuit court in and for the county of Essex, whenever in his discretion the public welfare shall require it, to employ a competent stenographic or phonographic reporter or reporters, whose duty it shall be to attend all trials held before said judge, whether of issues joined in civil causes, or of indictments tried in the oyer and terminer, and faithfully and truly to take notes, and record verbatim all the evidence and proceedings whatsoever, except the arguments of counsel had upon such trials, and, when requested, to make and furnish true reports thereof to the said judge, or to either party in such cause. May employ stenographic reporter.

2. *And be it enacted*, That the compensation of said reporters shall not exceed ten dollars per diem, which sum shall be paid by the board of freeholders of said county on certificate of said judge as to the number of days upon which he shall be employed; *provided*, that said reporters shall, for reports of evidence by them furnished, be paid by the party requesting the same, at the rate of not to exceed ten cents per one hundred words; *provided further*, that said reports shall be furnished within one day after making such request; *provided further*, that said reporter shall be duly sworn by said judge faithfully to perform all the duties required by this act, and shall be subject to be removed by the judge of said court at his discretion. Compensation. Proviso. Proviso. Proviso.

3. *And be it enacted*, That towards defraying the expense of carrying out the second section of this act, a fee of one dollar shall be paid to the clerk of said county by the party noticing any cause for trial therein at every term the same shall be noticed, which fee shall be included in the taxed bill of costs, and be recovered by the successful party in such cause, and the clerk of such county shall pay such fees at the end of every term to the county collector of the said county. Fee which shall be taxed in bill of costs.

4. *And be it enacted*, That it shall be lawful for the pre- Interpreter.

siding judge of the said circuit court to appoint an interpreter, whose duty it shall be to attend the courts of the said county, and who shall be paid such compensation as shall be fixed by the said judge, not exceeding four dollars per diem for each day of actual attendance on said courts.

Shall try indictments.

5. *And be it enacted*, That it shall be lawful for the court of general quarter sessions of the peace of said county to try all indictments, except for murder and manslaughter, any law or statute to the contrary notwithstanding; *provided*, that said court shall not try any indictment for a crime which was felony at common law, except larceny, unless the presiding judge of the court of common pleas shall be present as one of said court of quarter sessions.

Proviso.

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

Approved April 8, 1868.

CHAPTER CCCLXXXVII.

An Act to authorize the mayor and common council of the city of Newark to borrow a sum or sums of money, not exceeding in the whole two hundred thousand dollars, for the purchase of sites, erecting and furnishing public schools.

Public school bonds may be issued for school purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and common council of the city of Newark to issue bonds, under their corporate seal and the signature of the mayor of said city, for an amount not exceeding two hundred thousand dollars, to be designated and styled "Public School Bonds," bearing interest, payable semi-annually, at a rate not exceeding seven per centum per annum, with coupons attached, and payable at such time or times as may be agreed upon by the common council, not exceeding twenty years from the date thereof, pledging the credit and the whole property of the city for the payment of the same, which bonds it shall be lawful for the said the mayor and common council of the city of

Newark to sell for the best prices they can obtain for the same, as the proceeds of the same may be needed.

Proceeds, how applied.

2. *And be it enacted*, That it shall be the duty of the mayor and common council to apply the net proceeds of said bonds, at such time or times as they may deem necessary, to the purchase of sites, the erection of public school buildings and the furnishing thereof, and to no other purpose whatever.

Interest to be paid by taxation.

3. *And be it enacted*, That the said the mayor and common council shall include in the tax ordinance of each year the sum of twenty-five thousand dollars, out of which amount shall be paid the interest on said bonds, and three per cent. of the principal thereof to constitute a sinking fund for the final payment of said bonds; the balance of the said sum of twenty-five thousand dollars ($25,000.00) shall be expended for the same purposes for which the principal of the said bonds are herein directed to be expended, and in the same manner; the commissioners to take charge of said sinking fund shall be the same mentioned in the eleventh section of the act entitled "A Further Supplement to the act entitled 'An Act to revise and amend the charter of the city of Newark'" approved March tenth, eighteen hundred and fifty-nine, and in addition thereto the president and the chairman of the finance committee, for the time being, of the board of education of said city; all the provisions of the thirteenth and fourteenth sections, and the last clause of the twelfth section thereof, are hereby declared to be a part of this act, so far as the same can be made applicable hereto.

City auditor to countersign warrants.

4. *And be it enacted*, That hereafter all bills and claims to be paid for school purposes shall be referred to the city auditor of accounts, and approved by the secretary of the board of education, and when ordered paid by the board, warrants for the same shall be issued by the said secretary, signed by the president of the board, and placed in the office of said auditor, with the vouchers for the same; and the said auditor shall countersign said warrants, and keep a record of claims, in the same manner and form as is prescribed for all other accounts of the city, and no warrant shall be paid by the city treasurer unless so countersigned; and it shall be the duty of said secretary, at the end of each quarter, to furnish the said auditor a report of the amount due to the several teachers of the public schools, and the said auditor shall take a proper receipt from all persons receiving money

on account of public schools in a book prepared for that purpose.

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

Approved April 8, 1868.

CHAPTER CCCLXXXVIII.

An Act to incorporate the New Jersey and New York Bridge Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Cornelius Lydecker, Nathan T. Johnson, John Hopper, J. Wyman Jones, John Y. Dater, Francis Howland, Henry G. Hering, John A. Lockwood, J. Smith Homans, George S. Coe and George P. Androus, and all such persons as shall be associated with them, their successors and assigns, be and hereby are constituted a body corporate and politic, in fact and in law, by the name and style of "The New Jersey and New York Bridge Company," and by that name and style shall be capable in law and in fact of purchasing, hiring, holding, using, letting, improving and disposing of such real or personal estate as may be necessary and expedient for the objects and purposes of this incorporation, and may receive and make all deeds, sales, transfers, conveyances, grants, mortgages, bonds, leases, covenants, contracts and agreements and bargains, and be capable of doing all other acts and things whatsoever proper and necessary for the objects and purposes of said incorporation.

Name.

Directors, how elected.

2. *And be it enacted*, That the stock, capital, property, concerns and affairs of said company shall be managed and conducted by a board of not less than nine nor more than fifteen directors, one-half of whom shall be residents of this state, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices for one year or until others are elected in their stead, and that the directors shall be chosen by the stockholders of said company, annually, at such time and place and in such manner as shall be directed by

the by-laws and regulations of said corporation, and notice of such time and place shall be published not less than two weeks previous thereto in any newspaper published in the county of Bergen.

3. *And be it enacted*, That a majority of said board shall constitute a quorum for the transaction of business, and that if at any time it shall happen that any vacancy or vacancies occur from any cause whatever 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 the said directors may appoint such officers, superintendents, engineers and other agents, and assign to them such duties and compensation as they shall deem fit. Vacancies, how filled.

4. *And be it enacted*, That the first directors shall be Cornelius Lydecker, Nathan T. Johnson, John Hopper, J. Wyman Jones, John Y. Dater, Francis Howland, Henry G. Hering, John A. Lockwood, J. Smith Homans, George S. Coe and George P. Androus, being the incorporators hereinabove named, who shall respectively hold their offices for one year from the organization of said company or until others shall be legally chosen from the stockholders in their place. First directors

5. *And be it enacted*, That the capital stock of said company shall be two million dollars, with the privilege of increasing the same from time to time to any sum not exceeding ten million dollars, divided into shares of one hundred dollars each, which shall be subscribed and paid at such times, in such manner and in such installments, and upon such notice, as the said company by their by-laws or otherwise may direct and appoint; and in case of the failure of any stockholder to pay his or her installments at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur the forfeiture of his or her shares, and of all previous payments thereon, for the use of said company. Amount of capital stock.

6. *And be it enacted*, That the capital stock of said company shall be deemed personal property, and the said shares shall be transferable only on the books of said company in such manner as the board of directors by their by-laws shall direct; and every share of said stock on which all installments due shall have been paid, shall entitle the holder thereof to one vote, either in person or by proxy, at any au- Stock transferable.

thorized meeting of such stockholders; and any owner of land or lands, or other property, real or personal, necessary to be purchased by said company, may be permitted by the board of directors to take stock for the amount of the whole or any part of his or her interest therein.

Power to construct bridge.

7. *And be it enacted*, That the said company be and hereby are authorized to devise, survey, lay out, establish, construct, maintain and operate a bridge across the Hudson river, to commence at some point on the palisades, at or near Fort Lee, New Jersey, and to cross said river to some point at or near Fort Washington, or Washington Heights so called, in the state of New York, or from any more suitable point on said palisades, in the county of Bergen, in the state of New Jersey, to some suitable point on the opposite shore, in the state of New York, and also to build suitable piers for the support thereof, if the same shall be deemed necessary, at such distances from each other as shall not injuriously affect the navigation of the Hudson river.

May enter on lands, &c.

8. *And be it enacted*, That it shall be lawful for said company, its officers, surveyors, engineers, agents and employees, to enter at all times upon lands and waters for the purpose of exploring, leveling, surveying, laying out and establishing the route and construction of such bridge, its approaches, railways, roadways, passages, connections, appurtenances and appliances, and all preliminary or permanent ways and means thereto, and of locating the same or altering the location thereof, doing no unnecessary damage to private or other property; and when the route and location of said bridge, its approaches, connections, appliances, appendages and appurtenances shall have been ascertained and determined, it shall be lawful for said company, its officers, surveyors, engineers, agents and employees, to enter upon, take possession, hold, use, occupy, excavate or fill up such lands, waters and premises, and to erect embankments, piers, bridges, aqueducts, viaducts, railways, roadways, and all necessary works, buildings, structures, improvements and appliances thereon, and lay rails, and do all other things which may be suitable or necessary for the construction, maintenance, use and operation of said bridge, its works, approaches, appliances, appendages and appurtenances, and to carry into full effect the objects of this act.

Construction of railways, &c., authorized.

9. *And be it enacted*, That in order to facilitate the construction, use and operation of said bridge, and its various

connections, the said company is hereby authorized to construct railways, boulevards or roadways, to any point in the county of Bergen, for the purpose of obtaining and transporting material, or to connect with any railroad, railway, boulevard or highway located in said county of Bergen; and the said company shall have power to determine and control the line or lines, and the manner and mode of approach, route, grade, construction, running and operation of any railroad, railway, boulevard, roadway or other communication intended to connect with or pass to, from or over said bridge, or to its openings and approaches, and shall regulate, change and determine the same, so as in its judgment may be best to facilitate and secure the rapid and safe approach and transit of all passengers, animals, freight and traffic, and shall have police and power thereover upon said bridge, and within a radius of one mile from the proper commencement or termination of said bridge, and all passengers, person or persons, cars, vehicles and animals, and all freight, passage and traffic shall pass to, from, upon or over said bridge and its various communications, subject and according to the rules, regulations and lawful directions of said company, or of its proper officers, agents and employees, or the same may be debarred from the use and benefit of said bridge and its communicators.

May establish ferries.

10. *And be it enacted*, That the further to facilitate communication with the opposite shore, and to develop the same, in the meanwhile, that the said company is hereby authorized to establish a ferry or ferries from the New Jersey shore at or near Fort Lee aforesaid, to the New York shore, at such points as may be most advisable, and to construct and operate railways, boulevards, roadways or other communications therewith.

Material that may be taken.

11. *And be it enacted*, That the said company may take, use and appropriate any rock, stone, gravel, sand, clay, earth and material, near said bridge, or on or near any railway, boulevard, roadway or communication therewith, or with said ferry or ferries; *provided*, that payment shall first be made to the owners of and parties interested in the lands and premises, or material taken or to be taken for the purposes of this act, upon such terms and in the manner as hereinafter provided.

Proviso.

12. *And be it enacted*, That if said company, or its agent or agents, cannot agree with the owner or owners of such re-

Proceedings when company and owners cannot agree.

quired lands, premises or material, or with any party lawfully interested therein or controlling the same, for the use or purchase thereof; or if by reason of the legal incapacity or absence of any owner or party interested in or controlling the same, no such agreement can be made, a petition containing a particular description of the lands, premises or material so required for the use of said company in the construction, occupation or use of said bridge, or of any railway, boulevard, roadway or communication therewith, or to or with such ferry or ferries as may be established by said company, shall be presented in writing under the oath or affirmation of any surveyor, engineer, or proper officer or agent of said company giving the name or names of the ocupant or occupants of, if any there be, and of any owner or party interested in or controlling said land, premises or material, and their residence, if the same can be ascertained, to any justice of the supreme court, or to one of the judges of the inferior court of common pleas in and for the county where said lands, premises or materials are situated, who shall thereupon cause said company to give written notice thereof to all persons, occupant, interested or controlling as aforesaid, 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 fifteen days, and he shall thereupon assign a particular time and place for the appointment of commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice as aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents in this state, one of whom may be nominated by said company, and another of whom may be nominated by the party or parties interested, commissioners to examine and appraise said lands, premises or material, and assess any damages sustained by any owner, occupant, or person interested, by reason of taking or occupying the same, upon such notice of not less than fifteen days, to be served personally, or at the residence of said parties, if the same can be ascertained and be within this state, or otherwise by publication, as shall be directed by the officer appointing such 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 to make a true report according to the best

of their knowledge and understanding) to meet at the time and place appointed, and to proceed to view and examine said lands, premises or material, and taking into consideration all benefits to said owner, occupant or person interested, to be derived from or in consequence of said bridge, ferry or ferries, or of any of its railways, boulevards, roadways or communications established or to be established in connection therewith, to make a just and equitable appraisement or estimate of the value of any lands, premises or material so taken or to be taken, and an assessment of any damages incurred to be paid by the said company; said report shall be made in writing, under the hands and seals of said commissioners, or any two of them, and be filed within twenty days thereafter, together with the aforesaid description of the lands, premises or material, and the appointments and oaths or affirmations aforesaid, in the clerk's office of the county in which such land, premises or materials are situated, 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, or a copy thereof, certified by the clerk of said county, the appraisement, damages and costs being first paid, as hereinafter mentioned, shall at all times, and in all courts and places, be considered as plenary evidence of the right and authority of the said company to enter upon, have, hold, use, occupy, possess and enjoy said lands, premises or material, and said justice of the supreme court, or any judge of the court of common pleas of the county in which said land, premises or material are situated, shall, on application of either party, on reasonable notice to the other party or parties, tax and allow such costs, fees and expenses to the judges, commissioners, clerk, or other person or persons performing any of the duties prescribed by this section as he shall deem equitable and just, and direct by whom the same shall be paid.

Further proceedings upon an appeal to circuit court.

13. *And be it enacted*, That in case said company, or any occupant or owner of or person interested in such land, premises or material, shall be dissatisfed with the report made by the commissioners mentioned in the preceding section, the party so aggrieved may appeal to the circuit court of the county in which the lands, premises or material so required may be situated, by petition to said court, to be filed with the clerk thereof within ten days after filing the report of the commissioners aforesaid, and notice in writing shall be served in like manner as hereinbefore provided, upon the opposite party

or parties, or their attorney or attorneys, within ten days after filing said petition, which proceeding shall vest in said circuit court full right and power to direct a proper issue for the trial of said controversy, and to order a jury to be impanneled and sworn as in other causes, and a view of the premises to be had if either of the parties desire it, and that the issue be tried at the next or earliest practicable term of said court to be holden in said county, and which said issue the court may also order to have the preference on the calendar of such term, 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 under the direction of the court, to assess the value of said lands, premises or materials, and the damages or benefit sustained; and if they shall find a greater sum than the commissioners have awarded, or the company have offered to the said parties, occupant, owning or interested, then judgment thereon, with costs, shall be entered against said company and execution awarded thereon; and if said appeal shall be made by said occupants, owners, or the party interested therein, and if the jury shall find the same sum that the commissioners awarded or the company offered, or a less sum than either, then the said costs shall be paid by the said appellants, and be deducted out of any sum found by the jury, or execution may be issued therefor as the court shall direct; and the sum awarded by the commissioners, or in case of any 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 to the owners of or other proper parties interested in the land, premises or material in controversy if they so require, or to the clerk of the court of common pleas of the county in which such land, premises or material are situated if any party refuse to accept the same; and any party entitled to receive the amount awarded by the commissioners may apply for and receive the same, without being thereby debarred from the appeal hereby secured; *provided, however*, in such case that the court may in its discretion refuse to allow such appeal except upon proper security for the costs and expenses thereof.

Proviso.

Further proceedings.

14. *And be it enacted*, That said company shall obtain from every owner of or party interested in any land, premises or material in controversy, or where legal incapacity or absence of any unknown owner or party interested, exists, authority to enter upon and acquire such lands, premises or materials in the mode hereinbefore pointed out, before said company its

officers or employees, shall enter upon, break ground on, or otherwise appropriate any lands, premises or material, except to survey and lay out said bridge or any of the railways, boulevards, roadways or communications hereby provided for; and where by reason of there being such legal incapacity or absence of an unknown owner or party interested, the compensation awarded in such instance by the commissioners, cannot be paid to such owner or party interested, the same shall be paid to the clerk of the court of common pleas of the county in which said lands and premises or material are situated, subject to the order of the court to be invested as the court shall direct, during such disability, absence or unknown ownership or interest, and to be paid out or assigned to the party or parties interested, upon any proper application therefor; and in case of such disability, absence or unknown ownership or interest, the court may also appoint some competent and disinterested person to appear before the commissioners, or in any appeal or proceedings hereby authorized, to act for and in behalf of any unknown or absent owner or party interested or party existing under legal disability or incapacity.

Highways not to be impaired

15. *And be it enacted*, That any railway, boulevard, roadway or communication to be established by said company may be constructed along any public road or highway, upon obtaining the consent in writing, of the township committee of the township in which the same may be located, or a majority of them, and whenever the same are located on or across any highway, the said company shall, so far as practicable, and as soon as may be, restore such highway to such state or condition as not to impair its usefulness, and any railway and the rails thereof, shall be constructed and maintained in such manner, and the rails thereof shall be of such size and pattern as to impair as little as practicable ordinary travel on such highway, and where any such railway intersects any farm or other lands, said company shall provide and keep in repair suitable and convenient passages and wagonways over or under the same, and should the said railway intersect any other railroad or any other railroad intersect such railway, the company so intersecting shall cause such crossings to be made so as to do the least injury possible to each, and keep the same in repair.

Topographical maps and profile to be filed in the office of the secretary of state.

16. *And be it enacted*, That whenever said bridge, its railways, boulevards, roadways and communications shall be finally located and constructed, said company shall cause a topographical map and profile of the same to be made, on a scale

of not less than ten inches to the mile, showing what lands are taken, which map shall be accompanied with the necessary description of said bridge and its essential particulars, and with a written abstract of the allignment of the centre line of any railways, boulevards, roadways or other communications established by said company, which map shall be certified to under oath by the engineer of said company, and be filed within one year from the completion of the location and construction of said bridge, its connections, approaches and communications as aforesaid, in the office of the secretary of state, and a duplicate thereof shall also within like period, be filed of record in the clerk's office of Bergen county.

May have constructed or may purchase cars, engines, &c., for the transportation of passengers and freight.

17. *And be it enacted*, That said company shall have power to construct or have constructed, or to purchase with the funds of said company, and place and use on said bridge, railways, roadways and communications, or any part thereof, cars, engines, wagons, carriages or vehicles for their own use, or for transportation of passengers, or any species of property for hire, to be operated by such motive power as they may deem expedient and proper, and to purchase, hire, own and operate any steamboats, ferry boats or other vessels necessary for the objects and purposes of this incorporation.

Rates of fare may be demanded.

18. *And be it enacted*, That said company be and are hereby authorized to demand and receive such sum or sums of money for the passage and transportation of passengers or property, cars or other vehicles and animals over said bridge, their railways, boulevards, roadways and communications, as they from time to time shall think reasonable and expedient.

May make contracts and engagements.

19. *And be it enacted*, That it shall be lawful for the said persons named in the first section of this act, their associates, successors or assigns constituting said corporation, at any time during the continuance of its charter, to make contracts and engagements with any other corporation or corporations, or with individuals, for constructing, maintaining and operating said bridge, its railways, boulevards, roadways or other communications, for the passage and transportation or conveyance of passengers and animals and any kind of freight, and to enforce the fullfilment of such contracts, and also to demand and receive for the passage and transportation of all passengers, animals and freight by them allowed to pass or by them carried or transported over the road of any other company the same rates of fare and tolls as they may be entitled to demand and receive by virtue of this act for trans-

portation and passage over their own railways, boulevards, roadways and communications, and that said company may on such terms, conditions and stipulations, and for such considerations as they shall deem expedient, demise for a term of years, or transfer, sell and dispose of all or any part of the franchises, powers and privileges by this act granted, and all or any part of said bridge, railways, boulevards, roadways, or other communications, and all or any part of its lands, franchises, material or other property acquired, or to be acquired, under or by virtue of this act, either by contract or purchase or due proceeding, to take the same or any part of its rolling stock, machinery, equipments, works, structures, improvements, appendages and appurtenances to any person or persons, or to any company, association or corporation, and may be continued and connected, joined and consolidated, in fact and in law, with such company, association or corporation, and with its capital, property and organization, and such other company or companies, association or associations, corporation or corporations, may and hereby are authorized to be connected, joined, combined and consolidated, in fact and in law, with this company, its connections, communications, property and organization; *provided always*, that no railroad or turnpike company, or any other corporation or association, person or persons, shall in any manner be debarred from a fair and free passage or transportation over said bridge upon paying the usual and lawful tolls and charges therefor; *and provided*, that such consolidation and combination shall not be hereby authorized or allowed if the same would in anywise prevent or impair the public facilities, intercourse or convenience for transportation and passage intended to be secured by this act across said bridge or over any its railways, boulevards, roadways or other communications which it is hereby authorized to establish.

Proviso.

Proviso.

20. *And be it enacted*, That said corporation be and are hereby authorized at any time during the continuance of its charter, to borrow such sum or sums of money, not exceeding one-half of its paid up capital, from time to time, and for such time, as shall be necessary to survey, lay out, build, maintain, repair or operate said bridge, its railways, roadways, communications, connections, works, appliances and appurtenances, or to furnish the said company with all necessary lands, premises, material, structures, machinery, rails, buildings, cars, vehicles, vessels, engines, animals, equip-

May borrow money.

ments, appendages, appliances, or other properties for the use and objects of said corporation, and to secure the payment thereof by bond, mortgage, pledge, trust or conditional sale on or of said bridge, lands, premises, material, structures, railways, boulevards, roadways, communications, franchises, apparatus and apparels, appendages, appurtenances, evidences of debt, securities and choses in action, or other real or personal property and appurtenances, but no such bond, mortgage, pledge, trust or conditional sale shall be made at a rate of interest exceeding seven per centum per annum, nor shall the same be used or disposed of at any rate less than eighty per centum of the par value thereof, without the consent, by a two-third vote, of the stockholders of said company; and any negotiation or transaction thereof at any rate of interest, discount or deduction, duly authorized and certified by such two-third vote, shall not be invalidated by the reason of the rate of interest, discount or deduction thus authorized, nor shall any person or corporation incur any penalty therefor.

Must file a statement of costs and expenses with secretary of state.

21. *And be it enacted*, That as soon as any railway or railways constructed by said company shall be finished, the president of said company shall file, under oath or affirmation, a statement of the amount of costs of the same, including all expenses therewith, in the office of the secretary of state, and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of the state of the proceeds and expenses of such railway or railways, and from and after the same or any part thereof shall be in operation, and when and so long as the net proceeds shall be equal to seven per centum per year on the total cost thereof, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the actual capital stock invested in said railway or railways in the state of New Jersey, to be paid annually on the first Monday in January of each year, and such other state tax as may be assessed from time to time by a general law applicable to all railroads, over which the legislature shall have power for that purpose at the time of the passage of such law or laws.

Who may travel free.

22. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court and of the court of errors of this state, and the attorney general, when travelling for the purpose of discharging the duties of their office, and the members of the legislature of this state during its annual or

other sessions, may pass and repass over or upon said bridge, and the railways, roadways or other communications of said company, free of charge.

Penalty for injury done to bridge, work, machinery, &c.

23. *And be it enacted*, That if any person or persons shall wilfully or maliciously do or cause to be done any act or acts whatsoever whereby said bridge, or any work, building, structure, engine, machinery, railway, roadway, communication, approach, or other property or appurtenances thereof, or belonging to or under the control of said company, shall be destroyed, obstructed, weakened, injured or impaired, the person or persons so offending shall forfeit and pay therefor to the said corporation three times the damage sustained by such offence, to be recovered in the name of the corporation, with costs of suit, and shall be moreover guilty of a misdemeanor and be punished by fine and imprisonment, or either, by any court having cognizance thereof; and if any person or persons shall force, or attempt to force, or evade in passing any of the gates, enclosures or proper passages of said bridge, or of its approaches without having paid the established toll, or complying with the necessary regulations governing the use of the same, such person or persons shall forfeit and pay to said corporation five times the amount of legal toll, to be recovered in the manner aforesaid, and nothing in this section shall prevent any person or persons offending under this section from being otherwise liable or punishable according to law.

Location of principal office.

24. *And be it enacted*, That 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 fourteenth, eighteen hundred and forty-six, and the amendments thereto, so far as applicable and not inconsistent with this act, and shall hold its principal office in the county of Bergen.

Act, how made void.

25. *And be it enacted*, That if the bridge or any railway, boulevard, roadway or other communication hereby authorized shall not be commenced within five years and completed within ten years from the approval of this act, then this act shall become void as to so much of said bridge or any railway, roadway or communication as shall not be then completed and in use, and in case said company after the same or any part thereof shall be completed, shall abandon or cease to use the same or any part thereof, or fail to keep any part thereof in repair for the period of one year, then and in that

case the franchises hereby granted to said company shall so far forth be annulled; *provided, however*, that if such abandonment or failure to use or repair shall be caused by the act of the state, or general government of the United States, or by public enemies during war, invasion, riot or insurrection, such forfeiture shall not inure for the period of such interruption, and one year thereafter; *and further provided*, that the said term of five or ten years shall not commence to run until a legal assent from the proper authorities in and for the state of New York shall be obtained, for the building of said bridge and carrying into effect the object of this act, by the company hereby incorporated, or until some company, association, person or persons duly authorized thereto by the state of New York, shall enter into an agreement or contract with the company or be connected and combined or consolidated herewith, and co-operate in the building of said bridge, and in the objects and purposes of this act.

Proviso.

Proviso.

Act may be repealed.

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

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

Approved April 9, 1868.

CHAPTER CCCLXXXIX.

A Further Supplement to the act entitled "An Act to incorporate the Newark and Irvington Horse Car Railroad Company," approved March seventh, eighteen hundred and sixty-one.

May cross railroad track.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Newark and Irvington Horse Car Railroad Company are hereby authorized, in laying their track in the village of Irvington, to cross with their railroad track the railroad track of the Newark and Clinton Horse Car Railroad Company; *provided*, that in constructing such crossing place or places there shall be no unnecessary interference with the business of the last named company;

Proviso.

and the same shall be constructed with all practicable despatch and in the best practicable manner, and shall be constructed and maintained wholly at the expense of the said the Newark and Irvington Horse Car Railroad Company.

2. *And be it enacted*, That it shall and may be lawful for the said the Newark and Irvington Horse Car Railroad Company to lay and construct their railroad from the line of their road in Springfield avenue, in the township of Clinton, in the county of Essex, at the corner of Coe's avenue and said Springfield avenue, through said Coe's avenue and Tenth street, the continuation thereof in said city of Newark to South Orange avenue in said city, and thence along said last mentioned avenue to connect with the road of the Orange and Newark Horse Car Railroad Company, at or near Boston street in said city; *provided*, that the Newark and Irvington Horse Car Railroad Company shall, before laying so much of the track by this section authorized as will lie in said township of Clinton, obtain permission from the township committee of said township to lay the track in the said highway known as Coe's avenue, and shall, before laying so much of said track by this section authorized as will be in the city of Newark, obtain permission so to do according to law from the proper municipal authorities of said city, and the owners of property along the route. Where railroad may be constructed. Proviso.

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

Approved April 9, 1868.

CHAPTER CCCXC.

An Act to authorize certain Townships, Towns and Cities to issue Bonds, and to take the Bonds of the Montclair Railway Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on the application in writing of twelve or more freeholders, residents of any township, town or city along the routes of the Montclair Railway Company, or Bloomfield township excepted.

at the termini thereof (except the township of Bloomfield, in the county of Essex, which township is hereby excepted from the operations of all the provisions of this act), it shall be the duty of the judge of the circuit court of the county wherein such freeholders reside, within ten days after receiving such application, to appoint under his hand and seal not more than three freeholders, residents of such township, town or city, to be commissioners thereof to carry into effect the purposes and provisions of this act; said commissioners shall hold their offices respectively for the term of five years, and until others shall have been appointed.

Commissioners empowered to borrow money.

2. *And be it enacted*, That it shall be lawful for said commissioners to borrow, on the faith and credit of their respective townships, towns or cities, such sums of money, not exceeding twenty per centum of the valuation of the real estate and landed property of such township, town or city, to be ascertained by the assessment rolls thereof, respectively, for the year eighteen hundred and sixty-seven, for a term not exceeding twenty-five years, at a rate of interest not exceeding seven per centum per annum, payable semi-annually, and to execute bonds therefor under their hands and seals respectively; the bonds so to be executed may be in such sums and payable at such times and places as the said commissioners and their successors may deem expedient; but no such debt shall be contracted, or bonds issued by said commissioners of or for either of said townships, towns or cities, until the written consent of persons owning or representing as agent or president at least two-thirds of the real estate and landed property of such township, town or city, borne on the last assessment roll thereof at the valuation thereon appearing, shall have been obtained; such consent shall state the amount of money authorized to be raised in such township, town or city, and that the same is to be invested in the bonds of the said railway company, and the signatures shall be proved by one or more of said commissioners; the fact that the persons signing such consent own or represent as aforesaid at least two-thirds of the taxable real and landed property of such township, town or city, shall be proved by the affidavit of the assessor of such township, town or city, indorsed upon or annexed to such written consent; and the assessor of such township, town or city, is hereby required to perform such service; such consent and affidavit shall be filed in the office of the clerk of the county in which such township, town or city is situated, and

a certified copy thereof in the office of the clerk of such township, town or city, and the same or a certified copy thereof shall be evidence of the facts therein contained, and shall be received as evidence in any court of this state, and before any judge or justice thereof.

Bonds shall not be disposed of for less than par.

3. *And be it enacted*, That the said commissioners authorized by this act may, in their discretion, dispose of such bonds, or any part thereof, to such persons or corporations, and upon such terms as they shall deem most advantageous for their said townships, towns or cities, but not for less than par; and the money that shall be raised by any loan or sale of bonds shall be invested in the bonds of the said railway company for the purpose of building the railway thereof, and said money shall be applied and used in the construction of said railway, its buildings, equipment and necessary appurtenances, and for no other purpose; the commissioners respectively, in the corporate name of each of their said townships, towns or cities, shall subscribe for and purchase bonds of said railway company to the amount that they severally may have borrowed as aforesaid.

Commissioners shall annually report amount of money required to pay principal and interest for ensuing year.

4. *And be it enacted*, That the said commissioners respectively authorized by this act shall report to the township committees of their respective townships or to the common councils of their respective towns or cities, at their regular annual meeting in each year, the amount required to pay principal or the interest, if any, on the said bonds, authorized to be issued under and by virtue of this act, due or to become due, and payable during the next ensuing year; the interest arising from the bonds so subscribed for or purchased by said township, town or city, in pursuance of this act, shall be received by the said commissioners, and by them applied to the payment of the interest, which shall from time to time accrue upon the bonds authorized by this act, and in case such interest shall not be sufficient in any one or more years to pay the principal and interest accruing on said bonds, due or to become due as aforesaid, it shall be and is hereby made the duty of the said township committee, or of said town or city council, as the case may be, and they are hereby authorized and required to cause to be assessed and levied and collected of the real property of said township, town or city respectively, at the same time and in the same manner as other taxes are assessed, levied and collected, such sum or sums of money as shall have been reported to said township committee, or said

town or city council by the said commissioners authorized by this act to be necessary to made good such deficiency in the payment of the said principal and interest on the said bonds, and the same, when collected, shall be paid to said commissioners respectively, and by them applied to the payment of the principal and interest on said bonds, or so much thereof as shall remain unpaid after the application of interest or principal received from said company to that purpose.

May dispose of railway bonds.

5. *And be it enacted*, That the said commissioners appointed under and by virtue of this act may at any time after acquiring the bonds of said company exchange the same in whole or in part for the bonds issued under the authority of this act, and in such case they shall cancel the bonds so received by them, or they may dispose of the said railway bonds in their discretion to any purchaser or purchasers for cash, but shall not sell or dispose of such bonds for less than par except at public sale, of which twenty days' notice shall be given in two newspapers published in their respective counties, but no such sale shall be made except by consent obtained to the extent and in the manner provided in the second section of this act; and in case of such sale the proceeds thereof shall be applied by said commissioners respectively to the purchase or redemption of the bonds authorized to be issued by this act and for no other purpose whatever.

Provision for payment of bonds remaining unpaid at the expiration of twenty-five years.

6. *And be it enacted*, That at the expiration of twenty-five years after the passage of this act it shall be and hereby is made the duty of the said township committees, and of the said town and city councils, and they are hereby authorized, unless the payment of said bonds is otherwise provided for, to cause to be assessed and levied and collected as aforesaid the sum due on the said bonds so issued in pursuance of this act, together with the interest on said principal sum, or so much thereof as may remain unpaid by reason of any deficiency after the sale of said railway bonds and the receipt of the interest thereon; and the amounts so to be raised under the authority of the said township committees and of the said town and city councils for the payment of the said principal or interest shall be determined by the report of the said commissioners respectively to the said township committees, or said town or city councils, as hereinbefore authorized by this act.

7. *And be it enacted*, That the said commissioners shall

also provide within five years from the time of issuing said bonds authorized by this act, for the annual payment of at least five per centum of the same so as to ensure the final liquidation of said bonds within twenty-five years after their date, and for that purpose they shall receive and apply annually the surplus interest on the bonds held by said townships, towns or cities over the amount necessary to pay the semi-annual interest on bonds issued under authority of this act, and if the amount of such surplus interest is not sufficient for the annual payment of said five per centum, and the said commissioners shall not have received sufficient from the sale of the said railway bonds as hereinbefore provided to pay the same, then the deficiency shall be reported by the said commissioners to the township committees, or town or city councils, to be levied and raised annually in the manner provided herein for paying the interest on the bonds authorized to be issued by this act.

Provision shall be made for an annual payment.

8. *And be it enacted*, That before the said commissioners or either of them shall enter upon the discharge of their duties under this act, they shall jointly and severally with two or more sureties, execute to their respective townships, towns or cities, by their respective corporate names, a bond or bonds in the penal sum equal to the amount to be issued by said townships, towns or cities, under and by virtue of this act, conditioned for the faithful discharge of their duties as commissioners under this act, and for the just and honest application by them of all moneys or bonds issued by them or coming into their hands, according to the true intent and meaning of this act, the sufficiency of such sureties shall be determined by the judge of the circuit court of the county wherein such township, town or city is situated, to be endorsed on said bonds; the said bonds shall immediately thereafter be deposited with the clerk of such township, town or city, to be safely kept under the control and direction of the township committee, town or city council, to be collected by them or their successors in office, for the use and benefit of said township, town or city, in case the said commissioners or either of them are guilty of such a breach of trust or malfeasence in office, as to render said bonds collectable.

Commissioners to give bonds, with approved sureties.

9. *And be it enacted*, That in case a vacancy shall happen by reason of death, removal from said township, town or city resignation, refusal to serve or otherwise, of either of said commissioners, the vacancy shall be filled by the remaining

Vacancies, how filled.

commissioners of the township, town or city in which such vacancy so exists by appointment in writing to be deposited with the clerk of said township town or city; each and every person so appointed, shall before he enters upon the discharge of his duties, execute and deliver to the said township, town or city, in like manner, a bond in like amount, with like conditions and securities as hereinbefore provided; and all provisions of this act shall apply to the successors of the commissioners provided for in this act, whose powers and duties and liabilities shall be the same as those of the commissioners first appointed under this act.

Compensation to commissioners.

10. *And be it enacted*, That each of the said commissioners shall receive the sum of three dollars per day for each day actually engaged in the discharge of his duties under this act and his necessary disbursements to be audited and paid by the township committee, town or city council, the same as any other township, town or city expenses.

Commissioners to be residents of the respective townships, &c.

11. *And be it enacted*, That on the expiration of the term of office of either of the commissioners provided for in this act, or of their successors, his place shall be filled in the manner provided in the first section of this act, and the commissioners so appointed, as well as those to be appointed under the ninth section of this act, shall be residents and freeholders of the township, town or city for which they are to act as such commissioners.

Bonds to be registered.

12. *And be it enacted*, That all bonds issued in accordance with the provisions of this act shall be registered in the office of the county in which the township, town or city so issuing is situated, and the words "registered in the county clerk's office," shall be printed or written across the face of each bond, attested by the signature of the county clerk when so registered, and no bonds shall be valid unless so registered.

Quorum.

13. *And be it enacted*, That the commissioners in each of said townships, towns or cities shall constitute a board to act for their said townships, towns or cities respectively, and a majority of said commissioners in each of said boards shall constitute a quorum to do any business authorized by this act.

When boundaries of townships are enlarged assessment roll to be prepared

14. *And be it enacted*, That in case any new township, town or city shall have been created, or the boundaries of any township town or city shall have been enlarged, on the routes of said railway or at the termini thereof, so that there is no assessment roll for the year eighteen hundred and sixty-seven

for such township, town or city so created or enlarged, the said commissioners for such new or enlarged township, town or city shall cause to be prepared an assessment roll for the purposes of this act, by extracting from any assessment roll or rolls for said year all that relates to any assessment of persons or property in the territory embraced in the said new township, town or city so created or in said enlargement.

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

Approved April 9, 1868.

CHAPTER CCCXCI.

An Act to incorporate the Texas Mills and Spotswood 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 Texas Mills and Spotswood Turnpike Company" shall be opened by Leonard Appleby, Stephen V. Appleby, John S. Sutphin, George Helmn and Charles M. Herbert, or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and places as they, or a majority of them, may direct, giving notice at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in the county of Middlesex, in this state. Commissioners to open books of subscription.

2. *And be it enacted*, That the capital stock of said company shall be five thousand dollars, with liberty to increase the same to seven thousand dollars, and shall be divided into shares of twenty-five dollars each, and that when one hundred and sixty shares shall be subscribed for, the persons holding the same shall be and they are hereby incorporated into a company by the name of "The Texas Mills and Spotswood Turnpike Company," and by that name shall have, enjoy and exercise all the rights, powers and privileges appertain- Capital stock.

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

Payment of installments.

3. *And be it enacted*, That at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed, to the commissioners, or any of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed, and the residue of the subscription shall be paid in installments, 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 notice thereof in the manner aforesaid; and upon failure of the payment thereof as so directed, the said president and directors of the company shall have power to forfeit the shares of each and every person so failing to pay the said installments, or any of them, to and for the use of said company; *provided*, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed for as aforesaid; *provided also*, that no subscription for less than four shares of said stock shall be reduced by such apportionment; *provided also*, that the stockholders shall, upon request, have the right to pay the stock subscribed, except the first installment, by work upon said road, they doing the work as cheaply as it otherwise can be done, under such regulations, at such time, and upon such notice, by either party, as the directors may determine.

Proviso.

Proviso.

Proviso.

Act and subscriptions how made void.

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

Directors, and how elected.

5. *And be it enacted*, That when one hundred and sixty shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as 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

seven directors, a majority of whom shall be citizens of this state, to manage the affairs of said company for one year, of which election the said commissioners, or a majority of them, shall be judges; and at the expiration of that term, and annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect by ballot the same number of directors, a majority of whom shall be citizens of this state as aforesaid; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share of the holder or holders thereof, either in person or by proxy.

President. 6. *And be it enacted*, That within twenty days after the annual election as aforesaid, the said directors shall elect from among their number, a president of their said company, who shall hold his office for one year, and until another shall be elected, and receive such compensation as a majority of such directors shall direct, and shall be the presiding officer of 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 to do so, 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.

Vacancies, how filled. 7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy in the intervals 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 determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls, and have the superintendence and direction of all receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfer of stock, and for the general government of the company and the management of its affairs; *provided*, the same are not unlawful or unconstitutional. Proviso.

Annual statement. 8. *And be it enacted*, That at the annual meeting of the stockholders, it shall be the duty of the president and direct-

ors of the preceding year to exhibit to the stockholders a full and complete statement of the affairs of the company during said term.

Special meetings of the stockholders.

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

Failure to elect officers not to dissolve

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

Power to construct and make a turnpike.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Texas Mills, in the county of Middlesex, to or in the vicinity of Spotswood, in said county; which said turnpike road shall be constructed on and along the public highway leading from Texas Mills aforesaid to said Spotswood, except in those places where said highway is not straight or suitable for said construction, then and in those places the said company shall have power to construct the said turnpike road where they may deem proper; and the width of said turnpike road shall be governed by said public road upon which it may be made, unless said public road shall be less than two rods wide; *provided*, that before the said company shall construct the said turnpike road they shall pay to the respective owners of the lands over which the said turnpike road is constructed, all damages which said owners will sustain by reason of the construction of the said turnpike road; and in case said company and any of the owners cannot agree upon the amount of said damages, the said damages shall be ascertained and determined as nearly as may be in the manner hereinafter

Proviso.

provided for, for ascertaining and determining the damage which any land owner or owners shall sustain by the taking of stone, gravel, or other materials from his or her land for the constructing or maintaining of said turnpike road; *provided also*, that the said company shall have power to take only the right of way over the lands whereon the said road is to be constructed, paying damages which the owners will sustain thereby; and the commissioners hereafter named, if appointed, shall have power to assess damages for the right of way only. Proviso.

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

13. *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 burden and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of the said road, doing as little damage as possible, repairing any breach they may make in the enclosure thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road; and 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 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, Proceedings when company and owners of property cannot agree.

and also the name or names of the occupant or occupants, if there be any, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, or to one of the judges of the court of common pleas of the county of Middlesex, who shall cause the said company to give notice thereof to the person interested, if known and in this state, and if unknown and out of this state, to make publication thereof as he shall direct for any term not less than twenty days, and to assign a particular time and place for the appointment of 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 damage, upon notice to be given to the persons interested as shall be directed by the justice or judge making such appointment, to be expressed therein not less than twenty days; and it shall be the duty of said commissioners, (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, faithfully to examine the matter in question and make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to examine and view the said lands or materials, and make a just and equitable estimate or appraisement of the value of the same, and assessment of damages to be paid by said company for such land or materials and damages aforesaid, and to make a report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the lands or materials, and the appointment and oaths and affirmations aforesaid, in the clerk's office of the county of Middlesex, to remain on record therein, and shall be recorded by 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, and enjoy the land and 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 made of their treasurer, and shall constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice shall tax and allow such costs, fees and expenses to the justice, commissioners, clerks and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall, in all cases, be paid by the said company.

May demand and receive tolls.

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

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

and it shall and may be lawful for the toll-gatherers to stop persons riding, leading or driving any horses, mules or 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 passing 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 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 the state or of the United States.

Proviso.

Must erect mile stones and put up rates of toll.

15. *And be it enacted*, That before the said company shall receive toll for travelling said road, they shall cause mile-stones or posts to be erected and maintained, one for each and every mile on said road, and on each stone or post shall be fairly and legibly marked the distance the stone or post is from Spotswood; and shall cause to be fixed and always to be kept up at the gates or turnpikes aforesaid, in a conspicuous place, a printed list of the rates of toll which may be lawfully de-

manded, and also a board, on which shall be painted, in large letters, "keep to the right, as the law directs."

Penalty for injuring mile stones or posts &c., and for forcibly passing toll gates.

16. *And be it enacted*, That if any person wilfully breaks down or throws down or deface any of the mile-stones or posts so erected on the said road, or wilfully tear down and deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the gate or gates without having paid the legal toll at such gates or turnpikes, such person or persons shall forfeit and pay the sum of twenty 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, in his or her carriage, team or horse, turn off the said road to pass a gate or gates, 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 five dollars, to be recovered by said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for hindering travel.

17. *And be it enacted*. That if any toll-gatherer shall unnecessarily delay or hinder any traveller passing at any gate or gates, or shall receive more toll than is by this act established, the said company 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 or persons so unreasonably hindered or defrauded.

Penalty for neglecting to turn to the right.

18. *And be it enacted*, That all drivers of carriages, sleighs or sleds of every kind and description, whether of burthen or pleasure, or persons on horseback using the said road, shall keep their horses, carriages, sleighs or sleds on the right hand of said road, in the passing direction, leaving the other side of the road free and clear for carriages or persons on horseback; 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 so 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 when road is not kept in repair.

19. *And be it enacted*. That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any justice of the peace of the said county of Middlesex, who may be disinterested, the said jus-

tice shall immediately appoint, by writing, under his hand and seal, three of the town committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons being disinterested in said road, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine the said road so complained of, and to report to the said justice in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such state as the laws require it to be kept, and if the report be unfavorable to the said road, the said justice shall immediately, in writing, under his hand and seal, order the keeper of the said gate or turnpike to keep the same open until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said justice to open the said gate or turnpike, exact toll of travelers, the said company shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same, in an action of debt, with costs of suit; and the justice shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application of said company, again to view the said road and report, as aforesaid, their opinion to the said justice, who shall, if authorized by the report of said persons, or any two of them, by license under his hand and seal, directed to the 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 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; and in case the township committee aforesaid are not disinterested, then the said justice shall appoint, in the same manner as before prescribed, one or more respectable freeholders in the township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

20. *And be it enacted*, That if the said road is not commenced within three and completed within five years from the Limitation.

passage of this act, then and in that case this act shall be void.

When lawful to erect a toll gate.

21. *And be it enacted*, That when the said company shall have completed two consecutive miles of said road, according to the directions and meaning of this act, it shall be lawful for the said company to erect a toll gate across the said road and demand and receive toll for traveling thereon, agreeable to the foregoing rates.

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

Approved April 9, 1868.

CHAPTER CCCXCII.

An Act to improve Bergen Wood Road in Hudson county.

Preamble.

WHEREAS, Bergen Wood road in the county of Hudson belongs in part to the town of Union, the township of North Bergen, and the township of Union, and difficulties arise in the regulation and improvement of the same, owing to the multiplicity of authorities in the matter; and whereas, said road is much in need of repairs, and owners of lands on the line thereof are desirous of improving and regulating the same; therefore—

Commissioners to improve and regulate road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the power to improve and regulate said road be vested in three commissioners hereinafter named, and that said commissioners be, and the same are hereby empowered to grade, widen and repair said road pursuant to provisions which follow; *and provided*, said road shall not be made in width less than fifty, nor more than sixty feet in any part thereof.

Proviso.

Grades.

2. *And be it enacted*, That the grades to be regulated shall conform to the grades already legally established, and where not established and fixed, the same may be established by and with the aid and coöperation of the township committees of the townships adjoining said road.

3. *And be it enacted*, That for the purpose of said improve

ment, said road shall be separated into three sections, the first section to extend from the northerly side of the Bergen turnpike, at Cox's Corners, to the Union town line on the north; the second section from said Union town line to the northerly line of the township of Union; and the third section from the last-named northerly line to the northerly line of Hudson county. Road to be separated into sections.

4. *And be it enacted*, That the commissioners hereinafter named shall have power to enter upon all such lands as they shall deem it necessary to enter upon, with the necessary attendants and surveyors, for the purpose of executing the powers and performing the duties conferred and enjoined upon them by this act. Powers of commissioners.

5. *And be it enacted*, That the said commissioners, having first taken and subscribed an oath before a justice of the peace to regulate and improve said road without favor or impartiality, shall proceed diligently to consider the best plans to be pursued in the furtherance of their object, and the plan when adopted by them shall, together with a schedule of valuations, be submitted to a meeting of the land owners on the line of the road, convened for the purpose; and in case they, or so many of them as represent more than one-half of the value of the property liable to assessment under this act shall approve of the plan and valuations, then the same shall be carried out by said commissioners, and copies of said plan and schedule of valuations shall be filed with the clerk of the town of Union, and with the clerks of the townships interested in said act. Commissioners to take and subscribe an oath.

6. *And be it enacted*, That in case any owner of lands shall feel himself aggrieved by the valuation adjudged in his behalf of lands taken in widening the said road, the same may be valued by three additional commissioners appointed by the court of common pleas for said Hudson county, which additional commissioners shall take and subscribe an oath before a justice of the peace, that they will well and truly estimate said damages or valuations, whereupon they shall view the premises affected by the proposed valuation, hear, upon reasonable notice given, the parties interested, and enter up their decision, which shall be final, the record of which shall be filed with the clerk of Hudson county. When additional commissioners are to be appointed.

7. *And be it enacted*, That the road work called for by said commission shall be given out by proposals for the same, published at least two weeks in one or more of the newspa- Road work to be given to the lowest bidders.

pers printed in the county, said work to go to the lowest bidders, with proper securities for faithful performance; and the cost of widening, regulating and improving said road shall be adjusted (each section to be considered separately) by the commissioners hereinafter named in an equitable assessment, which shall be a lien upon the lands, to be paid by the owners on the line, upon notice given by the commission, the lands fronting on the improvement to be assessed in proportion to the benefit received.

Payments for improvements.

8. *And be it enacted*, That all payments for said improvement, as well by land owners assessed for benefit received, as by said commission debited for work done, shall conform to the mode regulated by the laws in force touching avenue assessments now governing the town of Union; the needful powers and coördinate prerogatives being hereby granted unto said commissioners to apply said laws in so far as the same are practically applicable and pertinent to the commission created by this act.

Treasurer to give bonds.

9. *And be it enacted*, That the treasurer of the town of Union be and he is hereby empowered to act as treasurer of said commission, or, in the event of his disability or disinclination to serve, then and in that case said commissioners may name a treasurer, who shall enter into bonds with sureties in double the amount of moneys he may as such treasurer receive, his duties being to receipt for assessment moneys received, and to disburse the same by order of the commissioners for the purposes and objects of the trust, the fund to be denominated and accounted for by him as the "road fund."

Compensation to commissioners.

10. *And be it enacted*, That the compensation of said commissioners shall in no case exceed four dollars per day for each day actually employed in the duties of said trust.

Names of commissioners.

11. *And be it enacted*, That James Gardner, of the town of Union; Anthony H. Ryder, of the township of North Bergen, and George Sneith, of the township of Union, be and the same are hereby constituted the said commission to exercise the powers and to execute the duties thereof; and should one or more of said commissioners neglect or decline to serve, or die before said duties are performed, the court of common pleas may, upon the happening of any of said events, appoint, as often as may be necessary, some fit person or persons in his or their place, which newly appointed commissioner or commissioners shall take the same oath, have the same powers,

perform the same duties, and receive the same compensation as is in this act prescribed.

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

Approved April 9, 1868.

CHAPTER CCCXCIII.

An Act to authorize "Sparkman Place and King," a foreign corporation, to hold, possess, and dispose of real and personal property within this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "Sparkman Place and King," a corporation incorporated under and by virtue of the laws of the state of New York, be and the same is hereby authorized and empowered to purchase, own, hold, possess, mortgage, sell and dispose of real and personal property within this state; and an office of said corporation shall be kept in this state where legal process may be served on it. May hold real estate in this state.

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

Approved April 9, 1868.

CHAPTER CCCXCIV.

A Supplement to an act entitled "An Act to provide for the organization of the New Jersey Home for Disabled Soldiers," approved April fourth, anno domini eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of ten thousand dollars, Appropriation increased.

by the second section of the act to which this is a supplement appropriated to defray the expenses of said Home, be increased to twenty-five thousand dollars per annum.

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

Approved April 9, 1868.

CHAPTER CCCXCV.

A Further Supplement to an act entitled "An Act to incorporate the Manalapan and Freehold Turnpike Company," approved March eighteenth, eighteen hundred and sixty-three.

May borrow money on bond and mortgage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said the Manalapan and Freehold Turnpike Company shall have power to borrow such sum or sums of money from time to time as shall be necessary to discharge any indebtedness of said company contracted in the construction or repair of their road, in whatever form such indebtedness may now be, not exceeding the sum of ten thousand dollars, and to secure the repayment thereof by the execution and negotiation of a bond, secured by a mortgage on the said road, lands, privileges, franchises and appurtenances of and belonging to said company, which mortgage shall constitute a first lien thereon.

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

Approved April 9, 1868.

CHAPTER CCCXCVI.

An Act to incorporate the Franklin Lake Company.

Preamble. WHEREAS, the rapid increase in population of the city of Paterson and of the village of Hackensack render it necessary that additional facilities and means be provided for supplying their inhabitants with water for the extinguishment of fires, sanitary purposes and other public uses; and whereas, the legislature deem said public uses call upon them to give such aid in supplying the same as they can give by authorizing the company hereby incorporated, to take, use and dispose of the waters hereinafter mentioned, as hereby authorized, and deem the taking, using and disposing of the same as hereby authorized, to be necessary for the health, comfort, safety and convenience of the public; therefore,

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Ryle, Abraham A. Fonda, Andrew Derrom, Thomas Thorp and John C. Ryle and such other persons as may hereafter be associated with them, shall be and are hereby constituted and declared to be a body corporate and politic in fact and in law, by the name of "The Franklin Lake Company," and by that name and style shall be capable of acquiring and purchasing any real or personal estate which they or their successors may deem necessary or expedient to carry out the objects of this incorporation.

Name.

Capital stock. 2. *And be it enacted*, That the capital stock of said company shall be two hundred and fifty thousand dollars, which 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; which capital the company may increase to five hundred thousand dollars in such manner as they may deem proper.

Commissioners to open books of subscription. 3. *And be it enacted*, That the above named persons or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, place or places, in the city of Paterson or village of Hackensack, or both, as they or a majority of them may think proper; (the books for subscription shall be kept open for at least three days from ten o'clock in the forenoon

until five o'clock in the afternoon, upon twenty days notice being given in one newspaper printed in Paterson and one newspaper printed in Hackensack), and at the time of subscribing, ten per centum shall be paid on each share when the same is subscribed for, to the said commissioners or one of them, and as soon as ten hundred shares of the said stock shall be subscribed, such commissioners shall give thirty days notice in a newspaper printed in Paterson and one printed in Hackensack, for a meeting of the stockholders to choose five directors, a majority of whom shall reside in this state; and such election shall be had at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote, and the above named persons or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those duly elected, and deliver over the subscription books and money paid in to the said directors, deducting a reasonable compensation for their own services; and the time and place of holding the first meeting of the directors shall be fixed by said inspectors, and the said directors shall, as soon as may be after the election, choose a president out of their own number, who shall be a resident of this state, and the directors chosen at each annual meeting thereafter on the first Monday in June, or on such other day as the directors for the time being shall designate by a publication in the papers as aforesad, at least thirty days preceding the day fixed, shall elect a president as aforesaid, and in case of death, resignation, removal or disability of the president, or any director, the vacancy may be filled by the directors for the remainder of the year; if more shares of stock are subscribed than are sufficient to make up the capital of two hundred and fifty thousand dollars, the commissioners are hereby authorized to apportion the capital among the subscribers in such proportions as said commissioners may deem proper; and the said company when organized, shall have power to erect and maintain all necessary water works, fountains, reservoirs and conduits, and make all such excavations, embankments, structures and canals, and take, obtain, purchase or secure the use of, or the right to use, or divert and appropriate any springs, streams, ponds, lakes, rivers and other waters in the counties of Bergen, Passaic and the streams leading from Franklin lake where it runs through

Directors, and their powers.

the county of Morris and the lands on each side thereof, not exceeding five hundred feet in width; and this act shall not authorize said company to take any streams of water in Morris county except the said stream leading from Franklin lake, as they may deem necessary for the purposes of supplying the citizens of Paterson and Hackensack in this state with water or the use thereof, as contemplated by this act, and power in and for the passage, and in the use and disposition thereof, but nothing in this act shall be construed to authorize the said company to take, use, or in any way interfere with the lands, works or water power of "The Society for establishing useful manufactures," or to take, use or divert any of the waters of the Passaic river above the Great Falls, or the waters of any stream or spring tributary thereto, without consent of said society; nor shall this act be construed to impair or interfere with the rights, franchises and privileges of the Acquackanonk Water Company; *and provided further*, that this act shall not authorize said company to take any streams of water in Bergen county except Franklin lake and the waters running to and from the same. Proviso.

4. *And be it enacted*, That three directors shall constitute a quorum, who shall be competent to transact all business of the said corporation; the directors shall have power to call in the remainder of the stock subscribed for, by installments of ten dollars each, upon thirty days' notice, published in a newspaper printed in Paterson; *provided*, that not less than thirty days shall intervene between the payments of the respective installments; they shall have power to forfeit shares upon which default shall be made in payment of any installment at the time it is directed to be paid, to and for the use of the company, and also to appoint and remove such officers and workmen, and fix the salaries of their officers, as to them shall seem proper, and annually to appoint inspectors of election for directors. Payment of installments. Proviso.

5. *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 and lay out the site for one or more reservoirs, drains, ditches, conduits, aqueducts, pipes, fountains, water wheels, force pumps, and all other works and devices which they may deem necessary for supplying the city of Paterson, the village of Hackensack, or other place or places with water for extinguishing fires, culinary and other family uses, water- Powers of directors.

ing the streets, and all such other purposes as may be required by the health, comfort, convenience or needs of the citizens of Paterson and Hackensack in this state; and it shall be lawful for the said president and directors, or others in their employ, to enter at all times upon all lands or water in said counties, and survey, search, excavate and bore for water, and examine the quality thereof, and locate all and singular the reservoirs, drains, ditches, aqueducts, pipes, fountains, water wheels, force pumps and buildings, and all other necessary works and appendages thereto, doing no unnecessary damage to private or other property; and when said locations shall have been determined on, the president and directors shall cause a map to be made of all the lands (except streets now in use) which they require for the purposes aforesaid, and file the same in the office of the secretary of state, and then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon and take possession of, hold, have, use, occupy, excavate and erect reservoirs, water wheels, wheel houses, force pumps, and do all other things which shall be suitable or necessary for completing the works hereby contemplated, as is hereinafter provided for.

Proceedings when company and owners of property cannot agree.

6. *And be it enacted*, That if the said company, or its agents, cannot agree with the owner or owners of such required lands or waters, for the use or purchase thereof, or if, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, the said company shall give notice to the persons interested, if known and in this state, or if unknown or out of this state, by publication in one of the newspapers printed in Paterson, that they intend to make application to one of the justices of the supreme court of this state, or a judge of the circuit court for either of said counties, on a day and at a place to be named in said notice, and not less than twenty days from the publication thereof, for the appointment of three commissioners; and on the said day, and at the place named in said notice, the said justice or judge shall make said appointment of three commissioners, under his hand and seal; and it shall be the duty of said commissioners (having first taken an oath or affirmation before some person authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding), to meet at such time and place as they shall

designate, giving at least fifteen days' notice of their said meeting, as hereinbefore directed, and on the day so appointed, to proceed to view and examine said lands, and make a just and equitable estimate of the value of the same, and assess the damages which will accrue from erecting said work; and the said commissioners shall report in writing to the parties interested, the whole amount which the company must pay each owner, stating in said report the metes and bounds of the lands assessed, which said report the said company shall file in the office of the clerk of the county wherein said lands so taken are situate, to remain of record therein, and a copy thereof, certified by the clerk of such county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, posses and enjoy the land so described; and it shall be the duty of said company to pay the owner or owners the amount assessed as aforesaid; or, in case the owner or owners refuse to receive the same, or live out of the state, or are incapacitated by law to receive the same, then said sum shall be paid and delivered to the clerk of the county in which said lands taken are situate, to be by him retained for such owner, and upon making payment in either of the ways above stated the title of the premises mentioned in said award, and so paid for, shall be vested in said company.

Proceedings in case of appeal.

7. *And be it enacted*, That if the said owners, or any of them, are dissatisfied with the report of the commissioners named in the preceding section, the said person so dissatisfied may appeal to the circuit court of the county in which said lands lie, at its next term, whereupon the said court shall proceed to hear and determine the whole matter in the same manner as if such owner had summoned the said company to appear before them; and if the jury upon the trial of the cause shall find a greater sum than the commissioners have awarded, or the company offered in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the company, which shall constitute a lien upon the premises in question, which shall have priority over any other incumbrance which said company may have given; but if the said jury shall find the same or a less amount than the company shall have offered, or the said commissioners awarded, then the person appealing shall pay the costs in such manner as the court shall direct.

8. *And be it enacted*, That if any person or persons shall

Penalty for injuring works, &c.

wilfully do, or cause to be done, any act or acts whatever, thereby to injure any reservoir, conduit, pipe, cock, machine or structure whatever, or anything appertaining to the works of said corporation, whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be deemed guilty of a misdemeanor, and, being thereof convicted, shall be punished by fine not exceeding three hundred dollars, or imprisonment at hard labor not exceeding two years, or both; *provided*, such criminal prosecution shall not in any wise impair the rights 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 said corporation, in any court of this state having cognizance of the same.

Proviso.

Authorized to lay pipes, &c.

9. *And be it enacted*, That said company be and they are hereby fully authorized and empowered to lay their pipes beneath such public streets, roads, avenues and alleys as they may deem necessary for the purposes aforesaid, free of all charge to be made by any person or persons, or body politic whatever, for said privilege, and also such hydrants at the crossings or intersection of said streets, avenues or alleys; *provided*, that the said pipes shall be laid at least two feet below the surface of the same, and shall not in any wise unnecessarily obstruct or interfere with the public travel; and are also authorized and empowered to connect any of their pipes, conduits or other works with the pipes, conduits or other works of any other company, on such terms and at such times and places as may be agreed upon by said companies.

Proviso.

May fix prices for water.

10. *And be it enacted*, That said company may sell and dispose of the water issuing from the reservoirs, aqueducts or pipes of said company, or the use thereof, for such purposes and for such price or prices, or quarterly, annually or other rents, under such restrictions and regulations as they may deem proper.

Limitation.

11. *And be it enacted*, That if the work of constructing said reservoirs and appendages, or pipes, shall not be commenced in good faith within three years from the date of the approval hereof, then this act shall be void.

12. *And be it enacted*, That this act shall take effect immediately, and continue in force for fifty years.

Approved April 9, 1868.

CHAPTER CCCXCVII.

An Act to authorize certain towns in the counties of Somerset, Morris, Essex and Union to issue bonds and take stock in the Passaic Valley and Peapack Railroad Company.

Commissioners to be appointed by the court.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on the application in writing of twelve or more freeholders, residents of any township in either of the counties of Somerset, Morris, Essex or Union, situate along the route of said railroad, it shall be the duty of the circuit court of the county wherein such township is situated, within ten days after receiving such application to appoint, under his hand and seal, not more than three freeholders, residents of such township, to be commissioners for such township to carry into effect the purposes and provisions of this act, who shall hold their offices respectively for the term of five years and until others shall be appointed.

Commissioners authorized to borrow money and issue bonds therefor.

2. *And be it enacted*, That it shall be lawful for said commissioners to borrow on the faith and credit of their respective townships, such sum of money not exceeding ten per centum of the valuation of the real estate and landed property of such township to be ascertained by the assessment rolls thereof respectively, for the year eighteen hundred and sixty-seven, for a term not exceeding twenty-five years, at a rate of interest not exceeding seven per centum per annum, payable semi-annually, and to execute bonds therefor, under their hands and seals respectively, the bonds so to be executed may be in such sums and payable at such times, and places, as the said commissioners and their successors may deem expedient; but no such debt shall be contracted or bonds issued by said commissioners, of or for either of said townships, until the written consent shall have been obtained of the majority of the tax payers of such township or their legal representatives, appearing upon the last assessment roll as shall represent a majority of the landed property of such township (including lands owned by non-residents) appearing upon the last assessment roll of such township, such consent shall state the amount of money authorized to be raised in such township, and that the same is to be invested in the stock of the said railroad company, and the signatures shall be proved by one

or more of the commissioners, the fact that the persons signing such consent are a majority of the tax payers of such township, and represent a majority of the real property of such township, shall be proved by the affidavit of the assessor of such township endorsed upon or annexed to such written consent, and the assessor of such township is hereby required to perform such service; such consent and affidavit shall be filed in the office of the clerk of the county in which such township is situated, and a certified copy thereof in the town clerk's office of such township, and the same or a certified copy thereof shall be evidence of the facts therein contained, and received as evidence in any court of this state, and before any judge or justice thereof.

Bonds may be disposed of, but not for less than par.

3. *And be it enacted*, That the said commissioners authorized by this act may in their discretion dispose of such bonds or any part thereof, to such persons or corporations and upon such terms as they shall deem most advantageous for their said township, but not for less than par, and the money that shall be raised by any loan or sale of bonds, shall be invested in the stock of the said railroad company for the purpose of building the aforesaid railroad, and said money shall be applied and used in the construction of said railroad, its buildings, equipment and necessary appurtenances, and for no other purpose, the commissioners respectively in the corporate name of each of their said townships shall subscribe for and purchase stock in said railroad company, to the amount they may have severally borrowed as aforesaid, and by virtue of such subscription or purchase of stock upon receiving certificates for the amount of said stock so subscribed for or purchased by them, the said townships shall acquire all the rights and privileges respectively of other stockholders of said company, and it shall be lawful for the commissioners provided for in this act, or either of them, with the consent of the others, or a majority of the said commissioners, to participate in and to act in all the regular and legally authorized meetings of the stockholders, and either of them may act as directors of said company if he shall be duly elected as such.

Commissioners to make annual report of money required to pay principal or interest for ensuing year.

4. *And be it enacted*, That the said commissioners respectively authorized by this act shall report to the township committees of their respective townships, at their regular annual meeting in each year, the amount required to pay principal or the interest, if any, on the said bonds authorized to be issued under and by virtue of this act, due or to become

due, and payable during the next ensuing year; the dividends arising from the stock so subscribed for, or purchased by said township in pursuance of this act, or so much thereof as may be necessary, shall be received by said commissioners and by them applied to the payment of the interest which shall from time to time accrue upon the bonds authorized by this act; and in case such dividends shall not be found sufficient in any one or more years to pay the principal and interest accruing on said bonds due and to become due as aforesaid, it shall be and hereby is made the duty of the said township committee, and they are hereby authorized and required, to cause to be assessed and levied and collected of the real estate and landed property of said townships respectively, at the same time and in the same manner as other taxes are assessed, levied and collected, such sum or sums of money as shall have been reported to said township committee, by the said commissioners authorized by this act, to be necessary to make good such deficiency in the payment of the said principal and interest on the said bonds, and the same when collected shall be paid to said commissioners respectively, and by them applied to the payment of the principal and interest on said bonds, or so much thereof as shall remain unpaid after the application of said dividends to that purpose.

Annual interest.

5. *And be it enacted*, That it shall be lawful for such railroad company to agree with the said commissioners respectively, in behalf of their respective townships, to pay the same annual interest accruing on the bonds issued by such townships for the term of three years, or until said railroad shall be completed and in operation, and earning sufficient to pay dividends equal to the interest from time to time accruing on said bonds.

Capital stock acquired by the commissioners may be exchanged for bonds issued.

6. *And be it enacted*, That the said commissioners appointed under and by virtue of this act, may, at any time after acquiring such capital stock, exchange the same in whole or in part for the bonds issued under the authority of this act, and in such case they shall cancel the bonds so received by them, or they may dispose of such stock in their discretion to any purchaser or purchasers for cash, but shall not sell or dispose of such stock at less than par, except at public sale, of which twenty days' notice shall be given in two newspapers published in their respective counties; but no such sale shall be made except by consent obtained to the extent and in the manner provided in the second section of this act; and in

case of sale of said stock, either at public or private sale, the proceeds thereof shall be applied by said commissioners respectively to the purchase or redemption of the bonds authorized to be issued by this act, and for no other purpose whatever.

Provision for payment of unpaid bonds after the expiration of twenty five years.

7. *And be it enacted*, That at the expiration of twenty-five years after the passage of this act it shall be and hereby is made the duty of the said board of assessors, and they are hereby authorized, unless the payment of said bonds is otherwise provided for, to cause to be assessed and levied and collected on the real and landed estate of each of said townships, at the time and in the manner as other taxes are assessed, levied and collected, the sum due on the said bonds so issued in pursuance of this act, together with the interest on said principal sum, or so much thereof as may remain unpaid by reason of the deficiency of the dividends and sale of said stock; the amount so to be raised under the authority of the said township committees for the payment of the principal or interest shall be determined by the report of the said commissioners, respectively, to the said township committee as hereinbefore authorized by this act.

Provisions for annual payments.

8. *And be it enacted*, That the said commissioners shall also provide, within five years from the time of issuing said bonds, for the annual payment of at least five per centum of the same so as to insure the final liquidation of said bonds within twenty-five years after their date, and for that purpose they shall receive and apply annually the surplus dividends on the stock held by said townships over the amount necessary to pay the semi-annual interest on said bonds; and if the amount of such surplus dividends is not sufficient for the annual payment of said five per centum, and the said commissioners shall not have received sufficient from the sale of stock as herein provided to pay the same, then the deficiency shall be reported by the said commissioners to the township committee, to be levied and raised annually in the manner herein provided for paying the interest on said bonds.

Commissioners to give bond, with approved sureties.

9. *And be it enacted*, That before the said commissioners, or either of them, shall enter upon the discharge of their duties under this act, they shall jointly and severally, with two or more sureties, execute to their respective townships by their respective corporate names, a bond in the penal sum equal to the amounts to be issued to said townships under and by virtue of this act, conditioned for the faithful discharge of

their duties as commissioners under this act, and for the just and honest application by them of all moneys, stocks or bonds issued by them or coming into their hands, according to the true intent and meaning of this act; the sufficiency of such sureties shall be determined by the township committee of such township respectively, or by the judge of the circuit court of the county in which such township is situated, to be endorsed on said bonds; said bonds shall immediately thereafter be deposited with the clerk of each of said townships, to be safely kept under the direction and control of the township committee, to be collected by them or their successors in office, for the use and benefit of said township, in case the said commissioners, or either of them, are guilty of such a breach of duty or malfeasance in office as to render said bond collectable.

Vacancies, how filled.

10. *And be it enacted*, That in case a vacancy shall happen by reason of death, removal from said township, resignation or refusal to serve or otherwise, of either of said commissioners provided for in this act the vacancy shall be filled by the remaining commissioners of the township in which the vacancy so exists, by appointment, in writing, to be deposited with the township clerk of said township; each and every person so appointed shall, before he enters upon the discharge of his duties, execute and deliver to the said township in like manner, a bond in like amount, with like conditions and securities as hereinbefore provided; and all provisions of this act shall apply to the successors of the commissioners provided for in this act, whose powers and duties and liabilities shall be the same as those of the commissioners first appointed under this act.

Compensation per diem.

11. *And be it enacted*, That each of the said commissioners shall receive the sum of two dollars per day for each day actually engaged in the discharge of his duties under this act, and his necessary disbursements to be audited and paid by the township committee the same as other township expenses.

Quorum.

12. *And be it enacted*, That the commissioners in each of said townships shall constitute a board to act for their said townships respectively, and a majority of said commissioners in each of said boards shall constitute a quorum to do any business authorized by this act.

13. *And be it enacted*, That on the expiration of the term of office of either of the commissioners provided for in this

Commissioners to be residents of the townships for which they act.

act, or of their successors, his place shall be filled in the manner provided in the first section of this act, and the commissioners so appointed, as well as those to be appointed under the tenth section of this act, shall be residents and freeholders of the township for which they are to act as such commissioners.

Bonds to be registered.

14. *And be it enacted*, That all bonds issued in accordance with the provisions of this act shall be registered in the office of the county clerk of the county in which the township is situated, issuing the same, and the words "registered in the county clerk's office," shall be printed or written across the face of each bond, attested by the signature of the county clerk when so registered, and no bond shall be valid unless so registered.

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

Approved April 9, 1868.

CHAPTER CCCXCVIII.

An Act to regulate fishing in the creeks and sounds in the lower township in the county of Cape May.

Taking of fish prohibited within a certain period.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from the twenty-fifth day of June to the fifth day of September in each and every year the taking of fish in the creeks and sounds in the Lower township, in the county of Cape May, by seines of any description, be and the same is hereby prohibited south and east of a line beginning at a place called Poignard Point, in the northerly part of Jarvis Sound, running westward of the head of Middle Thoroughfare, to a point in Mill Creek, called the Deep Hole.

Penalty for violation of this act.

2. *And be it enacted*, That any person or persons violating the provisions of the preceding section of this act shall be subject to a penalty of fifty dollars to be sued for and recovered before any court of competent jurisdiction, one-half of the said penalty to go to the person prosecuting the suit, and the other half to be paid to the collector of the county of Cape May.

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

Approved April 9, 1868.

CHAPTER CCCXCIX.

An Act for the appointment of Commissioners in relation to supplying the city of Elizabeth, with pure and wholesome water.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city council of the city of Elizabeth, shall on the first stated meeting of said city council, after the approval of this act, appoint five freeholders of said city who shall constitute a board to be known as the water commissioners of the city of Elizabeth. Commissioners shall be appointed.

2. *And be it enacted*, That it shall be the duty of the said commissioners and they are hereby authorized to examine and consider all matters relative to supplying the said city of Elizabeth with a sufficient quantity of pure and wholesome water for the use of the inhabitants of the said city, and the amount of money necessary to effect that object, and also to make an estimate and appraisement of the actual cost and present value of the works and property of the Elizabethtown water company. Duty of the commissioners.

3. *And be it enacted*, That the said commissioners shall have power with the consent of the said city council to employ engineers, surveyors and such other persons as in their opinion may be necessary to enable them to fulfill their duties under this act. Engineers and surveyors to be appointed.

4. *And be it enacted*, That the said commissioners shall make a report of their proceedings under this act, which shall contain their opinion as to the best plan of furnishing the city of Elizabeth with a sufficient supply of pure and wholesome water, and an estimate of the expense of carrying such plan into effect, also the reasons and calculations upon which such opinion and estimate may be founded, and generally all such information connected with the object of such improvement as Commissioners to make report.

they may deem important, and also their estimate and appraisement of the works and property of the Elizabethtown water company.

Report to be made to legislature.

5. *And be it enacted*, That the said commissioners shall present a copy of said report to the city council of the city of Elizabeth, on or before the first day of December next, and their said report shall be made and presented by them to the legislature on the second Tuesday of January, eighteen hundred and sixty-nine.

Expenses and compensation to be paid by order of city council.

6. *And be it enacted*, That all reasonable expenses to be incurred under this act, and the compensation of the said commissioners, engineers, surveyors and other persons employed, to be fixed by the city council, and not increased or diminished during their term of office, shall be paid by order of the city council for which purpose they are hereby authorized to raise money by tax in the same manner as they are now authorized to do for the expenses of the said city.

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

Approved April 9, 1868.

CHAPTER CCCC.

A Supplement to the act entitled "An Act relative to Commissioners for taking the Acknowledgment and Proof of Deeds," approved April fifteenth, eighteen hundred and forty-six.

May have four commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful to appoint four commissioners for taking the acknowledgment and proof of deeds in the First ward of the city of Hoboken, in the county of Hudson.

Repealer.

2. *And be it enacted*, That so much of the act to which this is a supplement, and of the supplements thereto, as is inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 9, 1868.

CHAPTER CCCCI.

A Further Supplement to an act entitled "An Act to charter the Passaic Valley and Peapack Railroad Company."

May change, alter or improve the survey or location of railroad.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Passaic Valley and Peapack Railroad Company may change, alter or improve the survey or location of said railroad not to exceed three miles in any direction from the present location at any time before the completion thereof, upon filing a map of such survey or change of line in the office of the secretary of state, upon the filing of which shall entitle the said company aforesaid to all the privileges and benefits in obtaining right of way and lands for other purposes as are embraced in the act to charter said company, or the supplements thereto; but said change, alteration or improvement shall be in conformity to the provisions of said act and supplement thereto.

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

Approved April 9, 1868.

CHAPTER CCCCII.

A Supplement to an act entitled "An Act to create the town of Newton and the townships of Andover and Hampton out of the township of Newton, in the county of Sussex," approved March tenth, eighteen hundred and sixty-four.

Penalty for obstructing sidewalks.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall not be lawful for any person to obstruct or encumber the streets or sidewalks of the town of Newton by placing therein or thereon at any time any ashes or garbage, boxes, barrels, merchandise of any kind or any other obstruction or encumbrance whatever, under a penalty of ten dollars for each

and every offence, to be recovered in an action of debt before any justice of the peace in said town, with costs of suit, by any person who shall sue for the same, the one-half thereof to his own use and the other half to the town committee of Newton for the use of said town.

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

Approved April 9, 1868.

CHAPTER CCCCIII.

An Act to incorporate the Tuckerton and Burlington County Central Railroad Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas Page, A. R. Pharo, J. H. Bartlett, T. T. Price, Joseph B. Cranmer, N. P. Todd, Richard C. Harris, Eli Bowker, John S. Irick, Eayre Oliphant, Theodore Budd, of the county of Burlington, and such other persons as may hereafter be associated with them, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of

Name.

"The Tuckerton and Burlington County Central 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.

Capital stock.

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

Commissioners to open books of subscription.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of the 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 three of the newspapers published in this state; and that at the time of subscribing, five per centum shall be paid upon each share subscribed for, to the commissioners, or some one of them; and when fifteen hundred shares are subscribed to the capital stock of said corporation, the persons holding the same shall be and they hereby are incorporated into a company as aforesaid; and the commissioners shall give like notice for a meeting of the stockholders, to choose thirteen directors; a majority of directors so chosen shall be residents and citizens of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named commissioners, or a majority of them, shall be inspectors of the first election of directors of said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books and moneys paid in to the said directors, deducting a reasonable compensation for their services; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners, or a majority of them.

Directors, and how elected.

4. *And be it enacted*, That the directors at such meeting, and at the annual elections of said corporation shall, as soon as may be after every election, choose out of their number a president, who shall hold office until after the next succeeding election and until another shall be appointed; and they shall have power to fill any vacancy which at any time may exist in their board by death or otherwise until the next succeeding annual election.

President.

5. *And be it enacted*, That the annual election for directors shall be held at such time and places as the board of directors shall hereafter direct, of which election public notice as above mentioned shall be given, and such election shall be made as hereinbefore directed; and in case it shall happen that an election of directors shall not be made when it ought to have been, the said corporation shall not for that cause be deemed to be dissolved, but the said election shall be held as soon thereafter as possible, and public notice shall be given as before directed, and the directors for the time being shall continue to hold their offices until others shall have been chosen in their stead; seven directors shall be a quorum to transact

Not dissolved by failure to elect directors

Capital, how paid in, and forfeited for non-payment.

all business of the said corporation; and the directors shall be authorized to call in the remaining capital stock of said company, by such installments and at such times as they may direct; *provided*, that such payments shall not exceed five dollars on each share per month; and in case of the non-payment of the said installments, or any one of them, they shall have power to forfeit such share or shares upon which such default shall arise to and for the use of said corporation, and also 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 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 directors shall appear proper.

Proviso.

May borrow money on bond and mortgage.

6. *And be it enacted*, That in case the whole of the stock authorized by this act is not subscribed, then the president and directors of the said corporation shall have power to borrow the remainder, from time to time, for the construction of said road, and for furnishing the necessary engines, cars, machinery and buildings for the use and objects of the said corporation, and to secure the repayment thereof, with interest, by executing bonds and mortgages, or otherwise, on the said road, lands, personal property, property privileges, franchises and appurtenances of or belonging to the said corporation, at an interest not exceeding seven per centum per annum; and it shall not be lawful for the said corporation to plead any statute or statutes of this state against usury, in any suit in law or equity, instituted to enforce the payment of any bond or mortgage executed under this section.

May lay out and construct a railroad and route.

7. *And be it enacted*, That the president and directors of said company be, and they hereby are authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad with a branch or branches from the main line, from some suitable point at or near Tuckerton, in the county of Burlington, thence through the county to connect with the Burlington County Railroad, at or near Pemberton, or with the Vincentown branch, at or near Vincentown in the same county, and the said road not to exceed one hundred feet in width, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, superintendents, engineers, and others in their employ to enter at all times upon

all lands or water for the purpose of exploring, surveyveying, levelling or laying out the route of such railroad, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for 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; to erect embankments, bridges, piers, wharves, and all other works necessary, to lay rails, and do all other things which shall be suitable or necessary for the construction, completion or repair of the said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment or tender of the payment for all damages for the occupation of land through which the said railroad may be laid out, be made; and if said owner of such land shall not see fit to receive such assessment, the amount of such assessment shall be paid into the circuit court of the county where the damages occur, before the said company, or any person under their direction or in their employ, shall enter upon or break ground on the premises, except for the purpose of surveying or laying out said road, unless the consent of the owner or owners of such lands be first had and obtained. Proviso.

8. *And be it enacted*, That if 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 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 said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of the said company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said corporation 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 ten days, and assign a particular time and place for the appointment of the commis- Proceedings when the company and owners of property cannot agree.

sioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of service, or publication of such notice aforesaid, he shall appoint under his hand and seal three disinterested and judicious freeholders, resident in the county in which the lands or materials in controversy lie, commissioners to examine and appraise the said land or materials, and to assess the damages upon notice, not less than ten days to be given to the persons interested, as shall be directed by the justice making such appointment; and it shall be the duty of the said commissioners (having first taken an oath or affirmation, before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding) to meet at the time and place appointed, and to proceed to view and examine the said lands or materials, and make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, which shall be paid by the company for such lands and materials and damages aforesaid; the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removal of the fencing on the line of the route of said road through any improved land over which the same may run, which report shall be made in writing under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land, and the appointment, and oaths and affirmations aforesaid, in the clerk's office of the supreme court, to remain of record therein; which report, or a copy thereof, certified by the clerk of the said court, shall at all times be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possess and enjoy the said lands or materials, or of the said owner or owners to recover the amount of the said valuation, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the said corporation in the nature of a mortgage; and the said justice of the said court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to said justice,

commissioners, clerks, and other persons performing any of the duties prescribed in this section of the act, as he shall think equitable and right, and direct to whom the same shall be paid by the said corporation.

Proceedings in case of appeal.

9. *And be it enacted*, That in case the said corporation, or owner or owners of the said land or materials shall be dissatisfied with the report of the commissioners named in the preceding section, the party so aggrieved may appeal to the circuit court of the county wherein the lands or materials in controversy lie, at the first or second term after the filing of the said report, by proceeding in form of petition to said court, which proceeding shall vest in the said court full right and power to hear and adjudge the same, and direct a proper issue for the trial of the controversy to be formed between the said parties, and to order a jury to be struck and a view of the premises or materials to be had, and the said issue to be tried at the next term of the said court to be holden in said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said lands or materials, and damages sustained; and if they shall find a greater sum than the said commissioners have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find the same or a less sum than the company shall have offered or the said commissioners awarded, then said costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said lands or materials upon the filing of the aforesaid report, the value or damages being first paid, or upon a refusal to receive the same upon a tender therefor, the owner or owners thereof being under any legal disability, the same being first paid into the court of chancery.

Required to construct and keep bridges in repair.

10. *And be it enacted*, That it shall be the duty of the said corporation to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, when any public or other road now or hereafter laid shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be impeded thereby, and also where the

said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under said railroad.

General powers.

11. *And be it enacted*, That the president and directors of the said corporation shall have power to have constructed, or to purchase with the funds of the corporation, and to place on the said railroad, all machinery, engines, cars, wagons, carriages or vehicles for the transportation of persons or property; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and property thereon as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than at the rate of five cents per mile for carrying each passenger; but no charge shall be required to be less in the aggregate than ten cents; nor shall said corporation charge more than eight cents per ton per mile for the transportation of any description of property; nor shall more than half of the above rate be charged for carrying any fertilizing materials; and the said railroad, with the appendages, and the lands over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the corporation, are hereby vested in the said corporation and their successors, for and during the continuance of this charter.

Proviso.

Dividends.

12. *And be it enacted*, That the president and directors shall declare and make such dividends of the net profits thereof, as they may deem prudent and proper, from time to time.

May purchase and hold real estate, &c.

13. *And be it enacted*, That the said company may purchase, have and hold real estate at or near the commencement and termination of the said road, or at any other point or points on the line of said road where the directors may think proper, and may erect and build thereon houses, warehouses, workshops, and such other buildings and improvements as they may deem expedient for the safety and interests of their property, and for other necessary uses appertaining to their business, and receive the rents and emoluments thereof; and may build and maintain over such rivers and streams as the road may cross, such piers and bridges as they may deem expedient; *provided*, that suitable and sufficient draws shall be made over any navigable streams, so as not to obstruct the navigation thereof.

Proviso.

Penalty for injury to road, &c.

14. *And be it enacted*, That if any person or persons shall wilfully or maliciously injure the said road, or any buildings,

bridges, wharves, carriages, machinery or any other works or property of the said corporation, such person or persons shall forfeit or pay therefor to the said corporation, three times the amount of damages sustained by means of such injury, to be recovered in the name of the said corporation, with costs of suit, in any court having cognizance thereof.

State may take road on appraisement.

15. *And be it enacted*, That at any time after the expiration of thirty-five years from the passage of this act, the legislature of this state may cause an appraisement of such road, with the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of the state for the time being, and the remaining three by the said corporation, who, or a majority of them, shall report the value thereof to the legislature within one year from the time of their appointment, or if they cannot agree they shall choose the seventh, who or a majority of them shall report as aforesaid, or in case the said corporation shall neglect or refuse to appoint the said three persons on their part for ten months after the said appointment of said chief justice, then the said three persons so appointed by him shall proceed to make the said appraisement, which shall be binding on the said corporation or in case the said six commissioners shall be appointed as aforesaid and cannot agree upon the seventh man, then upon two weeks notice to the said corporation, the said chief justice shall appoint such seventh man as aforesaid; and thereupon the state shall have the privilege for two years of taking said road, and upon payment to the corporation of the amount of said appraisement within one year after electing to take said road, which report shall be filed in the office of the secretary of state, and the whole property and interest of said road and the appendages thereof, shall be vested in the state of New Jersey upon the payment to the said company of the amount so reported; *provided*, that the said valuation shall in no case exceed the first cost of the said road with the appendages thereof, and no person who is a stockholder or stock owner in said company shall be commissioners.

Proviso.

Limitation.

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

Annual tax to be paid to the state.

17. *And be it enacted*, That from and after the said railroad shall be in operation the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum

on the capital stock of said road, to be paid annually thereafter on the first Monday in January of each year, and such other tax as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws.

Approved April 9, 1868.

CHAPTER CCCCIV.

A Supplement to the "Act to incorporate the Hackensack Gas Light Company."

Capital stock may be increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Hackensack Gas Light Company be and they are hereby authorized to increase their capital stock to a sum not exceeding eighty thousand dollars.

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

Approved April 9, 1868.

CHAPTER CCCCV.

An Act to repeal an act entitled "An Act to extend the provisions of an act entitled 'An Act to authorize the inhabitants of the township of Clinton, in the county of Hunterdon, to vote by ballot at their tow n meetings,' approved March twenty-second, eighteen hundred and sixty-four, to the township of Tewksbury in said county."

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to extend the provisions of an act entitled 'An Act to authorize

the inhabitants of the township of Clinton, in the county of Hunterdon, to vote by ballot at their town meeetings,' approved March twenty-second, eighteen hundred and sixty-four, to the township of Tewksbury, in said county," approved March twenty-seventh, eighteen hundred and sixty-seven, be and the same is hereby repealed.

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

Approved April 9, 1868.

CHAPTER CCCCVI.

An Act to incorporate the Medford Cranberry Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Braddock, junior, Job Braddock, Thornton Conrow, Samuel W. Tilton and John A. Emrick, and all such persons as may hereafter be associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate, in fact and in law, by the name of "The Medford Cranberry Company," for the purpose of buying, holding, cultivating and improving lands in the county of Burlington, and for raising and selling cranberries and other fruit, and other produce of said lands, and carrying on the business connected therewith, and erecting such buildings and holding such personal property as may be necessary therefor, and that they and their successors by the same name may sell, grant, alien, mortgage and dispose of the said lands, tenements and hereditaments, cranberries, produce, fruit, goods and chattels, or any part thereof. Corporators. Name.

2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing to one hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and that subscriptions to the capital stock may be paid in real and personal estate, in a valuation to be agreed upon by a majority of the directors, and the said corporation may issue stock in payment therefor; and that the subscriptions for stock shall Capital stock.

be opened in the village of Medford, in Burlington county, at such time as the directors may designate, under their direction, or that of such persons as a majority of them may select.

Conducted by board of directors.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of five directors, one of whom shall be president, and a majority of whom shall have all the powers of the board, and they shall hold their office for one year and until others are elected in their stead, and shall have power to make by-laws for the government and management of said corporation, and shall hold their meetings at such times and places in this state, or elsewhere, as the by-laws may provide; and that until an election for directors shall be held the persons named in the first section of this act shall be directors.

Stock transferable.

4. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and shall be transferable in such manner as the by-laws may prescribe.

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

Approved April 9, 1868.

CHAPTER CCCCVII.

A Supplement to an act entitled "An Act to incorporate the Town of Clinton, in the townships of Clinton, Franklin and Union, in the county of Hunterdon," approved April fifth, eighteen hundred and sixty-five.

Saloons required to take out license.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all saloons located within the corporate limits of the town of Clinton, in the county of Hunterdon, where any vinous or malt liquors are kept and sold to be drank on the premises, shall be required to take out license, in the same manner and upon the same terms, and be subject to the same penalties and liabilities that inns and taverns are subject to under the laws of this state.

Council authorized to grant license.

2. *And be it enacted*, That the common council of the said town of Clinton shall have power, and they are hereby authorized

to grant license upon due application made to said council at least two weeks before it is finally acted upon, to any person or persons applying for such license, if in the judgment of the said common council the granting of a license to such person or persons so applying will conduce to the public good.

Penalty for selling without license.

3. *And be it enacted*, That any person or persons keeping a saloon within the corporate limits of the said town of Clinton, where any vinous or malt liquors shall be sold to be drank upon the premises, without first having obtained a license therefor, as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty nor more than one hundred dollars, or be imprisoned in the county jail of said county not less than twenty nor more than forty days, or both, in the discretion of the court.

Council shall have power to revoke license

4. *And be it enacted*, That whenever any license shall be granted to any person or persons aforesaid, it shall operate only as to the person licensed, and not to the house; and the said common council of the said town of Clinton, upon written complaint to them, made by any citizen of said town, when sitting as a council, and upon due proof before said council, of the charges in said complaint made, shall have full power to revoke and annul the license by them granted to any person or persons against whom said complaint shall be made; and if any person or persons whose license shall be revoked and annulled as aforesaid shall continue to sell any vinous or malt liquors to be drank upon his, her or their premises, the person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to the pains and penalties prescribed in the third section of this act; *provided*, that the person or persons against whom any written complaint shall be made as aforesaid, shall be served with a copy of said complaint, duly attested by the mayor and clerk of said town, at least one week before action shall be taken thereon, and that the person or persons so complained of shall be heard before said common council, either in person or by attorney, unless he, she or they shall waive a hearing.

Proviso.

License to be under seal.

5. *And be it enacted*, That each license granted by virtue of the provisions of this act shall be under the hand and seal of the mayor of said town of Clinton, and attested by the clerk of said town.

When o take effect.

6. *And be it enacted*, That this act shall take effect on the second Tuesday of April, eighteen hundred and sixty-eight.

Approved April 9, 1868.

CHAPTER CCCCVIII.

An Act to authorize the Board of Chosen Freeholders of the county of Somerset to raise money, issue bonds and for other purposes.

Freeholders authorized to raise money by issuing bonds.

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 Somerset to provide for the indebtedness incurred or to be incurred by said board in raising money for the executing all the legal purposes, objects, business and affairs of said county, as they or a major part of them, shall deem adequate or proper, or which may have been heretofore raised for such purposes, by issuing bonds in the corporate name, and under the corporate seal of said county, to be signed by the director of said board of chosen freeholders and attested by the county collector of said county, for an amount not exceeding in the aggregate, such sum as the said board shall direct, or as said board shall have heretofore directed for the purposes aforesaid, and the said bonds to be for such sums and payable at such time or times as the said board shall deem proper, not exceeding ten years from the date of the approval of this act, and bearing interest not to exceeding seven per cent. per annum; and to pledge the property and credit of said county for the payment of the same; and the said board of chosen freeholders and their successors, shall have power to sell or assign said bonds for any sum not less than the par value thereof.

Provision for payment of bonds, &c.

2. *And be it enacted*, That the said board are hereby authorized and required to provide for the payment of the said bonds and the interest thereon, as the same shall from time to time become due and payable by taxation to be made, levied, assessed and collected, at the times and in the manner that other county taxes in said county are levied, assessed and collected.

3. *And be it enacted*, That the proceeds of the bonds issued under and by virtue of this act, shall be applied by said board to the payment and satisfaction of the indebtedness aforesaid and in the legal purposes, objects and affairs of said county as the said board or a major part of them shall deem adequate or proper. How proceeds shall be applied.

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

Approved April 9, 1868.

CHAPTER CCCCIX.

A Further Supplement to an act entitled "An Act to authorize the inhabitants of Delanco, in the township of Beverly, in the county of Burlington, to improve and regulate their roads, crossings and sidewalks," approved April third, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all sums of money ordered to be raised by authority of section three of said act shall be assessed in proportion to the length of front of each and every lot in said district. How assessment shall be made.

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

Approved April 9, 1868.

CHAPTER CCCCX.

An Act to limit an act of the Legislature entitled "An Act authorizing the Planting of Oysters in Barnegat Bay, in the county of Ocean, and protecting the same," approved March twenty-ninth, eighteen hundred and sixty-six.

Limitation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act of the legislature entitled "An Act authorizing the planting of oysters in Barnegat Bay, in the county of Ocean, and protecting the same," approved March twenty-ninth, eighteen hundred and sixty-six, shall continue in force until May first, eighteen hundred and sixty-nine, and no longer.

Approved April 9, 1868.

CHAPTER CCCCXI.

A Further Supplement to an act entitled "An Act to reorganize the Courts of Law," approved February ninth, eighteen hundred and fifty-five.

Term time in Warren county.

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 regular term of the court in and for the county of Warren shall commence on the fourth Tuesday in April, third Tuesday in September, and the first Tuesday after the fourth Tuesday in December, in each and every year.

In Mercer county.

2. *And be it enacted*, That the regular terms of the courts in and for the county of Mercer shall commence on the third Tuesday in January and the second Tuesday in May, and the first Tuesday in October, in each and every year.

Writs, &c., when considered as returnable.

3. *And be it enacted*, That all writs, process, recognizances, and other proceedings returnable, made or given for the first day of any term of any court to be held in either of the said

counties next after the passage of this act, shall be deemed, considered and taken as made returnable, made and given for the first day of the terms herein stated, fixed and appointed, occuring next after the passage of this act.

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

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

Approved April 9, 1868.

CHAPTER CCCCXII.

A Supplement to the act entitled "An Act to incorporate the Clinton Mutual Insurance Company of Clinton, in the county of Essex," approved March seventh, eighteen hundred and forty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said the Clinton Mutual Insurance Company of Clinton, in the county of Essex, shall hereafter be known and designated by the name of "The Mutual Safety Insurance Company," and by that name have and exercise all the powers and privileges conferred by the act to which this is a supplement, and that from that time all property, real and personal, of the said company shall vest in and be deemed and taken as belonging to the new company chartered by this act, their successors and assigns, and with the same remedies at law and in equity, in respect thereto, as if the original company had been incorporated under this act. Corporate name.

2. *And be it enacted*, That the scrip heretofore issued by said company shall be converted into stock, divided into shares of ten dollars each; and the owners of said scrip shall have the right and be deemed and taken as subscribers to the stock of this company in proportion to the amount their scrip bears to the surplus held by the Clinton Mutual Insurance Company at the time of the passage of this act; and in case the owners of said scrip should not own even numbers of Scrip shall be converted into stock and divided into shares.

shares of said scrip, they shall be entitled to receive stock on their paying the difference in money, and on the surrender of said scrip to the company, stock as aforesaid shall be issued therefor.

All persons who shall insure may participate in the profits of the company.

3. *And be it enacted*, That all persons who shall insure with said company may participate in its profits during the period they remain insured by the same, upon such terms and conditions as the directors by their by-laws shall fix and determine; and it shall be the duty of the directors to declare yearly dividends in cash on the stock, and dividends in scrip to the policy holders, who may be entitled to receive the same out of the profits of the company at such per centum as shall to them appear desirable; and it shall be lawful for any policy holder receiving scrip to the value of ten dollars to convert the same into stock, and in case of a deficiency the holder may pay the difference in money; *provided*, the stock of said company shall not exceed one hundred thousand dollars; *and further*, when said stock shall amount to the sum of one hundred thousand dollars it shall and may be lawful for the directors of said company to purchase and redeem and cancel the scrip at their discretion, and that the directors may from time to time, at their discretion, receive subscriptions for the capital stock to such an amount as they may determine, not exceeding the amount aforesaid.

Proviso.

Directors shall be divided into classes.

4. *And be it enacted*, That the stock, property and affairs of said company shall be managed and conducted by fifteen directors, nine of whom shall constitute a quorum to transact business, who shall at all times during their continuance in office be stockholders in said company, and shall, at an election to be held after the passage of this act, divide themselves into three classes, each class to consist of five directors; the term of the first class shall expire on the second Monday of January next succeeding their election, or as soon thereafter as others are elected in their stead; the term of the following classes shall expire successively on the second Monday of January of the following years, or as soon thereafter as others are elected in their stead.

Directors, and how elected.

5. *And be it enacted*, That the annual election for directors shall be held on the second Monday of January in every year, at the office of the company; such elections shall be held under the direction of two inspectors, to be appointed by the directors, and such election shall be by ballot and by a plurality of the votes of the stockholders and their proxies,

allowing one vote for every share of said stock; and if any director shall die or refuse to serve or neglect to act in their said office for the space of three months successively, then and in every such case, the remaining directors shall have the power to fill such vacancy or vacancies, if they deem best for the interest of the company.

Officers. 6. *And be it enacted*, That it shall be the duty of the directors at the first meeting held after their election, and annually thereafter, to choose from among themselves one person to be president, and one person to be a vice president of the said corporation, both of whom shall continue in office until the next annual meeting, and until their successors shall be chosen; and in case of the death, resignation, absence or inability of the president to act, the vice president shall perform all the duties of such president.

Powers of directors. 7. *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 conduct of the stocks, 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 which it may be lawful for the corporation to do and perform.

Repealer. 8. *And be it enacted*, That all acts or parts of acts conflicting with the provisions of this act are hereby repealed, and that this act shall take effect immediately.

Approved April 9, 1868.

CHAPTER CCCCXIII.

An Act to repeal an act entitled "A Supplement to 'An Act for the erection of a true meridian line standard in each county of the State, and for the protection of the same,'" approved April ninth, eighteen hundred and sixty-seven.

Repealer. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A Supplement to 'An Act for the erection of a true meridian line

standard in each county of the state, and for the protection of the same,'" be and the same is hereby repealed.

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

Approved April 9, 1868.

CHAPTER CCCCXIV.

An Act constituting the Mercantile Court of the City of Newark.

Name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be constituted and organized in the city of Newark, in the county of Essex, and state of New Jersey, a court to be called "The Mercantile Court."

Judge shall be appointed in joint meeting.

2. *And be it enacted*, That on or before the second Tuesday of April, in the year eighteen hundred and sixty-eight, and every fifth year thereafter, or whenever a vacancy shall occur in said office, there shall be appointed by the senate and general assembly, in joint meeting, a judge of said court, who, at the time of his appointment, shall be a counsellor at law of the state of New Jersey, resident in the city of Newark, and who shall hold his office for the like term, and be commissioned in the like manner as the judges of the courts of common pleas in and for the several counties of this state, and be amenable in the like manner to the senate and general assembly.

Territorial jurisdiction.

3. *And be it enacted*, That the territorial jurisdiction of said court shall be co-extensive with the limits of the city of Newark, and the writs, precepts and process issued therefrom shall run in and through said city, but in causes pending before it said court may award writs of subpœna and testificandum into any part of this state; and said court shall be a court of record, and vested with all such power as is usual in courts of record of this state, excepting the power to naturalize foreign born citizens.

Clerk of the court to be appointed in joint meeting.

4. *And be it enacted*, That on or before the second Tuesday in April in the year eighteen hundred and sixty-eight,

and every fifth year thereafter, or whenever a vacancy shall occur in said office, there shall be appointed by the senate and general assembly, in joint meeting, a clerk of said court, who shall hold his office for the like term, and be commissioned in the like manner as the judge of said court, and be amenable in the like manner to the senate and general assembly, and who shall be a resident of the city of Newark at the time of his appointment, and whose duty it shall be to keep the books, papers and records of said court, and to do and to perform such other acts and things as are hereinafter specified.

Constables and police officers to be ministerial officers of the court.

5. *And be it enacted*, That the constables of the several wards of the city of Newark, and the police officers of said city, shall be the ministerial officers of said court, and it shall be the duty of the said constables to execute all precepts, summons, writs, and other process issuing out of said court, and to them or any of them directed or delivered, and to make return thereof, and to perform all duties relating to their offices aforesaid, excepting in such actions and proceedings as may be brought to recover a penalty for a violation of any of the ordinances of the city of Newark, in which actions and proceedings the policemen of the city of Newark shall execute all precepts, summons, writs and other process, and make return thereof according to law.

Precepts, &c., to be signed and sealed by the clerk.

6. *And be it enacted*, That all such precepts, summons, warrants, writs and other process, shall be entitled in the name of the said court, and shall be tested in the name of the judge thereof, on the day on which they are respectively issued, and shall be subscribed and endorsed with the name of the attorney or party, and signed and sealed by the clerk of said court.

Who may appear to prosecute and defend.

7. *And be it enacted*, That no person, except in his own case, or in the case of an infant, shall be permitted to appear and prosecute or defend any action in said court, but such as is a licensed solicitor or attorney, who shall be under the direction of the said court, and as well as all other persons shall be amenable to punishment for contempt of its authority, in the same manner as in other courts of record of this state.

Powers and privileges of the judge.

8. *And be it enacted*, That the judge of said court, unless otherwise herein prescribed, shall have like powers and privileges, and perform similar duties, in all civil and criminal matters, suits, complaints and proceedings at law, as are now

possessed, enjoyed and performed by the justices of the peace of the several counties of this state, and the police justices of the city of Newark, and the said court may hear, try and determine every suit of a civil nature at law, which is made cognizable before any justice of the peace, by virtue of the provisions of the act entitled "An Act constituting courts for the trial of small causes," and the several supplements thereto or by any other act conferring judicial power upon justices of the peace, or before any police justice of the city of Newark, by virtue of the act entitled "An Act to revise and amend the charter of the city of Newark," and the several supplements thereto; and it shall be authorized to hear, try and determine all such matters and complaints of a civil or criminal nature, as any two justices of the peace of the city of Newark are or may be by law authorized to hear, try and determine, except trials for larceny.

Provisions that shall be applicable.

9. *And be it enacted*, That unless otherwise herein prescribed, the provisions of the act entitled "An Act constituting courts for the trial of small causes," and the several supplements thereto, shall be applicable to this court, and the judge thereof shall be authorized to do and perform any matter or thing therein authorized to be done or performed by any justice of the peace, and the proceedings before said judge in this court, by virtue of the provisions of this act, shall as near as may be, be regulated by and conducted in the manner prescribed by said act, constituting courts for the trial of small causes.

Actions to recover certain penalties not to be tried elsewhere.

10. *And be it enacted*, That all actions which may be brought to recover a penalty for violation of any of the ordinances of the city of Newark, shall be brought in said court, and not elsewhere, any law or custom to the contrary in anywise notwithstanding.

Proceedings when oath or affidavit is made of violation of any ordinance.

11. *And be it enacted*, That whenever any person shall make oath, affirmation or affidavit, according to law, before any police justice, and file the same in the office of the clerk of said court, that any person or persons have been guilty of a violation of any of the ordinances of said city, and stating the manner of said violation, it shall be lawful for said court to issue a process, either in the nature of a warrant or a summons, against the person or persons so charged, returnable in said court, which process shall when in the nature of a warrant be returnable forthwith; and when in the nature of a summons, be returnable in not less than five nor more than

fifteen days; that such process shall state what ordinance the defendant or defendants has or have violated, when and in what manner the same has been violated, and that on the return of such process, or as soon thereafter as the said court can attend to the same, the said court shall proceed to hear testimony, and to determine and give judgment in the matter, without the filing of any pleadings; and that the said court shall if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and person of the defendant or defendants.

Warrant, when to be issued.

12. *And be it enacted*, That no warrant or process in the nature of a warrant, shall be issued from said court, against any person or persons on any complaint made as aforesaid for a violation of any of the ordinances of said city, unless upon oath or affimation made before a police justice and filed with the clerk of said court, establishing to the satisfaction of said police justice, by one or more particulars mentioned therein, that such process is necessary to secure the due enforcement of the ordinance in the matter of such complaint against such person or persons.

Right of appeal.

13. *And be it enacted*, That every person against whom judgment may be obtained in said court, shall have the same right of appeal to the higher courts, as in case of civil suits before justices of the peace, and the clerk of said court shall send a transcript of the proceedings and judgment in said cause, under his hand and seal together with the appeal bond taken in said cause, to the clerk of the court of common pleas to which such appeal is made, on or before the first day of the term of court next ensuing such appeal, and no other transcript of its proceedings in said case need be furnished by said court, except in obedience to a rule or order of the court of common pleas.

Duties of clerk.

14. *And be it enacted*, That it shall be the duty of the clerk of said court to enter in a book to be kept for the purpose, the names of plaintiff and defendant, the style and nature of the action, the sum demanded, the time of issuing process, and when returnable, the return made thereto by the constable or policeman, when the copy of the account or state of demand was delivered by the parties, or either of them, the time of taking the recognizance, the adjournment, the rule of reference and report of referees, the jury, when and by whom demanded, the venire, when issued and how returned, the time of trial and names of the jurors and witnesses, the

admission of evidence objected to, and the rejection of evidence offered, the verdict and judgment and when given, the execution or executions, when issued, the endorsement thereon and how returned by the officer serving the same, the appeal, when and by whom demanded, and all the proceedings before the court touching said suit, together with a record of all the proceedings of said court; and said book or books shall be kept in the possession of the clerk as a part of the public records of the said court; and the said clerk may and shall, when required so to do, make out transcripts from the said book or docket, under his hand and seal, and certify them as said clerk, which said transcripts so certified, shall be used as evidence in all courts of law and equity in this state, and have the same force and effect, and be liable to the like objections as if made and certified by a justice of the peace; and no book or docket of the proceedings in said court shall be required to be kept by the judge thereof.

Clerk may administer oaths.

15. *And be it enacted*, That all oaths or affirmations required to be made in actions or proceedings pending in said court, may be administered by the clerk of said court.

Where final judgments may be docketed.

16. *And be it enacted*, That the final judgments of said court may be docketed in the court of common pleas in the county of Essex or in the supreme court of the state of New Jersey, in the same manner, and upon the same terms as final judgments rendered in the court for the trial of small causes may be docketed therein, and in such case the certificate of the clerk to the transcript and copy of the state of demand and other documents and proceedings shall be sufficient.

Fees that shall be allowed.

17. *And be it enacted*, That in all actions which may be brought in said court, the same fees shall be allowed and paid by the parties thereto, to the judge of said court, and the other officers and attendants thereof as are prescribed to be paid to justices, jurors, constables and others, for like services, by the act entitled "An Act constituting courts for the trial of small causes," and the several supplements thereto; and that, in addition to the fees provided by said act, the said judge shall be entitled to have and receive the additional sum of one dollar for each action which shall be actually tried in said court, to be taxed, paid and recovered in the same manner as the other fees herein allowed; *provided*, that the fees and costs in all actions which may be brought in said court to which the judge of said court, or any of the officers

Proviso.

thereof, or any policeman of said city, when acting in a ministerial capacity in said court, would be entitled in accordance with the provisions of said act, shall be received by the said judge, and, with the exception of the sum of one dollar aforesaid, be by him paid into the treasury of the said city of Newark, for the benefit of said city.

Annual salary to the judge in lieu of fees.

18. *And be it enacted*, That the judge of said court, in lieu of the fees so as aforesaid paid over by him to the city treasury, by way of compensation for his services shall receive the annual salary of sixteen hundred dollars, to be paid to him by the mayor and common council of the city of Newark, out of the treasury of the said city, in quarterly payments to be computed from the day of the appointment of said judge; and the said judge shall make a monthly report to the common council of the city of Newark, of the amount of fees so as aforesaid received by him, in behalf of the city and at the time of making his report, pay the same into the treasury of the said city, and shall give bond to the mayor and common council of the city of Newark in the penalty of two thousand dollars, with two or more sufficient sureties, to be approved by said common council, with condition that he shall and will, well, truly and faithfully do, observe and perform all things, in and by this law required of him.

Compensation of clerk.

19. *And be it enacted*, That the clerk of said court shall receive as compensation for his services, the annual salary of twelve hundred dollars, to be paid to him by the mayor and common council of the city of Newark, out of the treasury of the said city, in quarterly payments, to be computed from the day of the appointment of said clerk.

Common council shall provide suitable rooms for the court.

20. *And be it enacted*, That the mayor and common council of the city of Newark shall provide suitable rooms for the transaction of the business of said court, either in the city hall or elsewhere in the said city of Newark, and shall also procure suitable furniture therefor, and shall provide proper books and other stationery necessary for the use of the said court, and the mayor or chief police officer of the city shall detail for duty in said court room a suitable number of policemen to preserve order therein, which policemen while so engaged shall be subject to the orders of the judge of said court.

Vacancies, how filled.

21. *And be it enacted*, That in the event of the sickness or necessary absence from said court of the (presiding) judge thereof, the same may be held by any one of the judges of the court of common pleas of the county of Essex, to be

designated by the judge of the said "The Mercantile Court," in writing, under his hand and the seal of said court, who during such time as he shall hold said court, shall possess like powers and perform similar duties as hereinbefore prescribed for the judge of said court; in case a vacancy or vacancies shall happen by death or otherwise, in the offices of judge or clerk of said court, then the governor of the state, or in case of his death, or absence or disqualification, the person administering the government for the time being, may make a temporary appointment or appointments until the legislature shall fill such vacancy or vacancies.

Public act.

22. *And be it enacted*, That this act shall be deemed a public act, and shall take effect on the second Tuesday of April, in the year eighteen hundred and sixty-eight.

Passed April 9, 1868.

CHAPTER CCCCXV.

An Act to repeal "An Act to ascertain, by proper proof, the citizens who shall be entitled to the rights of suffrage," approved April fourth, eighteen hundred and sixty-six.

Original act and supplements repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "An Act to ascertain, by proper proof, the citizens who shall be entitled to the rights of suffrage," approved April fourth, eighteen hundred and sixty-six, and a supplement thereto approved March fifth, eighteen hundred and sixty-seven, and another supplement thereto approved April eleventh, eighteen hundred and sixty-seven, be and the same are hereby repealed.

Judges of election.

2. *And be it enacted*, That until the judges of election are duly elected under the acts derived and declared in force by section three of this act, the inspectors of registry and election in office at the passage of this act shall act as judges of election, and possess all the powers and be subject to all the duties and liabilities of judges of election specified in the acts revised by section three of this act, except where otherwise specified in any act providing for elections in any city of this state.

3. *And be it enacted*, That all acts regulating elections in this state, and the qualifications of voters in this state, in force before the passage of the first act in the preceding section mentioned, be and the same are hereby revived and declared to be in full force and effect the same as if the act and the several supplements thereto hereby repealed had not been passed. Former acts revived.

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

Passed April 9, 1868.

CHAPTER CCCCXVI.

An Act to repeal "A Further Supplement to the act to regulate Elections," approved March ninth, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "A Further Supplement to the act to regulate elections," approved March ninth, eighteen hundred and sixty-six, be and the same is hereby repealed. Supplemental act repealed.

2. *And be it enacted*, That the laws regulating the times of holding elections in this state, in force before the approval of the act in the first section mentioned, be and the same are hereby revived, and declared to be in full force and effect the same as if the act hereby repealed had not been passed. Laws to stand revived.

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

Passed April 9, 1868.

CHAPTER CCCCXVII.

An Act to confirm the settlement of the estate of John R. Thomson, deceased.

Preamble. WHEREAS, by the last will and testament of John R. Thomson, late of Princeton in this state, deceased, the testator after giving certain other legacies and directions did direct substantially as follows, to wit: that from the residue of his estate there should be paid a certain annual sum to his wife, and then gave her discretionary power, by her last will and testament, to appoint the portion of his estate so appropriated to raise by its income said annual sum, to and amongst the children of his sisters, Caroline Norris and Amelia Read and their children, or to and among his three sisters, Caroline, Adeline and Amelia, and their children and grandchildren, and his brother Edward, as his said wife might choose, and if the income of the estate after paying the other bequests, should exceed the annual sum given to his wife, the testator gave her discretionary power by her will to give and devise the same among such benevolent, religious or charitable institutions as she might think proper; and in default of such limitations and appointments, and so far as the same should not extend, gave the residue to his said three sisters and brother, they being the residuary legatees; and whereas, a settlement of said estate between the said widow and the said residuary legatees has been agreed upon and made, whereby, amongst other things, the said widow hath agreed to release and surrender, and hath released and surrendered the said powers of disposition by will, so far as the same may affect any part of said estate not given to her for her own use in and by said settlement; and whereas, it is desirable that said settlement should be confirmed and established as a family settlement of said estate; therefore,

Confirmation of settlement. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said settlement be and the same is hereby confirmed and established, and that the said powers of appointment and disposition in and by said will given to said widow, except as to that portion of said estate which hath been assigned to her in said settlement, be, and

the same are, and are hereby declared to be, severally and respectively ended and determined, and that the surviving executors and trustees of said will be authorized to carry out and effect the said settlement.

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

Approved April 10, 1868.

CHAPTER CCCCXVIII.

An Act to revise and amend the charter of the Town of Lambertville.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that district of country in the county of Hunterdon, as now established by law, shall continue to be a town by the name of the town of Lambertville, and all the inhabitants of this state within the limits aforesaid, and their successors forever, shall be a body politic and corporate, in law and in fact, by the name of "The Inhabitants of the Town of Lambertville," and that by that name they and their successors forever shall have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal and alter the same at their pleasure, and also by their corporate name aforesaid shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the personal use of the said corporation; and that the said "The Inhabitants of the Town of Lambertville," 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, liberties, franchises and jurisdiction, property, rights, causes of action and estate whatsoever, both in law and equity, in possession, reversion and remainder, which, at the

Town limits declared.

Corporate name.

time of the passing of this act, are vested in or belong to the town of Lambertville, as now incorporated, by the name of "The Inhabitants of the Town of Lambertville," in the same manner and to the same extent as they are vested in or belong to the said the inhabitants of the town of Lambertville as now incorporated.

Chief executive officer.

2. *And be it enacted*, That the mayor shall be the chief executive officer of the said town, and shall by virtue of his office be a member of the common council and the presiding officer thereof, and shall possess the powers and privileges and perform the duties which are hereinafter specified; he shall be elected for the term of one year, at the annual town election, and shall receive such compensation for his services (not exceeding one hundred dollars per annum) as the common council shall by ordinance direct.

Number of councilmen.

3. *And be it enacted*, That the common council of said town shall consist of six members, besides the mayor; that the mayor and common council shall constitute the commissioners of appeal in cases of taxation for the said town.

Board of school trustees.

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4. *And be it enacted*, That the board of trustees of public schools of said town shall consist of three trustees, who shall hold their offices for three years; *provided*, that at the first election under this act one trustee shall hold office for one year, one for two years, and one for three years (to be designated by lot); and the said town shall, at the annual town election, elect one person as trustee of public schools, who shall hold such office for the term of three years, and may also elect to fill an unexpired term if such vacancy exists.

Annual elections shall be by ballot.

5. *And be it enacted*, That an election by ballot shall be held annually on the second Monday of April in the said town, between the hours designated by law for holding the annual state election, at such place as the common council shall appoint, of which place the town clerk shall give notice by advertisement, under his hand, set up at three of the most public places in said town, or published in a newspaper of said town, at least one week previous to the day of such election, at which election there shall be elected in and for said town one mayor, six members of the common council, one school superintendent, one constable, one chosen freeholder, one assessor, one collector, one town clerk and one overseer of the poor, and one judge and two inspectors of election, who shall hold their offices respectively for the term of one year, and one trustee of public schools, who shall hold his office for

Officers that shall be elected.

the term of three years; and justices of the peace of said town shall be elected at the time prescribed by this act for the election of town officers.

Annual town elections, by whom conducted.

6. *And be it enacted*, That the aforesaid annual town election in said town, shall be held and conducted by the judge, inspectors of election, and clerk of the said town, in the same manner and under the same regulations in all things as prescribed by law for the state elections for members of the legislature, except as hereinafter provided.

Persons that shall be entitled to vote.

7. *And be it enacted*, That every person who would be entitled by the laws of this state to vote at an election for members of the legislature, if held on that day, and who is at the time an actual resident of said town, shall be entitled to vote at such election in the said town, but not elsewhere, for any and all officers to be chosen at such election.

Certificates of election to be made.

8. *And be it enacted*, That immediately after closing the polls at every town election, the board of election shall count the votes given for the several candidates, and make a certificate thereof under their hands, attested by the town clerk, who shall be clerk of said board, and the persons having the greatest number of votes, shall be declared elected to the offices for which they were voted for respectively, and said clerk shall, within five days next after such election, send a notice of his election to each of the persons so elected, and shall lay the aforesaid certificate before the common council at their first meeting thereafter, and the same shall be by them filed in the said clerk's office; and if at any election for offices authorized by this act, any officer or officers shall not have been chosen by reason of two or more candidates having received an equal number of votes, such office shall be declared to be vacant, and shall be filled as hereinafter prescribed.

None but electors and residents eligible to office.

9. *And be it enacted*, That no person shall be eligible to any office at any such election unless he shall then be an elector and resident of said town; and when any officer elected at any such election shall cease to reside in said town his office shall thereby become vacant, and such vacancy shall be filled in the manner hereinafter prescribed.

Commencement of term of office.

10. *And be it enacted*, That the term of office of the chosen freeholder and justices of the peace of the said town shall commence at the time or times provided by law, and the term of office of all other officers elected at the annual town elec-

tion as herein provided shall commence on the third Monday of April of each year.

Elections to fill vacancies or for full term to be designated on the ballot.

11. *And be it enacted*, That if at any annual town election in said town there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person voted for, for said office is intended, shall be designated on the ballot; and if any person who shall be elected to any office at the annual town election shall not qualify according to law for the space of twenty days after such election, or if any person who shall be elected or appointed to fill any vacancy in any of the said offices shall not qualify according to law for the space of twenty days after such election or appointment, his office shall be deemed vacant; and that in case of death, resignation, inability, disqualification, removal from office, neglect or refusal to act, or removal out of the town of any of the officers thereof, or any vacancy in any office (except justice of the peace) it shall be lawful for the common council to appoint others in their stead until the next town election, or in the case of appointed officers, until the regular period for appointment, who shall during the said time perform the like services, be entitled to the same fees and be subject to the same responsibilities as though elected at the annual election or appointed at the regular time; *provided*, that all resignations shall be sent to the mayor, and he shall report the same to the common council at its next meeting thereafter.

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Time of opening and closing polls.

12. *And be it enacted*, That all elections hereafter to be held in said town for any officer or member of the state or general government shall be held at the place therein appointed by the common council for holding the town elections, on the day or days which now are, or hereafter may be, designated for holding such elections; the polls shall be opened and closed at the hours prescribed by the laws of this state, and the judges and inspectors shall preside at and conduct all such elections, and the clerk of said town shall be clerk of such election; and such election shall be conducted according to the laws of this state regulating elections.

Powers, authority and compensation of judges and inspectors.

13. *And be it enacted*, That the said judge and inspectors of election shall take the same oaths, and conduct such election, and make returns thereof, except as hereinbefore provided in reference to the annual town election, in the same manner as township officers of elections are or may be by law

required to do; and shall be vested with the same powers and authority, entitled to the same compensation, and perform the same duties, and be subject to the same penalties as the like officers of the townships of this state are or may be by law vested with, allowed, or subject to; and in case of the absence, death, incompetency, or refusal to serve of any of the said officers of elections at any election provided for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the townships of this state; and the clerk of said town shall procure election boxes for the use of the said town in such manner, and of such description as are required to be procured by the township clerks of this state, and be subject to the same penalties as township clerks are subject for neglecting to procure such boxes and keeping them in repair.

Officers that shall be appointed by council.

14. *And be it enacted*, That the common council, by a majority of the whole number of members, shall have power to appoint annually a town surveyor, a clerk of the market, a town marshal, a town solicitor, a street commissioner, a sealer of weights and measures, a pound keeper, policemen and such other subordinate officers not herein named, as they shall deem necessary for the better ordering and governing the said town, and carrying into effect the powers and duties conferred and imposed upon the common council by this act.

Officers to take oath or affirmation.

15. *And be it enacted*, That every person elected or appointed to any office in pursuance of this act, or of any law or ordinance of the common council, shall before he enters upon the duties of such office take and subscribe an oath or affirmation, faithfully and impartially to execute the duties of his office to the best of his knowledge, skill and ability, and such other oaths as may be required by the laws of this state; all such oaths and affirmations shall be filed by the town clerk in his office; the town treasurer, superintendent of schools, collector, constables, and such other officers as the common council may require, shall also before entering upon their duties, each give bond to the town, in its corporate name, in such sum and with such sureties as the common council may approve, or as may be required by any act of the legislature of this state, conditioned for the faithful performance of the duties of their respective offices, and if at any time the common council shall deem the sureties of any such officer insufficient, they shall require him to give additional security.

16. *And be it enacted*, That any town officer may be re-

Causes for removal from office.

moved from office by resolution of common council for malfeasance, nonfeasance, disability or other good cause shown upon complaint in writing to the common council, setting forth such cause, and supported by one or more affidavits of the truth of

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the facts therein alleged; *provided*, that no such removal shall take place until the person sought to be removed has had an opportunity to be heard in his defence, nor unless two-thirds of all the members of the common council shall vote for

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such removal; *and provided further*, that police officers may be removed in such manner as shall be prescribed by ordinances of the common council.

Council to determine the rules of its own proceedings, &c.

17. *And be it enacted*, That the common council shall appoint its times and places of meeting, determine the rules of its own proceedings, be sole judge of the election returns and qualification of its own members, keep a journal of its own proceedings, and may punish or expel a member for disorderly conduct or a violation of its rules, but no expulsion shall take place, except by the vote of two-thirds of all the members elected, nor until the delinquent member shall have had five days notice of the proceeding, and an opportunity to be heard in his defence, and the first meeting of the common council after the annual election, shall be held on the third Monday in April of each year, and in the absence of the mayor at any meeting of the common council, they may appoint a president pro tempore.

Duties of clerk.

18. *And be it enacted*, That the town clerk shall be the clerk of the common council; he shall keep accurate minutes of the proceedings of the common council, and record the same in a book provided for that purpose and shall perform such other duties as may be prescribed for him by the common council.

Ordinances how passed and repealed.

19. *And be it enacted*, That a majority of the whole number of the members of the common council shall constitute a quorum for the transaction of business, and no ordinance shall be passed, or license granted by the common council, except with the concurrence of a majority of all the members of the common council, and no ordinance shall be altered or repealed, save by ordinance to that effect; every ordinance shall be read three times before its final passage, and no ordinance shall be finally passed until a subsequent meeting to that at which it may be introduced, but each and every ordinance so passed as aforesaid shall be published for ten days in a newspaper printed and published in said town; if there

should be no newspaper published in said town at the time of the passing of such ordinance, then the same to be published for a like space of time in a newspaper printed and published in Flemington, in said county, at least once a week before the same shall take effect; *and provided*, that whenever the common council shall cause a revision of the ordinances of the town to be made, and shall direct the same to be published in a printed volume, it shall not be necessary to publish such revised ordinances in a newspaper; *also provided*, that the licensing of small shows and exhibitions may be under the control of a committee of the common council, appointed by them for that purpose. Proviso. Prov'so.

20. *And be it enacted*, That the enacting clause of all ordinances shall be "The Inhabitants of the town of Lambertville do ordain." Enacting clause.

21. *And be it enacted*, That the common council shall have power within the said town to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws, for the following purposes: Powers of council.

To manage, regulate and control the finances and property, real and personal, of the town; Finances.

To prevent vice, drunkenness and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages; To preserve order.

To restrain and suppress disorderly and gaming houses, and houses of ill fame; all instruments and devices for gaming, and to prohibit all gaming and fraudulent devices; To suppress gaming houses.

To license and regulate restaurants, victualing houses or cellars, ale and lager beer saloons, or gardens, wholesale liquor dealers, billiard tables, bowling alleys and ball alleys, and to prohibit the keeping the same, except by persons duly licensed; Licenses.

To prohibit, restrain, regulate, and license all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and exhibitions for money, and fix the sums to be paid for such licenses to the town treasurer; Exhibitions.

To ascertain and establish the boundaries of all streets, avenues, highways, lanes and alleys in said town, and prevent and remove all encroachments upon said streets, avenues, highways, lanes and alleys; Streets and avenues.

To regulate, clean and keep in repair, the streets, highways, avenues, lanes, alleys, and bridges in said town, and to Obstructions and incumbrances to be removed.

prevent and remove obstructions and incumbrances in and upon all streets, highways, sidewalks, crosswalks, bridges, sewers, drains, aqueducts and water-courses, in any manner whatever; to prescribe the manner in which corporations, firms or persons shall exercise any privilege granted to them in the use of any street, avenue, highway or alley in said town, or in digging up any street, avenue, highway or alley, for the purpose of laying down pipes, or any other purpose whatever, and to prohibit and prevent any such use or work at such times and seasons of the year as they may designate; to direct and regulate the planting, rearing, trimming and preserving of ornamental, shade or other trees in the streets, avenues, parks and grounds of the town, and to authorize or prohibit the removal or destruction of such trees, and to enforce the removal of snow, ice or dirt from the sidewalks and gutters by the owners or occupants of the premises fronting thereon;

Sidewalks and gutters.

To widen, level, grade, flag or reflag, curb or recurb, gutter or regutter, pave or repave, with brick, stone, plank or other material, as the council may direct, or gravel the sidewalks and gutters in any street, avenue, highway, lane or alley, or section or sections thereof; to prescribe the manner in which any such work shall be performed, and the mode in which the expense thereof shall be ascertained, and to cause such expense to be assessed on the adjoinining lots, whether improved or unimproved, and to determine the time in which such assessments shall be collected;

Expenses of draining, &c., to be assessed.

To direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in said town, which shall be deemed dangerous or unwholesome, or necessary to carry out any improvement authorized by this act; to prescribe the manner in which the said work shall be performed, and to cause the expense thereof to be assessed on such lots, tracts, pieces or parcels of ground, whether improved or unimproved, and to determine the time and manner in which such assessment shall be collected;

Erection of stoops, cellar doors, &c., to be regulated.

To prevent or regulate the erection of any stoop, step, platform, bay-window, cellar door, area, descent into a cellar or basement, sign or any post or erection, or any projection or otherwise, in, over or upon any street or avenue, and to remove the same where already erected, at the expense of the owner or occupant of the premises;

To prevent and punish horse racing and immoderate driv-

ing or riding in any street, avenue or highway of said town, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street, avenue or highway of said town; To prevent immoderate driving or riding.

To prohibit the driving any drove or droves of cattle, horses or sheep through any of the streets of the town on the first day of the week, commonly called Sunday, and to regulate the same at other times; To prohibit driving droves of cattle, &c., on Sunday.

To regulate, protect and improve the parks, public burial grounds, and other public grounds in said town; Parks and public grounds.

To provide lamp and gas fixtures, and to light the streets, parks and public places of every description in said town; Lighting streets, &c.

To make and regulate wells, pumps, aqueducts and cisterns in the public streets, and to provide for furnishing the town with a good supply of pure and wholesome water; To provide water and regulate the same.

To establish and regulate one or more pounds; to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and other poultry, and the trespassing of horses, cattle, swine and other animals, geese and other poultry on private property, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding and sale; To regulate pounds.

To regulate and prevent the running at large of dogs; to authorize the destruction of dogs running at large, and to impose taxes on the owners of dogs; To prevent dogs running at large.

To locate, regulate and remove slaughter houses, establish and regulate public markets, license and regulate butchers, designate the places and manner of selling meats, fish, fruits and vegetables, and to prohibit persons from selling such articles without license; To regulate public markets.

To prescribe and regulate the places of vending or exposing for sale, wood, hay, straw and other articles from wagons or other vehicles; To regulate vending of articles from wagons, &c.

To regulate or prohibit any practice having a tendency to frighten animals or to annoy persons passing in the streets or on the sidewalks in said town; To prevent the frightening of animals.

To restrain and punish drunkards, vagrants, mendicants and street beggars; To prevent street beggars and vagrants

To establish a board of health, define its powers and duties, and provide for the protection and maintenance of the health of the town; To establish a board of health.

To prescribe the manner in which all contracts for perform- Contracts.

ing work or furnishing materials for the town shall be made and executed;

To abate or remove nuisances.

To abate or remove nuisances of every kind, and to require the owner or occupant of any grocery, cellar, tallow chandler's shop, butcher's stall, slaughter house, soap factory, tannery, stable, privy, hog-pen, sewer, or other offensive or unwholesome house or place, lot or enclosure, to cleanse, remove or abate the same, or in a summary manner to cause the same to be done at the expense of the owner or occupant thereof;

To regulate interments.

To regulate the burial of the dead, prohibit interments within such limits as it may prescribe, purchase land for public burial places, direct the keeping and return of bills of mortality, and to establish such regulations for conveying the dead through the streets of said town as the health, quiet and good order of the town may in their opinion require;

To license cabs, stage and truck owners, &c.

To license and regulate cartmen, porters, hack, cab, omnibus, milk wagon, stage and truck owners and drivers; carriages and vehicles used for the transportation of passengers and merchandise, goods, or articles of any kind; auctioneers, common criers, hawkers, pedlars, pawnbrokers, junk shop keepers, sweeps and scavengers, and to fix the rates of compensation to be allowed to them, and to prohibit unlicensed persons from acting in such capacities;

To regulate auctions, &c.

To regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

To prohibit public bathing.

To regulate or prohibit swimming or bathing in the waters of or bounding the town;

To regulate weights and measures.

To regulate weights and measures in conformity with the standard of weights and measures established by law, and to require every merchant, retailer, trader and dealer in merchandise, or property of any description which is sold by measure or weight, to cause their weights and measures to be sealed by the town sealer, and to be subject to his inspection;

To establish day and night police.

To establish, regulate and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and their compensation;

To regulate and control a fire department.

To regulate and control a fire department; to regulate and define the manner of the appointment and removal of the officers and members of the fire department; their duties and their compensation, to provide fire engines

and other apparatus, and engine houses and other places for keeping and preserving the same, and to provide water for extinguishing fires;

To regulate and control the manner of building dwelling houses and other buildings, and to prohibit within certain limits to be from time to time prescribed by ordinance, the building or erection of any dwelling house, store, stable, or other building of wood or other combustible material; to regulate the construction of chimneys, and to compel the sweeping thereof; to prevent the setting up or construction of furnaces, stoves, boilers, ovens, or other things, in such manner as to be dangerous; to prohibit the deposit of ashes in unsafe places; to authorize any town officer, or person or persons whom they may designate for that purpose, to enter upon and inspect any place or places for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to direct or cause the same to be made so at the expense of the owner or owners; To regulate and control the building of dwelling houses and other buildings.

To regulate or prohibit the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale or use of fireworks and the use of fire-arms in said town; to regulate or prohibit the keeping and conveying gunpowder, camphene, spirit gas, petroleum, benzine and other dangerous materials, and the use of candles and lights in barns, stables and other buildings, to raze or demolish any building or erection, which by reason of fire, contagion or any cause, may become dangerous to human life or health, or tend to extend a conflagration; to require all such further or other acts to be done, and to regulate and prohibit the doing all such further or other acts as they may deem proper to prevent the occurrence and provide for the extinguisment of fires in said town; To do all acts necessary to prevent the occurrence and provide for the extinguishment of fires.

To adopt all legal and requisite measures for levying and collecting the taxes; Taxes.

To prescribe and define the duties of town officers, where not otherwise prescribed by law, and their compensation, and the penalty or penalties for failing to perform such duties and to prescribe the bonds and sureties to be given by the officers of the town for the faithful disharge of their duties and the time for executing the same, in cases not otherwise provided for by law; To prescribe the duties of town officers.

To fix and determine a reasonable compensation to be paid to any officer of said town or other person employed by them To fix compensation when specific fee is not provided for.

for any services required of him by this act, or by any ordinance or resolution passed by them for which no specific fee or compensation is provided to be paid by the person or persons for whom such services shall be performed.

Power to establish such other ordinances as may be necessary.

22. *And be it enacted*, That the common council shall have power to make and establish such other ordinances, rules, regulations and by-laws, not contrary to the laws of this state or of the United States, as they may deem necessary to carry into effect the powers and duties conferred and imposed on them by this act, or by any other law of this state, and such also as they may deem necessary and proper for the good government, order, protection of persons and property, and for the preservation of the public health and prosperity of said town and its inhabitants, and the same to alter, modify, amend and repeal; *provided*, that the canal and railroad and their appendages in said town shall be maintained and used as they now are, without interference from the said common council; but this proviso, that nothing herein contained shall affect the right to tax any property of the canal or railroad companies that is now or shall be by law subject to taxation.

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May prescribe penalties for violation of ordinances.

23. *And be it enacted*, That in all cases where by the provisions of this act the common council have authority to pass ordinances on any subject they may prescribe a penalty or penalties for violation thereof, either by imprisonment not exceeding seven days, if in the town jail, or by fine not exceeding one hundred dollars or both; the book of records of the ordinances and by-laws of the said common council shall be taken and received as evidence of the due passage by said common council of all ordinances and by-laws recorded therein; and further the volume of ordinances and by-laws printed and published by authority of the common council shall in like manner be taken and received as evidence of the ordinances and by-laws of the said common council, and the publication of the said ordinances and by-laws in the public newspapers according to law shall in all cases be presumed to have been made until the contrary be proved.

May build and maintain a town hall.

24. *And be it enacted*, That the common council shall have power to build and maintain a town hall and such other buildings as they may deem necessary for the accommodation of the town officers and the day and night police of the said town, and for the purposes of a town jail.

May build workhouses and almshouses.

25. *And be it enacted*, That the common council shall have power to build, establish keep and maintain one or more workhouse or workhouses, and one or more almshouse or alms-

houses for the relief of the poor; and the said common council shall have power by their ordinances to regulate the said houses, and to direct or order what persons shall be placed therein, and for what length of time, and the manner of ordering, placing and keeping persons therein; the application and expenditure of all moneys raised for the maintenance and relief of the poor of the said town shall be under the government, management and direction of the said common council and of the overseers of the poor, and such other officers as they shall for that purpose constitute and appoint; and the overseers of the poor shall possess the powers and perform the duties of the like officers of the townships of this state, so far as such powers and duties shall be consistent with the provisions of this act.

Power to grant licenses vested in the council.

26. *And be it enacted*, That the sole and exclusive power to grant licenses to persons to keep inns and taverns within said town shall be vested in the common council on such terms and under such limitations, regulations and restrictions as the said common council shall by their ordinances impose.

May borrow money.

27. *And be it enacted*, That the common council shall have power to borrow money from time to time for all purposes for which they are authorized to raise money by tax by this act so that the whole indebtedness of the town shall not exceed the sum of five thousand dollars, exclusive of the debt now owing for volunteer and bounty purposes, and the liabilities of the town on the bonds which may be hereafter issued to the water company, and to secure the payment thereof by bond or other instrument under the common seal of the town and the signature of the mayor and treasurer, and to provide by tax for the payment thereof; *provided*, that all such loans shall be authorized by an ordinance of said common council, which ordinance shall distinctly specify and provide the object or objects for which said loan is authorized, the ways and means exclusive of loans to pay the principal of such loans within ten years from the time of the contracting of the debt, and also the interest of such loan annually, which ordinance shall be irrepealable until such debt be paid; *and provided*, such bonds or other instruments shall not be disposed of at less than their par value.

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Proviso.

Mayor to preside at meetings of council.

28. *And be it enacted*, That it shall be the duty of the mayor to preside at all meetings of the common council, to call extra or special meetings thereof whenever deemed advisable by him, or when requested in writing by any two mem-

bers of council, to keep the corporate seal of the town, to cause the laws and ordnances to be duly executed and enforced, and to exercise a supervision over the official acts of the subordinate officers of the town, and to report any dereliction of duty to the common council, and generally to perform all such duties as may be required of him by law or the ordinances of said town; he may, under the direction of the common council, offer rewards for the detection or apprehension of the perpetrators of any offences against the town ordinances, or of any high crime or misdemeanor committed within the town.

Judicial powers of mayor.

29. *And be it enacted*, That the mayor is hereby invested with all the powers, functions, and authority of a justice of the peace of the state of New Jersey, as to all criminal matters arising in said town, and also as to all offences against any of the ordinances, by-laws, and police regulations of said town, and is hereby authorized to try any person charged with offending against any of the said ordinances, by-laws, and police regulations of said town, and is authorized on witnessing any breach of the peace, or witnessing any one offending against the ordinances, by-laws, and police regulations of said town, forthwith to commit the offender for a hearing, without the issuing of any warrant or process; and that for the purpose of quelling any insurrection, riot, disturbance, or disorderly assemblage, he shall have control of the marshals, constables, watchmen, and the police force of said town, and the power to call upon the citizens for aid in all such cases, and when he shall deem it proper, to call out the militia of the said town, and employ the same in quelling any insurrection, riot, or disturbance of the peace.

Chosen freeholder, &c., to have power of township officers.

30. *And be it enacted*, That the chosen freeholder, commissioners of appeal in cases of taxation, school superintendent, overseer of the poor, assessor, collector, constables and town clerk, elected or appointed as aforesaid, shall respectively possess the powers and perform the duties of the like officers of any township of this state, so far as such powers and duties shall be consistent with the provisions of this act; and the judge and inspectors of election of said town shall respectively possess the powers and perform the duties of the like officers of any township of this state, to the same extent and in the same manner in all respects, so far as such powers and duties shall be consistent with the provisions of this act.

Duties of the treasurer.

31. *And be it enacted*, That the town treasurer shall receive

all moneys belonging to the town, and shall deposit and keep the same as directed by the common council, and shall keep an account of all receipts and expenditures in such manner as the common council shall direct, and shall perform such other duties appertaining to his office as may be required of him by law, or by any ordinance or resolution of the common council; the said treasurer shall, at the close of the fiscal year, make out a true and full account of the receipts and expenditures during the year, and also the state of the treasury, and within twenty days thereafter deliver said accounts to the town clerk, who shall lay the same before the common council at their next meeting, and if upon examination it shall be found correct, it shall be filed in the office of the town clerk; and it shall be the duty of the said treasurer to cause a statement of the moneys received by tax, loan or otherwise, and of the expenditures of the same, to be published in a newspaper printed and published in said town, at least ten days before the annual town election; the fiscal year shall commence on the first day of March in each and every year.

Duties of the town clerk.

32. *And be it enacted*, That the town clerk shall keep all the records, books, papers and documents of the town, countersign all licenses signed by the mayor, and keep the record of the proceedings of the common council; he shall engross all the ordinances of the common council in a book to be provided for that purpose, with a proper index, which book shall be deemed a public record of such ordinances; and each ordinance shall be signed in said book by the mayor or president pro tempore of the common council and said clerk; and copies of all papers duly filed in the office of the town clerk, and transcripts thereof, and of the records and proceedings of the common council, and copies of the laws or ordinances of said town, certified by him under the corporate seal of said town, shall be evidence in all courts and places; he shall also receive and pay over to the treasurer all moneys which by any law, ordinance or usage are paid to the town clerk.

Powers of officers.

33. *And be it enacted*, That the street commissioner, town surveyor, town solicitor, clerk of the market, town marshal, town sealer of weights and measures, and all officers appointed by the common council, shall possess the powers and be subject to the obligations conferred and imposed on them by law, or by the ordinances, by-laws, rules and regulations of the common council; and on application for that purpose, the secretary of state of this state shall allow and assist the said town seal-

er of weights and measures to compare and adjust the standard of weights and measures for said town, and shall certify and seal the same in the manner required by "An Act to establish a uniform standard of weights and measures in this state."

Street commissioner.

34. *And be it enacted*, That the street commissioner shall have all the powers and perform all the duties appertaining to overseers of the highways by virtue of the laws of this state, subject to such regulations as the common council may ordain.

Mayor to have power of police justice, &c.

35. *And be it enacted*, That every justice of the peace of said town, as well as the mayor thereof, is hereby authorized to act as police justice, and to hear and determine all causes arising under this act or any ordinance of said town; and the court held by the mayor or any justice of the peace, under or by virtue of this act, shall be a court of record, and vested for the purposes mentioned in this act, with all such power as is usual in courts of record of this state.

May issue process for breach of ordinances.

36. *And be it enacted*, That the mayor and justice of the peace of said town shall be empowered on oath or affirmation, made according to law and filed in his office, that any person or persons has or have been guilty of a violation of any of the ordinances of the said town to issue a process, either in the nature of a warrant or a summons, against the person or persons so charged, which process shall, when in the nature of a warrant, be returnable forthwith, and, when in the nature of a summons, be returnable in not less than five or more than fifteen days; that such process shall state specifically what ordinance the defendant or defendants named therein has or have violated, the time when and in what manner the same has been violated; and that on return of such process, or at the time to which the justice or mayor shall have adjourned the same, the said justice or mayor shall proceed to hear testimony, and to determine and give judgment in the matter without the filing of any pleadings; and that the justice or mayor shall, if the defendant or defendants be adjudged before him to be guilty of such violation, forthwith issue execution against the goods and chattels and person of the defendant or defendants for the amount of fine imposed, with costs, or shall commit said defendant or defendants to the town jail or county jail, as the case may be, if judgment or imprisonment shall have been pronounced and given by said justice or mayor for such violation; *provided*, that in all cases where a person shall be complained of for doing, or causing to be done,

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without license or permit first had, any act or thing for the doing of which this act, or any ordinance passed in pursuance thereof, requires license or permit to be first had or taken, the person so complained of shall be entitled to demand and have a trial by jury, and the mayor or justice before whom the complaint is made shall issue a venire for a jury, if demanded by the defendant, directed to any constable of said town, who shall duly serve and execute the same as in other cases; but that this proviso shall not extend to exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and exhibitions for money.

Duty of the jail keeper.

37. *And be it enacted*, That it shall be the duty of the keeper of the jail of the county of Hunterdon to receive and safely keep every person who shall have been committed by the mayor or any justice of the peace of said town to said county jail, under the authority of the last preceding section, and of any ordinance of said town.

Marshal and police to have powers of constables.

38. *And be it enacted*, That the town marshal and policemen appointed by the common council, shall in addition to the authority conferred upon them by the ordinances, by-laws, rules and regulations of common council, possess and have all the powers of constables, within the town limits, for the purpose of preserving the peace and enforcing the ordinances of the town, and may make arrests on witnessing the violation of any of the ordinances of the town, and confine the offender in the town jail until a hearing can be had.

School superintendent and trustees to prepare estimate of moneys necessary for public schools.

39. *And be it enacted*, That the superintendent and trustees of public schools of the town of Lambertville shall prepare and transmit to the common council of the town of Lambertville, on or before the first day of May, in each year, an estimate of the amount of moneys necessary for the support of public schools in said town during the year, which estimate shall specify particularly under the several heads of repairs of school houses, salaries of teachers, school books, school furniture and school libraries, stoves and fuel, and incidental expenses, as nearly as may be, the several sums required for each branch of expenditure; and the said common council shall determine by resolution the amount of money to be appropriated to public schools during the year including therein the quota of the town of Lambertville, of the annual appropriations made by the state for the support of public schools, as they may deem expedient and necessary; and all moneys

so raised and appropriated, shall be expended for the support of public schools in the town of Lambertville and whenever the said superintendent and trustees shall with their annual estimate aforesaid, represent to the common council that it is expedient to purchase land and erect a school house thereon, with the estimated cost thereof, common council shall have power to raise the whole or any part of the money required for such purpose, either by tax, to be included in the next general assessment for town purposes, and when collected or borrowed, it shall be paid over to the superintendent of public schools, to be applied for the object aforesaid.

To make report.

40. *And be it enacted*, That the said superintendent and trustees shall, at the close of the fiscal year, prepare a report embracing the number of schools under their charge, the number and names of the teachers, the number of pupils on the rolls, and the average attendance in each school, and a full and true account of expenditures of said board during the year, under the respective heads of expenditures in the preceding section named, and shall transmit the said annual report to the common council, and a copy thereof to the state superintendant of public schools.

Treasurer to pay over moneys for school purposes.

41. *And be it enacted*, That the town treasurer shall, in each year, pay over to the said school superintendent, such sums of money as the common council may have ordered to be raised by tax for the support of public schools in said town.

Duties of assessor.

42. *And be it enacted*, That it shall be the duty of the assessor of the town of Lambertville, and he is hereby authorized and required to make out a list of the children capable of attending school between the ages of five and eighteen years, and to transmit the same under proper certificate, on or before the first day of October, annually, to the superintendent of public schools of the town of Lambertville; and the number of children as aforesaid shall be duly certified by the superintendent and trustees of public schools to the board of chosen freeholders of the county of Hunterdon, at their annual meeting next succeeding the return of said list aforesaid, and the quota of the town of Lambertville in the apportionment of the moneys appropriated by law to public schools in this state shall be determined by said board in the ratio of the number of children contained in said lists, in like manner as if the same had been duly ascertained and transmitted to the said board according to the provisions of an act

entitled "An Act to establish public schools," and the supplement thereto; and the sum of two dollars for every one hundred names of children contained in said list respectively shall be allowed to the assessor duly making and transmitting the same, to be paid by the common council out of the treasury of the town.

Raise taxes for lighting streets, &c.

43. *And be it enacted*, That the common council shall have power to raise by tax in each year such sum or sums of money as they shall deem expedient for the following purposes:

I. For lighting the streets of the town.

II. For the maintenance and support of the poor.

III. For regulating, cleaning and keeping in repair the streets and highways, and construction of crosswalks.

IV. For regulating, improving and protecting the public grounds and parks.

V. For the support of public schools, and for erecting and maintaining school houses.

VI. For the support of the police department.

VII. For the support of the fire department.

VIII. For supplying the town with water for the extinguishment of fires and other purposes.

IX. For the support of public markets.

X. For the payment of the interest upon the town debt, and upon temporary loans, and such part of the principal thereof as may be due and payable.

XI. For purchasing necessary real estate.

XII. For contingent expenses of the town, and for all other objects and purposes authorized by this act, to be assessed and collected in such manner as the common council shall by ordinance direct; *provided always*, that it shall not be lawful for the common council to raise by taxation in any one year, in the general assessment for town purposes, an amount of money that shall cause a greater rate than seventy-five cents on the one hundred dollars of the valuation of the real and personal estate of the inhabitants and citizens thereof.

Proviso.

Assessments, how made.

44. *And be it enacted*, That the assessor for the time being of the town of Lambertville, shall annually make the assessment as required by law, between the first day of May and the first day of July, and shall annually, before the first day of August, deliver to every taxable inhabitant of said town, his or her agent, or leave at his or her place of residence in said town, in case the same can be ascertained, a true copy

of the assessment in his tax book assessed to such inhabitant or property holder of said town; *provided*, that such neglect on the part of the assessor shall not make void the assessment, nor relieve the person assessed from liability to pay the same.

Proviso.

Commissioners of appeal, time of meeting.

45. *And be it enacted*, That the commissioners of appeal in cases of taxation, in and for said town, are hereby required to meet on the third Monday of August, annually, and at such other time or times as they may adjourn to, for the purpose of discharging the duties of their office under the act concerning taxes.

Duties of assessor.

46. *And be it enacted*, That the said assessor shall, before the meeting of the board of assessors for the county, make out a new tax book, making in the same whatever alterations or corrections the said commissioners of appeal may have ordered to be made in the assessments, and shall make out his abstract for the meeting of the board of assessors from such corrected tax book; and the said assessor shall, at least one month before the time specified for the meeting of said commissioners of appeal in cases of taxation, give notice of the time and place of said meeting by advertisements set up in at least five of the most public places of said town.

Assessment to be a lien.

47. *And be it enacted*, That all taxes hereafter assessed upon any lands, tenements and real estate in said town, shall be and remain a lien thereon for the amount of such tax, with interest thereon, and all costs and fees for the space of two years from the day on which they shall be returned by the collector as delinquents, notwithstanding any devise, descent or alienation thereof, or any judgment, mortgage or incumbrance thereon; and notwithstanding any mistake in the name or names of the owner or owners, or omission to name the owner or owners of such lands, tenements or real estate, and any assessment of taxes in which such mistake or omission occurs shall be valid and effectual in law; and all taxes of whatever kind hereafter assessed shall be charged with interest at the rate of twelve per centum per annum, from the day they are returned as delinquents; and if any such tax assessed upon any lands, tenements or real estate in said town shall remain unpaid at the end of sixty days from the date of the tax warrant, it shall and may be lawful for the common council to advertise, and if necessary to sell said lands, tenements or real estate for the payment of said taxes, interest, costs, charges and expenses, in the same manner as is prescribed

Interest on unpaid assessments.

by the laws of this state in cases where lands are assessed to persons residing out of this state: *provided*, that the owner, mortgagee, occupant, or any person or persons having a legal or equitable interest in any lands or real estate sold for taxes as aforesaid, may redeem the same at any time within two years from the time of such sale, by paying to the town treasurer, for the use of the purchaser, his heirs and assigns, the said purchase money, together with any other tax or assessment chargeable, and which the said purchaser may have paid, and any sum of money expended in any improvement made by order of the common council, together with the interest of the purchase money, at the rate of fourteen per centum per annum from the time of such sale and expenditure, the deed or declaration of sale to be executed to the purchaser, and filed in the office of the clerk of the town, and delivered to the purchaser after the time for the owner to redeem has expired. Proviso.

48. *And be it enacted*, That it shall be the duty of the collector to return a list of delinquents to a justice of the peace or the mayor of said town, at the time, and in the manner prescribed by and in accordance with "An Act concerning taxes," which said justice or mayor shall issue his warrant in accordance with said act; and it shall be the duty of the collector to execute according to the command thereof, all warrants which shall be and delivered to him as aforesaid, to pay over to the treasurer of the town, from time to time, all moneys received thereon; and within sixty days from the date of any warrant directed and delivered to him, to make a full return and statement in writing to the common council of said town of his proceedings on the same, setting forth particularly the amount of money received by him, the several sums remaining unpaid, and the names of the several persons then in arrears, and the sums due from each respectively; *provided*, that it shall be lawful for the justice or mayor who issued such warrant, or in case of his death, removal from office or other disability, for any other justice of the peace residing in said town, to be appointed by the common council, upon return of any warrant, to issue another for the collection of the sum or sums remaining unpaid, with interest, costs and fees, in like form, and to be proceeded upon in the same manner as hereinbefore mentioned, and so until the whole is collected. List of delinquent tax payers to be made out. Proviso.

49. *And be it enacted*, That it shall be lawful for the com-

Powers of council:

mon council of the town of Lambertville, whenever in their opinion the public good requires it, by ordinance—

To lay out and open streets, &c.

I. To lay out, accept and open any street, road, highway or alley, public park or square within said town; to order and cause any street, road, highway or alley already laid out, or which shall hereafter be laid out, to be vacated, straightened, altered or widened, and to take and appropriate for such purpose any lands and real estate, upon making compensation to the owner or owners thereof as is hereinafter mentioned and provided; and such power shall belong exclusively to the said common council, and they may at their discretion, by ordinance, accept such lands as may be dedicated by the owners thereof as public streets or alleys, and thereupon shall be bound to keep up, repair and maintain the same to the same extent that they may be bound to keep up, repair and maintain streets or alleys laid out by other legal proceedings;

May make sewers.

II. To order and cause sewers or drains to be constructed in any part of said town, and, if necessary, to take and appropriate for such purpose any lands and real estate, upon making compensation to the owner or owners thereof as is hereinafter mentioned and provided;

Grading and paving of streets.

III. To order and cause any street or section of a street to be graded, graveled, paved, flagged, or otherwise improved and regulated, in such manner as they may deem advisable, at the expense of the owners of lands and real estate on the line of said street or section of a street.

Public notice to be given of intended improvements.

50. *And be it enacted*, That no ordinance shall be adopted by the common council for making any improvements, or performing any work under and by virtue of the provisions of the last preceding section of this act, until public notice shall be given of the intention of the common council to cause such improvement to be made or such work to be done and performed, and to that end it shall be the duty of the town clerk, by direction of the common council, to give notice in a newspaper published and circulated in said town of the intention of the common council to cause such improvement to be made or such work to be done and performed, briefly describing such work or improvement, and requesting such persons as may object thereto to present their objections in writing at the office of the town clerk on or before the expiration of ten days from the date of such notice, and at any time thereafter the common council may proceed to consider such ordinance as aforesaid; *provided*, that if there should be no newspaper

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published in the said town at the time, then a similar notice, signed by the town clerk and set up for a like space of time in three of the most public places in said town, shall be sufficient.

Further proceedings under ordinance to be by resolution.

51. *And be it enacted*, That whenever any ordinance shall be passed by the common council for making any improvement or performing any work under and by virtue of the forty-ninth section of this act or either of the sub-divisions thereof, all further acts and proceedings which it may be necessary for the common council to take to carry out said improvement or work to completion, and all orders relating thereto shall be by resolution and not by ordinance.

Lands may be purchased for improvements.

52. *And be it enacted*, That whenever the common council shall determine by ordinance to lay out and open any street, road, highway or alley, public park or square within said town, or to alter, widen or straighten any street, road, highway or alley, or any part of a street, road, highway or alley, or to make any sewer or drain in any part of said town, and to take and appropriate for such purpose any lands and real estate, they are hereby authorized to treat with the owner or owners thereof for the same; and for the purpose expressed in such ordinance they may purchase such lands and real estate of the owner or owners thereof, and make such compensation therefor as they shall judge reasonable, and thereupon shall receive from such owner or owners a conveyance of such lands and real estate to the town, and such compensation shall constitute a part of the whole amount of costs, damages and expenses to be assessed under and in pursuance of the provisions contained in this act.

Proceedings in case city and owners cannot agree.

53. *And be it enacted*, That when the said common council cannot agree with the owner or owners of such required lands or other real estate for the same, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, it shall be lawful for the common council of said town, and they are hereby required to appoint three disinterested freeholders of said town commissioners, to make an estimate and assessment of the damages that any such owner or owners will sustain by laying out, altering or widening any such street, road, highway or alley, or making such drain or sewer, and in estimating and assessing such damages, the said commissioners shall have due regard as well to the value of the land or other real estate, with the appurtenances, as to the injury or benefit of the owner or owners

thereof, by laying out, altering or widening any such street, road, highway or alley, or making such sewer or drain; and it shall be the duty of the said commissioners, after estimating said damages, to assess the amount thereof, together with the sums which may have been agreed upon as the price of any of the lands or other real estate to be taken for such purpose as aforesaid, between the common council and any of the owners of such land or other real estate, fairly and justly upon such lots or subdivisions of lots, as in their opinion will be benefitted by said improvement, specifying said lots and the owners thereof by name so far as they can be ascertained, and the amount assessed upon each lot.

Commissioners to take oath.

54. *And be it enacted*, That the common council on making the appointment aforesaid, shall designate a time and place therein for the meeting of the said commissioners, not less than twenty days from the date of the said appointment, of which time and place the clerk of the town shall give notice, by advertisement in a newspaper published in said town, at least ten days before the time of meeting, and if there is no newspaper published, then like notice for a like space of time under his hand, set up in three of the most public places in the town; and it shall be the duty of the said commissioners, having first taken and subscribed an oath, fairly and impartially to execute the duties imposed upon them by this act, to meet at the time and place appointed and proceed to view the said lands or other real estate, with the appurtenances, and to make a just and true estimate and assessment as aforesaid, and for this purpose the said commissioners shall have power to swear and examine witnesses, and to adjourn from time to time, and shall report their proceedings to the said common council, with the assessment and appraisement aforesaid, which report shall be made in writing under the hands and seals of the commissioners, or any two of them, and filed within thirty days after their first meeting as aforesaid, together with their appointment with the clerk of the town, there to remain of record; and the clerk of said town shall lay said report before the common council at their next meeting thereafter, which report or a copy thereof, certified by the said town clerk, shall at all times be considered as plenary evidence of the power of the common council to enter upon, take and use the said land or other real estate, with the appurtenances, the town treasurer first tendering to the owner or owners thereof, if resident in this state, the amount so

awarded them; but if any such owner is not a resident of the town, or upon due inquiry cannot be found therein, or is a lunatic or idiot or under age, or if for any other lawful cause he is incapacitated to receive the same, or if such owner will not accept the same and sign a proper receipt therefor when tendered, then the said treasurer shall make an affidavit of such facts and file the same with the town clerk; and the common council shall after inquiry into the facts of the case cause the amount to be kept in the town treasury or invested on good security for the use of the person to whom it may be due, and the said moneys shall be paid by the town to the person or persons entitled thereto, on demand, with the interest collected on the same.

Proceedings in case owners will not accept amount of assessment of damages.

55. *And be it enacted*, That the common council of said town shall tax and allow such costs to the commissioners and other persons performing any service required in laying out, altering or widening any public street, road, highway or alley, or making any sewer or drain in said town as they may think reasonable and just, which shall be paid in the first instance by the common council, but which shall be added by the clerk of the town to the amount assessed by the commissioners against the several land owners benefitted by said improvement in proportion to the amount so assessed.

Compensation of commissioners, &c.

56. *And be it enacted*, That it shall be the duty of the common council of said town, within one month after the presentation of the said report, to cause a notice of the proportion of said assessment and costs to be served upon every person his or her guardian, or legal representatives against whom the same is made, and whose residence is in said town, and also to cause a like notice, directed to such of said persons as do not reside in said town, to be inserted in a newspaper of said town for one month, and unless within two months from the presentation of said report, two-thirds of said persons, their guardians or legal representatives, shall file with the town clerk their refusal in writing to agree to such assessments and costs, then the same shall be binding and conclusive on all parties, and shall from thence until paid, be due from said several persons with interest, to said town, and be a lien upon the several lots and subdivisions of lots against which the same is assessed, for the satisfaction of any judgment to be obtained therefor, and the said "The inhabitants of the town of Lambertville," may sue for and recover of each person so assessed, his or her proportion of said assessment, with inter-

Notice of assessment and cost to be served.

est and costs by an action of debt in any court of competent jurisdiction, and if any of said persons reside out of this state a writ of attachment may be resorted to as in other cases of non-resident debtors, and the said proceedings of the said commissioners and common council shall be conclusive evidence against the defendants; but if within two months two-thirds of said persons, their guardians or legal representatives shall file with the town clerk such refusal then no further proceedings to enforce the collection of said assessment shall be had.

Council may abandon proposed improvements.

57. *And be it enacted*, That the said common council may at any time within four months from the presentation to them of said report, determine to abandon such proposed improvement; and upon their so determining, their right to take said land, and the right of the owners thereof, to recover the valuation and damages assessed, shall cease and determine.

Expenses of regulating and paving streets

58. *And be it enacted*, That all public streets and alleys heretofore laid out, or dedicated and accepted by the common council, shall be graded by the common council at the expense of the town; but it shall be lawful for the common council to direct, by ordinance, any public street or alley hereafter to be laid out or dedicated and accepted by the said common council to be graded, and any private street, court or alley to be graded, paved, curbed, and crosswalks laid across the same at proper places, under the supervision of such person or persons as they may designate, and to cause the expense thereof to be assessed on the lots fronting or bordering on such streets, courts or alleys; and the affidavit of said expense by the person or persons appointed to have said work done, filed with the town clerk, shall fix and determine the amount thereof, and the assessment of the proportion of the expenses for which each lot is liable, made, certified, and sworn to, or affirmed to be just, by such person, and filed with the town clerk, shall fix the proportion of the whole expense for which such lot shall be liable; and such expense shall be a lien on each lot against which it may be assessed, for the proportion of said lot fixed by said assessment, and the same may be collected in the way hereinafter provided for the collection of the expense of paving sidewalks in said town.

Grades of streets to be established by ordinance.

59. *And be it enacted*, That it shall be the duty of the common council, as soon as convenient, to establish by ordinance, the grades of the several streets and alleys which now are or may hereafter be opened in said town; and it shall not

be lawful after the same shall have been so established, to alter the grade of any street or alley, except by ordinance, nor shall any such ordinance be passed until the common council shall have caused a notice of such contemplated alteration to be served upon the owners of lots fronting or bordering upon that part of said street or alley, the grade of which is proposed to be altered, or published for two weeks in a newspaper of said town, which notice shall state the time when the common council will proceed to consider said matter, which time shall not be less than two weeks from the time of serving or the first publication of said notice; at the time said matter shall come up for the consideration of the common council, all persons interested may appear and be heard by themselves or their counsel, for or against the alteration proposed; all changes which such alteration or grade may render necessary, in gutters, sidewalks, front fences or other property of any land owner, shall be made by the common council at the time of altering such grade, and said common council shall have a right to recover of any land owner, who was an applicant for such alteration, the expense of making such change in his or her gutter, sidewalks, front fences or other property, together with the costs of suit by action of debt in any court of competent jurisdiction, in the name of "The inhabitants of the town of Lambertville," against such land owner for so much money laid out and expended by them for the use of such owner, and declare generally and give the special matter in evidence.

Expense of flagging, paving, &c., to be a lien on property.

60. *And be it enacted*, That it shall be lawful for the common council, on the application of a majority of the owners of lots fronting or bordering upon any public street or alley, or section of a public street or alley, by ordinance, to direct the said street or alley, or section of a street or alley, and the gutters thereof, to be paved or flagged, either in whole or in part, in such manner as they may deem most advisable, under the supervision of such person or persons as they shall designate for that purpose, and to cause the expense of such work to be assessed by such person or persons upon the lots fronting or bordering on said street or alley, or section thereof, in such proportions as shall seem just to the person or persons superintending such work; and the expense of such work, certified and sworn or affirmed to by the person or persons under whose supervision the same shall have been done, and filed with the town clerk, shall fix and determine

the amount thereof; and the assessment of the proportion of the expense to which each lot is liable, made, certified, and sworn or affirmed to be just, by such person or persons, and filed with the town clerk, shall fix the proportion of the whole expense for which each lot shall be liable, and the amount so assessed against each lot shall be and remain a lien thereon until the same shall have been paid; and it shall be the duty of the common council to enforce the payment thereof in the same manner as is hereafter provided for enforcing the payment of the expense of paving sidewalks; but after any street or alley, or section of a street or alley, shall once have been paved or flagged, then the town shall take charge of and keep the same in repair at the general expense.

Proceedings in case of neglect to comply with any ordinance directing grading, &c., to be done

61. *And be it enacted*, That if the owner or owners of any lot, alley or passageway, in front whereof the sidewalks or gutters shall by any ordinance of the town be directed to be graded, curbed, paved, re-graded, re curbed, re-paved, flagged or graveled, shall neglect to comply with such ordinance for the space of one month from the time of its taking effect, it shall be the duty of the common council to cause the same to be done under the superintendence of such person or persons as they may designate for that purpose, and the expense thereof certified and sworn, or affirmed to by said person or persons and filed with the town clerk, shall be and remain a lien upon said lot until the same shall have been paid, and shall have priority over any recognizance, mortgage, judgment, debt, obligation or responsibility which the said lot may become liable to from and after the passage of this act; and to enforce the payment of the said expenses, the common council may at their option either bring an action of debt in any court of competent jurisdiction, in the corporate name of the town, against the owner or owners of such lot for so much money laid out and expended by them for the use of such owner or owners, and declare generally and give the special matter in evidence, and recover said expenses with costs and interest, from the time of filing the certificate aforesaid with the town clerk; and if any such person or persons resides out of the state an attachment may be issued, as in other cases of non-resident debtors; or having first advertised in a newspaper published in said town for the space of two months, once at least in each week, giving notice of the time and place of sale, together with a description of the lot, and specifying the amount of money so laid out and expended on the same, may

at such time and place sell at public sale the said lot for the lowest term of years at which any person will agree to take the same, not exceeding fifty years, and pay said expenses, with interest thereon from the filing the certificate thereof as aforesaid, and such other expenses as may be incurred by said advertisement and sale; and thereupon the mayor of said town at the request of the said common council shall execute and deliver, under his hand and the common seal of said town a declaration of sale to the purchaser thereof; and such purchaser, his executors, administrators or assigns, by virtue thereof and of this act, shall lawfully hold and enjoy the same for his and their proper use until said term be fully completed and ended, and shall be at liberty to remove all the buildings or materials which he or they shall erect or place thereon; but he or they shall leave said premises at the expiration of the term in as good order and condition as they were at the beginning thereof, natural wear thereof and damages by the elements excepted, and shall pay all taxes which shall be legally assessed thereon during said term; and if the owner or any incumbrancer of said lot shall, within six months after such sale, pay to the said purchaser, his executor, administrators or assigns, the amount of money so by him to be paid to the said town, with the amount paid for any fences erected or made thereon, with all taxes paid thereon by such purchaser or his assigns, and fourteen per centum per annum upon the amount of such payments so made by said purchaser or his assigns, then the said owner or incumbrancer as the case may be, shall be entitled to re-enter and re-possess the said lot in the same manner, to all intents, as if such sale had not been made.

Certificate of expense of work to be filed with town clerk.

62. *And be it enacted*, That in all cases where by the provisions of this act, any person or persons is or are required to file with the town clerk, an affidavit and certificate of the expense of any work done under the authority of this act, or to make, certify, swear or affirm to and file with the town clerk any assessment for work done under the authority of this act, it shall be the duty of such person or persons to file with the town clerk such affidavit and certificate of expense, and to make, certify, swear or affirm to and file with the town clerk such assessment within one month after the completion of said work, under such penalty as the common council shall prescribe for the neglect thereof.

63. *And be it enacted*, That upon the trial of any issue or

Inhabitants not incompetent as witnesses or jurors.

upon the judicial investigation of any fact to which the inhabitants of the town of Lambertville is a party, or in which the town of Lambertville is interested, no person shall be deemed to be incompetent as a judge, witness or juror, by reason of his being an inhabitant or freeholder of said town; and that if any person shall be sued or impleaded by reason of anything done by virtue of this act, it shall be lawful for such person to plead the general issue, and give this act and special matter in evidence at the trial.

Former ordinances in force until repealed.

64. *And be it enacted*, That all ordinances of the said town passed by the common council thereof, under and by virtue of the provisions of the act entitled "An Act to incorporate the town of Lambertville, in the township of West Amwell, in the county of Hunterdon," approved March first, eighteen hundred and forty-nine, and the several supplements thereto, not inconsistent with this act, shall continue in force until altered or repealed by the common council.

Former rights and privileges conferred to be enjoyed under this act.

65. *And be it enacted*, That all the duties and liabilities heretofore imposed by the laws of this state upon the inhabitants of the several townships thereof, so far as the same are consistent with the provisions of this act, shall appertain to and be sustained and performed by the inhabitants of the town of Lambertville, and that all the rights, privileges, emoluments and advantages heretofore conferred by the laws of this state upon the inhabitants of the several townships thereof, so far as the same are consistent with the provisions of this act, shall appertain to, and be held and enjoyed by the inhabitants of the town of Lambertville in like manner as they were or might have been sustained and performed, and held and enjoyed by the inhabitants of the town of Lambertville had this act never been passed.

Former acts.

66. *And be it enacted*, That from and after the passage of this act, all acts and parts of acts inconsistent with or repugnant to this act, be and the same are hereby repealed; but nothing herein contained shall be construed so as to destroy, impair or take away any right or remedy acquired or given by any act hereby repealed; and all proceedings commenced under any such former act shall and may be carried out and completed, and all prosecutions for any offence committed, or penalty or forfeiture incurred, shall be carried on in all respects in the same manner and with the same effect as though this act had not been passed; and the provisions of this act shall not be construed to apply to or in anywise affect

any person who has heretofore been elected to any office at any annual town election, so far as relates to said office, and all officers shall hold their office for the term for which they were elected.

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

Approved April 13, 1868.

CHAPTER CCCCXIX.

A Supplement to the act entitled "An Act for the government and regulation of the State Prison."

Preamble. WHEREAS, it is desirable to promote the permanent reformation of the convicts in the State Prison by incitement to industry, good behavior and self-improvement; therefore,

Daily record of the conduct of prisoners to be kept. 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 the duty of the inspectors of the State Prison to assign to one or more officers thereof the keeping of a correct daily record of the conduct of each prisoner and of his labor, whether satisfactory or otherwise, and it shall be the duty of the keeper to see that the said record is regularly made and preserved under his care.

Tri-yearly reports to be made. 2. *And be it enacted*, That it shall be the duty of the said inspectors to make reports three times in each year from the said record of the conduct and labor of each prisoner; and said inspectors are hereby required to make and deliver a copy of the said reports to the secretary of state, on the Tuesday immediately previous to the meeting of the court of pardons, to be submitted to said court on the first day of their regular meeting, and afterwards filed in the office of said court.

Term of imprisonment may be abated 3. *And be it enacted*, That for every month of faithful performance of assigned labor by any convict, as shown by the said record, there may be remitted to him by the said court of pardons two days of the term for which he was sentenced;

and for every month of continuous orderly deportment, two days; and for manifest effort at intellectual improvement and self-control, one day.

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

Approved April 14, 1868.

CHAPTER CCCCXX.

An Act to incorporate the Jersey Shore Automatic Railroad Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Amariah Lake, William Rice, Jesse S. Lake, John Burroughs, Lucas Lake, Peter B. Risley, Joshua Lake, Nicholas Bowen, Joseph Sharp, together with such persons as shall subscribe to the stock hereby authorized, and their successors, be and are hereby constituted a body

Name.

corporate and politic in law, by the name of "The Jersey Shore Automatic Railroad Company," and by that name shall have power to sue and to be sued, to defend and be defended, in all courts of law and equity, for the purpose of carrying passengers or freight on the Jersey strand, the cars to be drawn either by steam or horse-power; the cars are to be made on the plan of Jesse S. Lake's patent self-track-laying car, said cars to be used on any of Jersey strand bordering on the Atlantic ocean and Delaware bay, between Sandy Hook Point and Goshen Creek.

Shall be subject to prescribed rules within corporate limits of cities, &c.

2. *And be it enacted*, That whenever the said company may employ an engine or engines, or find it necessary to lay a track or tracks upon or along any street, lane, alley or highway within the corporated limits of any city, village or borough, they shall be subject to the rules and regulations which the council and authorities of such incorporated city, village or borough may adopt, and pay such licenses and taxes for the use of such streets and privileges as may be required by ordinance governing vehicles for the transportation of citizens and freight on any such streets, lanes, alleys and highways.

3. *And be it enacted*, That the capital stock of said corporation shall be twenty thousand dollars, and shall be divided into shares of twenty-five dollars each; and the said company may organize and commence operations whenever two thousand dollars shall have been subscribed to said stock; 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. Capital stock.

4. *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 Jesse S. Lake's patent self-track-laying cars, engines, 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 considered necessary for the proper transaction of their business. May hold real estate.

5. *And be it enacted*, That the business of the said corporation shall be conducted by five directors, one of whom shall be president, and one the treasurer; the said directors shall hold their office for 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 corporation shall provide, at which each stockholder shall be entitled to one vote, in person or by proxy, for each share of stock held. Conducted by a board of directors.

6. *And be it enacted*, That at the annual meeting 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 sixteen years, and the principal office of said company shall be at Atlantic City. Annual statement. Principal office, where located.

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

Approved April 14, 1868.

CHAPTER CCCCXXI.

An Act to authorize the Mayor and Aldermen of the city of Paterson to become stockholders in the Citizens' Gas Light Company of Paterson.

Preamble. WHEREAS, it is proposed to construct gas works in the city of Paterson under and by authority of an act entitled "An Act to incorporate the Citizens' Gas Light Company of Paterson," approved March twenty-ninth, eighteen hundred and sixty-five, and it is deemed desirable that the city of Paterson in its corporate capacity should become stockholders therein; therefore,

Mayor and aldermen may become stockholders. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and aldermen of the city of Paterson to subscribe for and to hold stock in said "Citizens' Gas Light Company of Paterson," to such an amount as they may by ordinance prescribe, not exceeding twenty-five thousand dollars, and to provide for the payment thereof by tax, which shall be assessed and collected as other taxes in said city are assessed and collected, which stock shall give to the said mayor and aldermen the same rights and privileges in said company in all respects as individual stockholders have or may have therein.

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

Approved April 14, 1868.

CHAPTER CCCCXXII.

A Further Supplement to an act entitled "An Act to incorporate the Miners, Manufactrers and Farmers' Railroad Company," approved March fourth, eighteen hundred and forty-six.

Increase of capital stock, and road extended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of the said

company shall be increased to two millions of dollars, and that it shall be lawful for said company to construct and extend their railroad from a suitable point on the main road to Hoboken, on the Hudson river, in the county of Hudson, or to form a connection and junction with the Morris and Essex Railroad Company at any point west of Hoboken, upon such terms and conditions as may be agreed upon by said company; *provided*, that in crossing the Passaic river, the road shall cross the said river at some point north of the Morris and Essex railroad. Proviso.

2. *And be it enacted*, That the said company be, and they are hereby authorized to borrow two millions of dollars for the construction and equipment of their road, and to secure the repayment thereof by bonds or by mortgages on the property, privileges and franchises of the said company, and also that the payment of the principal and interest of said bonds and mortgages may be guaranteed by the Morris and Essex Railroad Company, upon such terms as may be agreed upon between the last named company and the Miners, Manufacturers and Farmers' Railroad Company, and also that the said the Miners, Manufacturers and Farmers' Railroad Company may lease their road to the Morris and Essex Railroad Company; and that any other than municipal corporation created by any existing law of this state may subscribe to the capital stock of the company, and hold the same as stockholders therein, and dispose of the same. May borrow money on bond and mortgage.

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

Approved April 14, 1868.

CHAPTER CCCCXXIII.

Supplement to an act entitled "An Act to incorporate the Morristown Gas Light Company," approved February nineteenth, eighteen hundred and fifty-five.

WHEREAS, the said "The Morristown Gas Light Company" are about extending and increasing their works, and are Preamble.

desirous of so doing without any increase of their capital stock; therefore,

May borrow money, issue bonds, and execute mortgage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "The Morristown Gas Light Company" are hereby authorized to borrow a sum of money, not exceeding seven thousand dollars, to be used by them in extending and increasing their works; and are hereby authorized to issue bonds for the money which may be so borrowed by them, in such sums and at such time as they may deem advisable, with interest at the rate of seven per centum per annum, payable semi-annually, and to make and execute a mortgage on their said works and the real estate whereon the same is erected, together with all the franchises and property belonging to the said company, to secure the payment of the said bonds, with the interest that may accrue upon the same.

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

Approved April 14, 1868.

CHAPTER CCCCXXIV.

An Act to enable the Camden and Amboy Railroad and Transportation Company to take a lease of the Rocky Hill Railroad.

Power to take a lease of the Rocky Hill railroad.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Camden and Amboy Railroad and Transportation Company (whenever the United Delaware and Raritan Canal Company, the Camden and Amboy Railroad and Transportation Company, and the New Jersey Railroad and Transportation Company shall deem it expedient), to take a lease of the railroad and franchises of the Rocky Hill Railroad and Transportation Company, and for the latter company to make such lease, upon such terms and for such length of time, as the said companies may agree upon, subject to the ratification of three-fourths in interest of the stockholders of each of said compa-

nies; *provided*, if any stockholder of the said Rocky Hill Railroad and Transportation Company shall be dissatisfied with said lease, the said Camden and Amboy Railroad and Transportation Company shall pay him or her the full value of his or her stock, to be appraised (if the parties cannot agree) by three disinterested persons, to be appointed (on due notice) by the supreme court or court of chancery of this state; and when such payment shall be made or tendered, the said stock shall belong to the said Camden and Amboy Railroad and Transportation Company. Proviso.

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

Approved April 14, 1868.

CHAPTER CCCCXXV.

A Supplement to the act entitled "An Act to incorporate the Belvidere Delaware Railroad Company," passed March second, 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 Belvidere Delaware Railroad Company to straighten or alter the line of its railroad between Bulls Island and Trenton, at any point or points, not deviating from the present line more than one mile in any one place; and having filed a survey of such intended alteration in the office of the secretary of state, it shall be lawful for said company to enter upon and take all lands and materials necessary to make such new or altered line of railroad, and, if necessary, to apply for the appointment of commissioners to appraise the value of such lands and materials, and the damages caused by taking the same, and to have and take all such proceedings and exercise all such powers and privileges in relation thereto as are prescribed and given for the taking of lands and materials in the act to which this is a supplement; *provided*, that the said company shall not take possession of or break ground upon Authorized to alter or straighten the line of a portion of railroad. Proviso.

such lands until compensation therefor shall be first paid or tendered.

May extend railroad to Delaware Station.

2. *And be it enacted*, That it shall be lawful for the said company to extend their railroad from its present terminus, at Manunkachunk, to Delaware Station, on the river Delaware; and for that purpose the said company shall be authorized to exercise all the powers and franchises conferred by the act to which this is a supplement, subject to the restrictions and liabilities therein contained, except as to the extent and terminus of said road.

Approved April 14, 1868.

CHAPTER CCCCXXVI.

Supplement to the act entitled "An Act to incorporate the Citizens' Savings Institution of Jersey City," approved April third, eighteen hundred and sixty-seven.

Substitution of corporate names.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a supplement, be and the same hereby is amended by striking out of the said section the names of the following persons therein mentioned as corporators namely, Blakely Wilson, Daniel McCloud, John Martin, junior, Augustus A. Hardenberg, Job Falkenburgh and William Keene, and insert in their place and stead the following named persons as such corporators, namely, John McBride, Eneas Fitzpatrick, Patrick Reilly, Edward Watson, James Keary, James Cassidy, Henry Carroll and John Halliard, which said last mentioned persons shall have the same powers and perform the same duties as if their names had been inserted in the said act to which this is a supplement at the time of its passage.

Proviso relating to rate of interest.

2. *And be it enacted*, That the following proviso in the fifth section of the said act to which this is a supplement, namely, "provided, that said rate of interest may, at the discretion of the managers, be so regulated as that the interest allowed to depositors having one thousand dollars or more deposited, shall be at least at the rate of one per centum per annum less

than the interest dividend allowed to other depositors, and that no interest shall be allowed for money which shall have been withdrawn from deposit," be and the same hereby is repealed.

3. *And be it enacted*, That the twelfth section of the said act to which this act is a supplement, be and the same hereby is repealed. Part of former act repealed.

4. *And be it enacted*, That the said "The Citizens' Savings Institution of Jersey City," incorporated by the act to which this act is a supplement, may purchase real estate under judgment or decree obtained upon any bond, mortgage or other security taken by the said corporation pursuant to the charter or act of incorporation of the said institution; *provided*, no purchaser can be found who will pay for such real estate the amount of lien which the said corporation may have upon it, and the said corporation may hold such real estate so purchased until a purchaser shall be found who will pay for the same at least its fair market value. May purchase real estate under judgment, &c. Proviso.

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

Approved April 14, 1868.

CHAPTER CCCCXXVII.

An Act to prevent animals from running at large in the village of Branchville, in the township of Lafayette, in the county of Sussex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any cattle, horses, mules, asses, sheep, goats or swine to run at large in any of the public highways, streets, roads or by-roads in the township of Lafayette, and in the following described portions of Frankford township, county of Sussex, viz.: Within the boundaries laid down and described as Branchville school district, number three, of said township, embracing all the public highways, roads, streets or by-roads Animals to be prevented from running at large.

New Jersey State Library

intersecting the same within the above described school district.

May be impounded.

2. *And be it enacted*, That it shall be lawful for any person to seize and take, or cause to be taken to the public pound, any animal running at large in any street, highway, road or cross-road, or trespassing on lands in the above described and specified district.

Proceedings when animals are impounded, and fees that may be charged.

3. *And be it enacted*, That whenever any person shall seize, or cause to be seized and taken to the public pound any animal or animals, under the authority of the preceding section, it shall be the duty of such person to give immediate notice thereof to a justice of the peace or an overseer of the highways of said township; and such justice or overseer shall thereupon give notice, by affixing the same in three public and conspicuous places, that such animal or animals will be sold at public auction, not less than five nor more than ten days from the time of affixing such notice, to be specified in such notice; the same justice or overseer shall proceed to sell the said animal or animals for cash, and out of the proceeds thereof shall first retain the following fees and charges for his services in giving said notice and making said sale, viz.: for each horse, mule, ass, cow, calf or other cattle, one dollar; for every sheep, goat or swine, fifty cents; and shall then pay, from the proceeds of such sale, to the person who shall have seized, or caused to be seized, the said animal or animals, the sums following, viz.: for every horse, mule, ass, cow, calf or other cattle so seized and sold, fifty cents; for every sheep, goat or swine, twenty-five cents; together with a fee of twenty-five cents to the pound-keeper for every animal so taken; and twenty-five cents per day for each and every animal during the time such animal is confined in the pound; and if there be any surplus money arising from such sale, the said justice or overseer shall pay the same to the owner or owners of said animals, upon satisfactory proof of such ownership; and if the owner or owners shall not appear and demand such surplus money within thirty days after such sale, he or they shall be forever precluded from receiving any part of such money, and the same shall be paid to the overseers of the poor, for the benefit of the poor of the township, and their receipt therefor shall be a legal discharge to said justice or overseer.

Possession before sale, how recovered

4. *And be it enacted*, That any owner of any animals which shall have been seized under and pursuant to the fore-

going provisions, may, at any time before the sale thereof, demand and recover possession of such animals, upon the payment of the several sums hereinbefore required to be paid to said pound-keeper and the person seizing or causing the same to be seized.

Not to apply to droves.

5. *And be it enacted*, That this act shall not apply to animals in droves passing over the highways of the above named district to their places of destination, accompanied by herdsmen.

Poundkeeper.

6. *And be it enacted*, That if a public pound has not been designated, or a pound-keeper has not been appointed, or, a keeper having been duly appointed, shall neglect or refuse to act, it shall be lawful for the person seizing the animal or animals running at large, to confine the same on his own premises, or other convenient place; and the justice or overseer, after receiving due notice, shall use the said premises as if it were the public pound.

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

Approved April 14, 1868.

CHAPTER CCCCXXVIII.

An Act to vacate a portion of Hudson street, in Jersey City.

Preamble.

WHEREAS, that part of Hudson street, in Jersey City, between the southerly line of Steuben street on the north, and the northerly line of Montgomery street on the south, has become exceedingly dangerous by reason of the frequency of the passage of railroad cars across the same, and of little value to the public, inasmuch as the communication on northward by said street has been interrupted; and whereas, it has been represented that the owners of property situate on part of Hudson street before named desire that the same should be vacated; therefore,

Part of Hudson street vacated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That that part of Hudson street, in Jersey City, between the southerly line of Steuben street continued across Hudson street on the north, and the north-

erly line of Montgomery street continued across Hudson street on the south, be and the same is hereby vacated.

When to go into effect.

2. *And be it enacted*, That this act shall not go into effect unless the owners and lessees of the property situated on that part of Hudson street declared vacated, shall file their assent to such vacation in the office of the secretary of state, on or before the first day of January, eighteen hundred and sixty-nine.

3. *And be it enacted*, That this act shall be taken as a public act.

Approved April 14, 1868.

CHAPTER CCCCXXIX.

A Supplement to "An Act for the better government of the Amicable Meadow Company, in the county of Salem," approved February twentieth, eighteen hundred and fifty.

Works to be under control of managers of each respective division.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sluices, water works, banks and water courses shall be under the control and supervision of the managers of each respective division, both in regard to the building, laying and repairing of sluices and water works, the stopping of breaches and repairing of banks, and all other necessary work that may be required to be done for keeping the water from overflowing said meadow, and keeping said meadow properly drained; and the expense incurred in each respective division shall be assessed on each owner therein according to the quantity owned, and be collected in the same manner as is set forth in the act to which this is a supplement.

Repealer.

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

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

Approved April 14, 1868.

CHAPTER CCCCXXX.

An Act to incorporate the Dover Gas Light Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Richards, Alexander Elliott, Leopold C. Bierwerth, Isaac B. Jolley, Jacob Hurd, William H. Lambert and George Gage, 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 Dover Gas Light Company," and by the said name the said corporation shall have corporate power in all courts of law and equity, and shall have power and authority to manufacture, make and sell gas, to be made of coals or other materials, for the purpose of lighting the streets, buildings, manufactories and other places in the village of Dover and places adjacent thereto, and to enter into and to execute all contracts, agreements or covenants in relation to the objects of this corporation, and to enforce the same, and be capable of purchasing, taking, holding and disposing of such property, real and personal, as is necessary to give effect to the purposes of this corporation, and for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold, and dispose of for the purpose of securing debts which have become due to them in the course of the business of the said corporation; *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 being first obtained in writing from the owner or owners thereof.

Corporators.

Name.

Power to make and sell gas.

Proviso.

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 said village of Dover and places adjacent thereto, and to do all things necessary to light the said village and places; *provided*, that the public travel shall at no time be unnecessarily affected or impeded by the laying of said pipes, or the erection of said posts, and the streets, side and crosswalks, public grounds, lanes, avenues and squares shall not be injured, but all be left in as good and perfect con-

May erect gas posts and burners.

Proviso.

dition as before the laying of said pipes or the erection of said posts.

Commissioners to open books of subscription.

3. *And be it enacted*, That George Richards, Isaac B. Jolley and William H. Lambert are hereby appointed commissioners for receiving subscriptions for the sum of ten thousand dollars, to constitute the capital stock of said corporation, in shares of fifty dollars each, and the said commissioners or a majority of them, shall open books for that purpose, at such time and in such place or places within said village of Dover as they shall designate by a public advertisement to be previously inserted for at least one week in the public newspapers printed in the said county of Morris, and shall continue the same open until the said ten thousand dollars shall be subscribed, or at their discretion close the same after they shall have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof as aforesaid; and the sum of ten per centum upon each share so subscribed, shall be paid by each subscriber, at the time of subscription to the said commissioners or a majority of them; and each subscriber shall be entitled to receive a receipt for the installments paid by him on account of such stock, from said commissioners, and as soon as the said ten thousand dollars shall have been subscribed, the amount so received by the said commissioners at the time of subscription shall by them or a majority of them, be paid over to the directors of the said company, to be elected as hereinafter directed, and all the powers of said commissioners shall then cease and determine; and the said board of directors when so elected shall have power and they hereby are authorized to open the books for the further subscription of stock hereinafter provided, until the whole amount of said stock is subscribed,

Payment of installments.

and are also authorized to call upon the said subscribers for the payment of further installments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures, as they may deem expedient, until the whole amount due on

Proviso.

said shares so subscribed shall have been fully paid; *provided*, that no such installment shall exceed ten per centum upon each share, and that no installment shall be required to be paid by any subscriber without public notice of said installment being due and payable, to be previously inserted for twenty days in the public newspapers printed in the said county of Morris.

4. *And be it enacted*, That the management of the con-

cerns of said company shall be vested in five directors, to be selected from the stockholders, and the said directors shall choose by a plurality of votes a president from among themselves; and when ten thousand dollars of said capital stock shall have been subscribed as aforesaid, the beforenamed commissioners, or a majority of them, shall convene the said stockholders, by public notice to be given as first aforesaid, and at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their offices until the second Monday in January next succeeding their selection, and until others are chosen in their stead; and on the second Monday of January in each year, at such time and place as a majority of the directors may appoint, the said stockholders shall meet for the purpose of electing a board of directors for the ensuing year, and public notice shall be given of the time and place of holding such election, by advertisement, for ten days in the newspapers published in the county of Morris; and any vacancy in the said board of directors may be supplied 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 of stock held upon the books of the company.

Directors, how elected.

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.

Not dissolved by failure to elect directors

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, and have power to make by-laws, rules and regulations not repugnant to the constitution or laws of the United States or of this state, or the provisions of this act, for the government of the said corporation, the management and disposition of the stock and the property thereof, and the duty of the officers, clerks and persons employed therein, the election of directors and all other matters appertaining to their business or concerns, and may appoint as many officers, clerks and servants, and with such salaries and allowances as shall to them seem necessary; and the said board of directors shall have power to make and declare from the profits and earnings of the company, such dividend and dividends among the stockholders from time to

Powers of directors.

time, and make the same payable in such manner as to them may seem expedient.

Capital stock may be increased.

7. *And be it enacted*, That the capital stock of said corporation may be increased upon the consent of the stockholders representing a majority of the stock to any amount not exceeding fifty thousand dollars; and all the stock of said corporation shall be transferable according to the by-laws and regulations of the company, and shall be considered personal property, and the stock and transfer books shall be open at all times to the inspection of the stockholders.

Power to lay gas pipes, &c. in places adjacent.

8. *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, roads, avenues, or public grounds of the places adjacent to the said village of Dover, and with the same privileges, and upon the same conditions, and with the same limitations, as by the provisions of this act they can lay them in the said village of Dover.

Penalty for injury to works.

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

Proviso.

Books of account shall be kept.

10. *And be it enacted*, That the said company shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open for the inspection of the stockholders.

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

Approved April 14, 1868.

CHAPTER CCCCXXXI.

An Act appointing commissioners to examine sites, prepare plans, &c., for another State Lunatic Asylum.

Preamble.

WHEREAS, it appears from the reports of the managers and superintendent of the State Lunatic Asylum, that the buildings now in use and in course of completion are totally inadequate in extent for the reception of all the insane persons in the state who need special care; and whereas, it is the highest evidence of enlightened progress in the people of a christian state to promptly provide needed facilities for the cure, if curable, and for the care of all persons deprived of the use of reason; and whereas, the time required for the erection of buildings for such purpose will necessarily be from two to three years, therefore, it is proposed, as a preliminary step to the establishment of such additional institution, that the following act be passed by the legislature at its present session:

Names of commissioners to select site.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That his excellency Marcus L. Ward, governor of the state, Daniel Haines, of Sussex county, H. A. Buttolph, M. D., superintendent of the State Lunatic Asylum, Thomas McKeen, of Camden county, and Rynear H. Veghte, of Somerset county, be and are hereby appointed to act as commissioners without pay, except for travelling expenses, with authority to visit different localities in the northern and eastern part of the state, examine sites deemed suitable for the location of another institution for insane persons, to accept the one which, in their judgment, possesses all or the greatest number of desirable points (and that may be offered as a free gift to the state by the owner or by contribution from the citizens or towns in the vicinity,) to procure plans, with written specifications and estimate of the cost of such structure, and report their proposals to the next legislature.

Appropriation for expenses of commissioners.

2. *And be it enacted*, That for defraying the expenses of commissioners in performing the duties assigned them, that a sum not exceeding one thousand dollars be and is hereby appropriated.

Expenses to be paid on the warrant of the comptroller.

3. *And be it enacted*, That so much of the sum of one thousand dollars as is needed for this work, shall be paid by the treasurer to the commissioners named, on the warrant of the comptroller, who is hereby authorized and directed to draw the same, at such times and in such sums as the said commissioners may require.

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

Approved April 14, 1868.

CHAPTER CCCCXXXII.

An Act to set off from the township of Bloomfield, in the county of Essex, a new township, to be called the Township of Montclair.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Bloomfield, known as the second election district of said township, and lying west of a line running through said township as follows: Beginning at a point in the centre of the stone arch bridge, over the stream crossing the road west of and near to the residence of Henry Stucky, on the Orange line; thence from said starting point in a straight line about north thirty-one degrees five minutes east to a point in the Passaic county line, which point is five hundred feet west on said county line from the centre of the road running in front of the residence of Cornelius Van Houten, shall be and hereby is set off from the township of Bloomfield, in the county of Essex, and made a separate township, to be known by the name of the township of Montclair.

Corporate name.

2. *And be it enacted*, That the inhabitants of the township of Montclair shall be, and they are hereby constituted a body politic and corporate in law, by the name of "The inhabitants of the township of Montclair, in the county of Essex," and shall be entitled to all the rights, powers, privileges and advantages, and shall be subject to all the regulations, government and liabilities to which the inhabitants of the other townships

in said county of Essex are or may be entitled or subject by the laws of this state.

Time of holding town meetings.

3. *And be it enacted*, That the inhabitants of the said township of Montclair shall hold their first town meeting at the lecture room of the Presbyterian church in said township of Montclair, on the third Tuesday in April, eighteen hundred and sixty eight, and that thereafter their annual town meetings shall be held on the second Monday in March of each and every year; that at their town meetings they shall vote by ballot until it be otherwise determined according to law, and that all the provisions and restrictions of an act entitled "An Act to authorize the inhabitants of the several townships of this state to vote by ballot at their town meetings," approved March twenty-second, eighteen hundred and sixty, and of the supplements thereto, shall apply to the inhabitants of the said township of Montclair; and all acts and parts of acts in force in the said township of Bloomfield at the time of the passage of this act, are hereby extended to, and shall be in force in the said township of Montclair; but the provisions of any act or acts, from the operation of which the township of Bloomfield has by any proviso or exception contained therein been specially excepted, shall apply to and be in force in said township of Montclair, from and after the time this act shall go into effect, the same as if the township of Bloomfield had not been specially excepted therein.

Provisions of acts from which township of Bloomfield is excepted to apply to this township.

Judges and clerk of election.

4. *And be it enacted*, That the persons who shall act as judges of election and clerk of election at the first town meeting of the inhabitants of the said township of Montclair, shall be chosen in the manner provided by law, in the event of the absence of the judge of election, the collector, the assessor, and the clerk of the township.

Commissioners to allot and divide township property.

5. *And be it enacted*, That Robert M. Henning, Grant J. Wheeler and Phillip Doremus shall be and they are hereby appointed commissioners on the part of said township of Montclair, to meet with three other commissioners on the part of said township of Bloomfield, which last said commissioners shall be appointed by the town committee of said township of Bloomfield previous to the fourth Tuesday in April, eighteen hundred and sixty-eight; that said meeting of said commissioners shall take place at the post office in Bloomfield, in said township of Bloomfield, at ten o'clock in the forenoon of the fourth Tuesday in April, eighteen hun-

dred and sixty-eight; that the said commissioners shall then and there proceed, by writing, signed by a majority of those present, to allot and divide between the said townships all property and money on hand, or due, in proportion to the taxable property and ratables as taxed by the assessor at the last assessment, and to ascertain the just proportion of debts, if any there should be, to be paid by the inhabitants of the township of Montclair; and that if any of the said commissioners on the part of either of said townships should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and to ascertain the said proportion of the debts to be paid by the inhabitants of the said township of Montclair, and the decision of the majority of those present shall be final and conclusive; and the said commissioners, or a majority of them, shall and may sell and execute a deed of the township almshouse farm, which deed shall be deemed and taken to convey a good and sufficient title thereto; and said township of Montclair shall pay its proportion of the existing debt of the township of Bloomfield, at the time or times when payment, either of principal or interest thereon, shall become due and payable; *provided*, that it shall and may be lawful to adjourn the said meeting to such time or times, and place or places, as a majority of those assembled as aforesaid may think proper.

Proviso.

Duplicate of allotment and division to be filed with township clerk.

6. *And be it enacted*, That the said commissioners shall, when they have completed the said allotment and division, and shall have ascertained the proportion of the said debts to be paid by the inhabitants of the said township of Montclair, in writing as aforesaid, prepare forthwith a duplicate of the same, and deliver one of the said writings to the clerk of the said township of Bloomfield, to be by him filed and preserved, and the other to the clerk of the said township of Montclair for the same purpose.

Duties of assessor.

7. *And be it enacted*, That the assessor of the said township of Montclair shall have power, and he is hereby required and enjoined, to add the said proportion of the said debts when the same shall have been ascertained as aforesaid, together with ten per centum of the said proportion to the amount of taxes that may be otherwise by law required to be raised in said township of Montclair for the year or years in which such debt or the interest thereon shall become due and payable, to be assessed and collected in the same manner, and at the same time, as the state and county taxes for said

year or years in said township of Montclair; and the collector for the said township of Montclair is hereby required and enjoined to pay the said proportion of the said debts so as aforesaid ascertained, together with the lawful interest that may be or become due thereon, to the collector of the township of Bloomfield, for the use of the said township of Bloomfield, out of the first moneys that shall come to his hands after deducting sufficient to pay the state and county taxes to be paid by said township of Montclair for such year or years, and he shall take the receipt of the collector of said township of Bloomfield therefor, and the inhabitants of the said township of Montclair shall thereupon be free, and discharged and released of and from all liability by reason of the debts aforesaid.

Taxes to be assessed and collected proportionately.

8. *And be it enacted*, That the sums of money voted to be raised for township purposes at the last annual town meeting of said township of Bloomfield, shall not be assessed and collected in full in said township; but the several sums to be assessed and collected therein for said purposes, respectively, shall bear such proportion to the sums so voted as aforesaid as the taxable property in the whole of said township, shown by the assessment for the year eighteen hundred and sixty-seven, bears to the taxable property in that section of said township not included in said township of Montclair; and the assessor of said township shall assess such amounts so proportionally reduced, and such assessments when made shall be as valid and effectual in law as if the amounts so assessed had been the sums voted to be raised at the annual meeting aforesaid, and nothing in this act shall affect the election of any township officers made at such meeting whenever said officers shall not reside in the new townships hereby created.

Support of th poor.

9. *And be it enacted*, That the persons now aided or maintained in said township of Bloomfield, by virtue of any laws in regard to the poor, shall hereafter be chargeable under said laws to said townships of Montclair and Bloomfield accordingly, as the settlement or residence of such poor persons may have been within the limits of either townships respectively at the time when said persons became chargeable as aforesaid.

Act when to take effect.

10. *And be it enacted*, That this act shall be a public act, and shall take effect on the third Tuesday in April now next ensuing.

Approved April 15, 1868.

CHAPTER CCCCXXXIII.

A Supplement to an act entitled "An Act to incorporate the Hoboken Fire and Marine Insurance Company," approved March twenty-three, eighteen hundred and fifty-nine.

Substitution of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the names of John Shotwell, John D. Littell, Edmund Charles, Silas H. Jessup and Abram Mann, some of the commissioners to receive subscriptions to the capital stock of said company be erased in consequence of death, removal &c., and that Adolph Meckert, Jacob Schweitser, Louis Becker, John H. Bonn, Charles Spielmann, Frederick W. Bohnstedt, John Roemmet, George Glaubrecht, be substituted as said commissioners in their stead.

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

Approved April 15, 1868.

CHAPTER CCCCXXXIV.

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

Preamble.

WHEREAS, the mayor and common council of the city of Newark, by virtue of the authority in them by law vested, have undertaken and performed, at considerable cost, certain works and improvements under the provisions of an ordinance for the regulating, grading and paving north Broad street, from Mill Brook to its northerly terminus, and curbing and flagging the sidewalks thereof; and of an ordinance to open Parkhurst street from south Broad street to Tichenor's lane; and of an ordinance to provide for regulating and grading Hunterdon street from Thirteenth avenue to Warren street, and curbing the sidewalks thereof; and also

of an ordinance to provide for regulating and grading west Bank street from Bank street to Littleton avenue, and curbing the sidewalks thereof; and of a resolution of the said common council relating to the altering and widening of Market street in that part of said street extending from the New Jersey railroad depot to River street; and assessments therefor have been made respectively, but large sums thereof remain unpaid; and whereas, on account of certain informalities and defects in the proceedings taken with reference to said works and improvements, the city is embarrassed in collecting the costs and expenses of the same; therefore,

Commissioners to be appointed who shall make an assessment of costs, damages, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said common council in the case of each of the aforesaid works or improvements respectively, to appoint five disinterested freeholders of said city, residing in different wards, commissioners to make an assessment of the whole costs, damages and expenses of the works or improvement in respect to which they may be appointed, upon the owners of the lands and real estate benefitted or intended to be benefitted, according to the principles prescribed for similar cases in the act to which this is a supplement; and it shall be lawful for the said commissioners, in case that they deem that any owner or owners of lands or real estate has suffered special damage by reason of the defects or informalities that have occurred in the proceedings aforesaid, to so estimate and declare in their report to the common council, and to state what allowance and deduction, if any, should be made from the assessment laid upon such owner or owners, in which case such allowance or deduction shall be charged upon the city at large; and it shall also be lawful for the said commissioners, in case they deem it proper and equitable, that any portion of the whole costs, damages and expenses of either of the said works or improvements should be borne by the city at large, to so estimate and declare in their report, and thereupon they shall assess the balance of the whole amount of such costs, damages and expenses, upon the owners of the lands and real estate benefitted or intended to be benefitted as hereinbefore is directed.

Commissioners to take oath.

2. *And be it enacted*, That the said commissioners before they enter upon the execution of the duty required of them, shall take the oath prescribed in the one hundred and seventh section of the act to which this is a supplement; they shall make their report, and perform the same duties, and in the

same manner, and their assessment shall be proceeded upon by the officers and authorities of said city, and shall become a lien, and shall be collected in the same way as now prescribed in the act to which this is a supplement, in the case of the report of commissioners appointed to make assessments of damages sustained by the opening of streets in said city; and as to the acts and proceedings of said commissioners and the said common council thereupon, all parties shall have the like rights and remedies as in other cases of assessment for improvements of the like description in said city; but no exception shall be taken to any informality, defect or irregularity which has heretofore happened in the proceedings taken with respect to the aforesaid works or improvements.

Interest to be charged upon assessments.

3. *And be it enacted*, That no interest shall be charged upon the costs, damages and expenses of either of the said works or improvements from the time when the same was ascertained by the common council, except such as may accrue thereon after the first day of April next; but interest shall be charged upon the assessments when made by the said commissioners as now provided in similar cases.

Act how construed.

4. *And be it enacted*, That nothing in this act shall be so construed as to render it incumbent upon the owner of any lot assessed under either of the proceedings mentioned in the preamble of this act where such assessment was paid, to pay any assessment made against said lot under the new proceedings hereby authorized; but the city treasurer, upon satisfactory proof of the payment of such assessment, shall make entry thereof upon the lists of assessments.

Council may, by ordinance, lay out and open streets, &c.

5. *And be it enacted*, That it shall and may be lawful, notwithstanding anything contained in an act entitled "An Act authorizing the appointment of commissioners to lay out streets, avenues and squares in the city of Newark," or in any other law of this state, for the common council of the city of Newark, whenever in their opinion the public good requires it, by ordinance, but not otherwise, to be passed by a vote of two-thirds of the members of the said council for the time being (but not by a vote of a less number), to lay out and open any street, road, highway, alley, or square within said city; to order and cause any street, road, highway or alley already laid out, or which shall hereafter be laid out, to be vacated, straightened, altered or widened, and to take and appropriate for such purpose, any lands and real estate, upon making compensation to the owner or owners thereof as in

the act to which this is a supplement is mentioned; *provided however*, that nothing herein contained shall be construed to require a two-third vote in cases where at the present time a majority vote of the members of the said common council is sufficient. Proviso.

6. *And be it enacted*, That the board of assessment and revision of taxes in the city of Newark shall deliver the lists now required by law to be delivered to the receiver of taxes, on or before the tenth day of August in every year, and at the same time shall deliver a certified copy of the same to the auditor of accounts; and the receiver of taxes shall deliver to the city treasurer the lists of taxes used in his office after the final returns of the collector of arrears of taxes shall have been made in every year. When lists shall be delivered.

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

Passed April 15, 1868.

CHAPTER CCCCXXXV.

An Act to incorporate the borough of Riverside, in the county of Burlington.

WHEREAS, the citizens of Riverside, in the county of Burlington, state of New Jersey, have petitioned the legislature for the passage of an act of incorporation as conducive to the prosperity of the same, and the preservation of order therein, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town of Riverside (lately known as Progress,) in the county of Burlington, shall be and the same is hereby erected into a borough, which shall be called the borough of Riverside, and shall be bounded and limited as follows, to wit: beginning at a point on Rancocas creek, at the mouth of Tarhill run; thence along the said run in a southeasterly direction to the Camden and Amboy railroad; thence along Benton or Fairview street in the plan of Progress, in a southeasterly direction to Hooker street in the Boundaries.

plan of Strawberry Dale; thence along the said Hooker street, and crossing the Bridgeborough road in a northeasterly direction to the said Rancocas creek, and thence along the said creek to the place of beginning.

Election of burgess, members of council, &c.

2. *And be it enacted*, That the inhabitants of said borough, qualified to vote for members of the general assembly, having a bona fide residence of at least thirty days immediately preceding the election, shall on the first Tuesday of May next, and on the first Tuesday of May in every year thereafter, meet at the school house in said borough, and then and there between the hours of eight o'clock a. m., and six o'clock p. m., elect by ballot, one citizen, who shall be styled the burgess of said borough, and five other citizens to be members of the common council, annually; and at the first election, three school trustees, one to serve one year, one for two years, and one for three years, and thereafter, one school trustee annually; and one constable of said borough whose name shall be returned to the next court of quarter sessions of the peace of said county, for the like purposes as in elections of township constable; the said inhabitants shall also at the same time and place, elect one justice of the peace, one judge and two inspectors of elections, and assessors agreeably to the laws of this state; the said elections shall be conducted in the same manner as is prescribed by law in the townships in this state; except that the certificates of election of burgess, common councilmen and school trustees shall be filed among the records of the corporation; *provided*, that the first election to be held under this act, shall be held by a judge and two inspectors, to be chosen by the inhabitants present at the opening of said election, by the constable of the township of Cinnaminson, whose duty it shall be at least ten days before the first Tuesday in May, the day appointed for the holding of the first election, to give public notice, by six or more printed or written advertisements, affixed at as many of the most public places, within the limits of the said borough of the time and place of holding such election; and the said constable is hereby required and directed to attend at the said school house, on the first Tuesday in May next, at the hour of eight o'clock in the forenoon of said day and open said election.

Proviso.

Notice of special meetings of council shall be given.

3. *And be it enacted*, That the burgess and common council of said borough shall constitute and be called the common council of said borough, and the said common council shall be summoned and held at such times and places in said

borough as they may appoint; the burgess shall preside at the meetings of the common council, and have a casting vote only, and if he be absent, one of the common councilmen may be chosen by the members present, chairman pro tempore, and a majority of the whole number of members shall be a quorum to transact business; and it shall be the duty of the burgess when necessary to call special meetings of said common council, and in case of his neglect or refusal, then it shall be lawful for any three members of said common council, at such time and place as they may designate, to call any special meeting or meetings, by written or printed notices, and in all cases of special meetings, notice shall be given to all the members of said board of common council in person or left at their places of residence.

Time of opening and closing the polls.

4. *And be it enacted*, That the poll of all elections under this act shall be opened at eight o'clock in the forenoon and close at six o'clock in the evening; and the same qualifications shall be required to entitle a person to vote as are or may be required at the township elections in this state, and the name of each elector voting at such election shall be written in a poll list by the clerk or clerks of election, and after the poll shall be closed the judges or inspectors shall count the votes given for the several candidates, and certify the result under their hands and seals, and deliver such certificate to the clerk or secretary of the board of common council, who shall file and preserve the same among the records and papers of the corporation, and the persons having the greatest number of votes shall be deemed to be elected to the office for which they shall be voted for respectively, who shall respectively hold their offices for one year and until others are elected in their stead and sworn into office, excepting the justices of the peace, who shall hold his office for five years from the date of such election, or during good behavior; and excepting also, the board of school trustees as hereinbefore provided.

Result of election to be certified and filed with clerk of council.

Vacancies, how filled.

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

Officers to take oath.

6. *And be it enacted*, That before any of the said officers shall take upon themselves their respective duties, they shall take and subscribe an oath or affirmation for the due execution of their respective offices before one of the justices of the peace in and for the county of Burlington, who are hereby authorized and required to administer the same, or before the burgess of said borough; and the justice of the peace, constable, treasurer and collector of said borough so elected shall each give bond to the said borough, in such sum and with such sureties as the common council may approve, for the faithful performance of the duties of their respective offices; and no member of common council shall be taken as security upon the bond of any officer.

Burgess shall be a justice of the peace ex officio.

7. *And be it enacted*, That the burgess of said borough shall be a justice of the peace ex-officio, and shall have all the powers and authority of a justice of the peace of the state of New Jersey; and the said burgess or any justice of the peace, resident in said borough, shall severally hold courts, which shall be courts of record, and take cognizance of all forfeitures and of all fines and imprisonments, or both, laid or to be laid by the ordinances of the common council of said borough; Proviso. *provided, however*, that the said burgess shall not by virtue of his office be authorized to try any civil action, except such as may arise under an ordinance for the recovery of a forfeiture or for an assessment for taxes or damages; and it shall be lawful for said burgess, or any resident justice of the peace, on conviction of any offender of any offence against any of the ordinances of said borough, or against the laws of the state, punishable by fine or imprisonment, or both, to punish said offenders by fine or imprisonment, or both, as the case may require, together with the costs of conviction, and by his warrant directed to the borough constable, in case the offender be sentenced to imprisonment, to command that he, she or they be conveyed to the county prison, there to remain until the term of imprisonment shall have expired, and till the cost of conviction be paid; or, if said offender shall be adjudged to pay a fine, then there to remain until said fine and costs of conviction be paid, or to issue a warrant directed to the constable, commanding said officer to levy and make such fine and costs of the goods and chattels of such offender or offenders, and, for want of sufficient goods and chattels, to take and convey any such offender to the county prison, there to remain until such fine and costs be paid; or, if any offender

be adjudged to pay a fine and be imprisoned, then to command that he, she or they, as the case may be, be conveyed to the said prison, there to remain for the term of his, her or their sentence, and until said fine and costs be paid; *provided*, that any such offender convicted as aforesaid may appeal for the remission of any fine or costs, or fine or fines and costs, to the common council of said borough, and the said common council may remit the whole or any part thereof upon such terms as they may deem best to prescribe and impose; and it shall be the duty of said burgess to see that all ordinances enacted by the common council of said borough are duly published and enforced; and no shows or exhibitions of any kind shall be allowed, except consent in writing be first obtained of the burgess of said borough, or a written permit from a majority of the common council of the same. Proviso.

8. *And be it enacted*, That it shall be lawful for a majority of the whole number of members of common council that may be assembled in council meeting convened, to pass all ordinances for establishing a public ground or grounds, and for reclaiming, improving, regulating and protecting the public grounds and walks, and for regulating, levelling, grading, paving, flagging gravelling, improving, cleaning and repairing the streets, alleys and sidewalks therein, for ascertaining and establishing (by appointing a borough surveyor or otherwise) the lines and boundaries of the same and for preventing and removing all encroachments, encumbrances and nuisances upon the same, and for regulating the planting and protection of shade trees, for compelling the occupiers and owners of lots to grade, curb and pave the sidewalks opposite their lots, and to keep the same and the gutters swept and clean, and clear of snow and ice and other impediments; for regulating all wharves, docks and piers belonging to or about said borough, and the rates for wharfage for all wharves in charge of and owned by said borough; for abating and removing all nuisances in said borough, or in or on any street, wharf, lot or other place or places in said borough, and for preventing and removing all obstructions in the river Rancocas opposite the same, and for the regulation of the distances any wharf or wharves may be built out into the river Rancocas opposite the same; for causing common sewers or drains to be made, and granting permission to construct vaults in any part thereof; for lighting the streets, and for regulating the laying of gas or other pipes in or under the same; for Council empowered to pass all ordinances necessary for the regulation and government of the borough.

sinking and regulating wells, cisterns and pumps in said streets; for erecting, maintaining and regulating a public market in said borough; for erecting and maintaining a school house or houses, and such other public buildings as may be necessary or convenient in said borough; for preventing persons from riding, driving or passing over or upon the sidewalks with horses, wagons, carts or carriages, or animals of any description, and for preventing the immoderate riding or driving through or in any street or alley in said borough; for the preventing or suppression of fires; for compelling the cleaning of chimneys; for appointing watchmen and police, and prescribing their powers and duties; for regulating the vending of meats and vegetables; for regulating butchers, hawkers, pedlars and petty chapmen; for the more effectual suppression of vice and immorality; for preserving peace and good order; for restraining vagrants, mendicants and street beggars; for suppressing and restraining disorderly or gaming houses or public gaming in the said borough or on the river Rancocas or opposite thereto; for preventing and restraining riots, routs, disturbances or disorderly assemblages, and for the carrying of concealed weapons in any street, alley, house, or any other place in said borough, and on the river Rancocas opposite thereto; for preventing the running at large of cattle, horses, goats, geese, dogs and swine, and for imposing a reasonable tax upon the owners or possessors of dogs; for prescribing and defining the duties of the several officers elected in said borough, and such other ordinances for promoting the peace, good order and prosperity of said borough as they may deem expedient, not repugnant to the constitution of this state or of the United States; and to enforce the observance of all such ordinances, by prescribing a forfeiture (or penalty) not exceeding fifty dollars, to be recoverable by action of debt, with costs, in any court of record in said borough, in the name of "The Treasurer of the Borough of Riverside," for the use of said borough, or they may prescribe punishment therefor by fine or imprisonment in the county prison, or both, to be imposed by the burgess or any resident justice of the peace, the fine not to exceed fifty dollars, and the imprisonment thirty days, and until the fine and costs be paid; all said ordinances shall be caused to be published by printed or written hand bills, put up in five of the most public places in said borough by the burgess thereof, for at least ten days before said ordinance shall go into effect;

May enforce the observance of all ordinances and may prescribe punishment for violation of the same.

and no ordinance shall be enacted or passed by said common council, unless the same shall have been introduced before said common council at a previous meeting.

Power to grant licenses.

9. *And be it enacted*, That a majority of the whole number of members of common council that may be assembled, exclusive of the burgess or presiding officer in council meeting convened, shall have the sole, only and exclusive right and power of granting licenses under the common seal of the borough, to all and every innkeeper and retailer of spirituous liquors residing within the said borough, subject to the same provisions, and in like manner as the same may lawfully be done by the courts of common pleas in this state, except that they may grant them for such a length of time, not exceeding one year, as they may deem best; and they shall have the sole, only and exclusive right and power of licensing such and so many keepers of oyster houses and cellars, and places for the sale of fermented liquors within said borough, upon such terms and conditions, and under such regulations as they may deem most conducive to the good of said borough; and the amount assessed and paid upon granting all licenses, shall be paid to the borough treasurer for the use of said borough.

Taxes.

10. *And be it enacted*, That it shall be lawful for the common council of said borough to raise by tax, from year to year, such sum of money as they may deem expedient for defraying the necessary and contingent expenses of said borough, to be assessed by the assessor upon the actual value of the property, and collected by the treasurer, to be subject to the order of common council; and it shall be lawful for said common council to borrow money from time to time for all such purposes as they are authorized for by this act, not exceeding one thousand dollars, and to secure the payment thereof by bond or other instrument, under their common seal and the signature of the burgess, and to provide by tax for the payment thereof; *provided, however*, that any portion of the lands contained in said borough, and used only as farm land, shall only be valued as such until the same shall be divided into building lots; *and provided also*, that nothing herein contained shall be construed to prevent the borrowing, upon the best terms that can be obtained, by the common council of said borough, any loan that may be ordered by any vote of the citizens at their annual elections; *and provided also*, that nothing herein contained, or any loan authorized to

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be raised, or raised by the voters at their annual election, shall be construed to prevent the common council from contracting in all, a loan or loans to the amount of one thousand dollars as aforesaid, but at no time shall the loans originally made by common council at any one time exceed the said one thousand dollars.

Money to be raised for certain purposes may be by tax or loan, as shall be voted for at the annual elections.

11. *And be it enacted*, That it shall be lawful for the voters of said borough, at the annual elections, by ballot, (by specifying the amount desired, and the object or objects to which it is desired to have it appropriated, and the manner in which it is desired to have it raised, whether by tax or loan, on the same ticket or ballot on which the names of those voted for the offices in said borough are written or printed), to direct to be raised by loan or by tax, from year to year, such sum or sums of money, in addition to that hereinbefore directed or authorized to be raised by the common council of said borough, as they may deem expedient for the repairing of the streets of said borough, for improving the public grounds, for erecting and maintaining a public market house, town and school house or houses, and for all other purposes and objects authorized by this act; said loans so directed to be raised shall then be carried out on the best terms they can obtain by the common council of said borough, and a certificate or certificates of loan, or a bond or bonds, be issued therefor, as in other cases; and any sum or sums as hereinbefore directed to be raised by tax, shall be assessed by the assessor upon the actual value of property, and collected in the same manner and at the same times as other taxes, and when several sums of money are voted for, that receiving the highest number of votes, whether by tax or loan, shall be raised.

Compensation of officers.

12. *And be it enacted*, That it shall be lawful for the common council of said borough to pay the treasurer, clerk, assessor and other officers and agents of said borough, such compensation for their services as the said common council may deem reasonable and proper; *provided however*, that no salaries shall be paid to the burgess or common councilmen, and the compensation to said clerk or secretary to the said common council shall in no case exceed the sum of fifty dollars per annum.

Proviso.

Treasurer to collect all taxes directed to be collected for borough purposes.

13. *And be it enacted*, That the assessor of said borough shall assess upon the persons and property of the residents, and the property of non-residents within the said borough,

and the treasurer shall collect all taxes ordered by the common council of said borough, or by the voters thereof, at their annual election, as directed or required to be assessed or collected within the said borough in the same manner as the assessors and collectors of townships are or may be by law required to assess and collect the state and county tax within their respective townships; and the assessor shall annually, between the first day of June and the first day of July make the assessments required of him, and return his duplicate to the treasurer, not later than the said first day of July.

List of delinquent taxes to be made.

14. *And be it enacted*, That the treasurer shall, at least one week before the day of appeal in case of taxation, demand of all persons taxed the amount of their tax, by notice served upon them personally, if he can find them in the limits of the borough, or left at their residence, if living in the borough, and shall at the same time give notice of the time and place of the meeting of the commissioners of appeal in case of taxation, and no other notices shall be required; and in case of the non-payment of any taxes by the twenty-first day of October, in each year, (excepting when it shall happen on a Sunday, then on the following day,) the treasurer shall make out a list of the names of the delinquents, with the sums due from them, respectively, annexed, and deliver the same to the burgess, or a resident justice of said borough.

Proceedings for the collection of delinquent taxes.

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

the laws of this state regulating the same in the several townships.

Powers and authority of election officers.

16. *And be it enacted*, That the judge of election, and the inspectors and clerk thereof, shall take the like oaths or affirmations, and conduct all elections in the same manner as township election officers 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 like duties, and be subject to the same penalties as the like officers of this state are or may be by law invested with, allowed, or subject to; and in case of the absence, death, incompetency or refusal to serve of any of the said officers of election provided for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancy or vacancies in the townships in this state; and the clerk of said borough shall procure ballot boxes for the use of said borough, in such manner and of such description as are required to be procured by the township clerks of this state, and be subject to the same penalties as township clerks are now subject to for neglecting to procure said boxes, and keep the same in repair.

Powers of constables.

17. *And be it enacted*, That the constable or constables of said borough hereafter elected by virtue of this act shall have the same power and authority, and be authorized to perform the same duties, in civil as well as in criminal cases, in all respects, to serve warrants and other processes in the same manner and to the same extent of jurisdiction, and be entitled to the same fees and compensation for his or their services as if he or they had been lawfully elected to the office of constable, at an annual election for township officers in this state, under the laws of this state relating to township constables, and had taken the oath or affirmation and given the security required by law; *provided always*, that before any such constable or constables shall proceed to exercise the powers conferred upon him or them by this act he or they shall take and subscribe an oath or affirmation for the due execution of his or their office, and enter into such bond, with sureties to be approved by the common council of said borough, as he or they would be by law required to take and enter into if he or they had been elected to the office of a township constable under the laws of this state relating to township constables, before he or they proceeded to the execution of his or their office.

Proviso.

18. *And be it enacted*, That the bond to be given as afore-

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

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

20. *And be it enacted*, That the clerk of said borough shall keep, file, and when necessary, record all official papers belonging to the same; he shall attend all meetings of the common council of said borough and keep accurate minutes of the proceedings thereof; he shall give lawful notice of all such meetings and of annual and special elections; he shall record in a proper book to be provided for that purpose all ordinances passed by said common council, and duly certify the same; and shall perform such other duties as the common council of said borough may from time to time prescribe. Duty of clerk.

21. *And be it enacted*, That the treasurer of said borough shall (in addition to the duties of a collector hereinbefore prescribed), receive and pay out all moneys belonging to said borough under the direction and authority of the common council, and shall at least seven days previous to each annual election, make out a full and true account of all moneys raised by tax or loan for the use of said borough since the preceding annual election, and of the application and expenditure of the same, and deliver the said account to the clerk of the said borough and in default thereof shall forfeit and pay fifty dollars, and to be by him filed in his office; and it shall be the duty of the said clerk to cause a copy of said account to be set up in three of the most public places in said borough at least five days previous to the day of each annual election, and in default thereof shall forfeit and pay fifty dollars. Duty of treasurer.

No person incompetent as a witness by reason of being an inhabitant.

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

Proceedings when annual election is not held on the day appointed

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

To be a separate school district.

24. *And be it enacted*, That the said borough shall be a separate school district, and shall be entitled to its pro rata share of the public school funds appropriated by the state for that purpose; *provided*, that if it shall be found that on account of great distance from, or difficulty of access to the proper school house in any other district, the pupils who have heretofore attended the schools within the limits of the said borough, and who shall not reside therein after the passage of this act, and the said pupils could be more conveniently accommodated in the schools of this borough, it shall be the duty of the trustees or controllers of the schools of said borough, and of such adjoining district in the township, to make an arrangement by which such pupils may be instructed in the most convenient school of the adjoining district; and the expenses of such instruction and books used by said pupils, shall be paid as may be agreed upon by the trustees or controllers of the two adjoining districts aforesaid, either by resolution or agreement of said boards, which shall be entered upon the minutes of the respective boards.

Proviso.

When to go into effect.

25. *And be it enacted*, That from and after the said first Tuesday of May next, the burgess and common council duly

elected, and their successors, shall be one body politic and corporate, in deed, fact, name and law, by the name, style and title of "The burgess and common council of the borough of Riverside," and as such shall have, possess and enjoy all the rights, liberties, franchises and privileges of a borough incorporated in pursuance of this act.

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

Approved April 15, 1868.

CHAPTER CCCCXXXVI.

An Act to authorize the erection of a House of Detention in the township of Upper Alloways Creek, in the county of Salem.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the said township of Upper Alloways Creek be and they are hereby empowered to erect in such place in said township as to them seems advisable, a suitable building to be used as a house of detention, into which may be committed, by any of the constables or other proper authorities of said township, and safely kept, any and all persons arrested for offending within the limits of said township against the laws of this state until the offence can be heard and duly investigated by a magistrate, and such offender be further dealt with as the law directs. May erect house of detention.

2. *And be it enacted*, That the amount of money necessary for the erection of such house of detention shall be raised by assessment upon the inhabitants and taxable property of said township at such time and in such manner as other moneys are raised for township purposes. Cost of building to be raised by tax.

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

Approved April 15, 1868.

CHAPTER CCCCXXXVII.

An Act to incorporate the Hoboken Yacht Club.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob C. Appleby, James E. Pope, Thomas H. Hutton, William H. Curtis, Victor Vuillaume, and such other persons as now or may be hereafter associated with them, be and they are hereby constituted and declared a body politic, in fact and in law, by the name of

Name.

"The Hoboken Yacht Club," and by that name they and their successors shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and whatsoever places, and may have a common seal, and change and alter the same at pleasure, and that they and their successors by the said name shall be capable in law to hold any estate, real or personal, either by devise, purchase, donation or otherwise, to the use of them and their successors, and to lease, sell and convey, or otherwise dispose of the same as to them shall seem most advantageous for promoting the purposes of their incorporation, but the yearly income of such estate shall not exceed the sum of five thousand dollars.

Object of corporation.

2. *And be it enacted*, That the object of this incorporation shall be the building, purchasing and sailing of yachts, the encouragement of yacht building, and the cultivation and advancement of naval architecture, construction and science.

Funds, how appropriated

3. *And be it enacted*, That the estate and funds of said incorporation, after paying all proper charges and expenses, shall be exclusively devoted to the objects aforesaid, except so far as they may deem it necessary, to apply their funds to the purpose of holding and purchasing of any real estate, and erecting any building thereon for the benefit and accommodation of the members of said corporation, or the purchase, leasing or construction of any wharves, docks or piers, as may be deemed necessary to carry out the objects of this incorporation, which said real estate they may again sell and invest as the interests of the corporation may require.

Powers of corporation.

4. *And be it enacted*, That the said corporation shall have power from time [to time] to make and establish such consti-

tution, by-laws, rules and regulations as they shall judge proper for the election of officers; for prescribing their respective functions, and the mode of discharging the same; for the admission of members, the suspension and expulsion of the same; for the government of the officers and members thereof; for imposing and collecting admission fees, fines and contributions from the members; for regulating the time and place of meeting; which constitution and by-laws shall not be repugnant to the constitution and laws of the United States, or of this state, and which they may from time to time alter and repeal; and they shall have power in their corporate name to institute suits for the recovery of all fines, debts, dues and arrearages due the said corporation.

Where located and first trustees.

5. *And be it enacted*, That the said corporation shall be located in Hoboken, or some convenient point in the county of Hudson, and that the persons named in the first section shall be the first trustees of said corporation, and shall continue in office until the first Wednesday in November next, and until others are elected in their stead.

Election of trustees.

6. *And be it enacted*, That the trustees of said corporation shall consist of five in number, who shall be chosen annually on the first Wednesday in November, at such time and place and on such notice as said by-laws shall fix; that all elections shall be by ballot, and that each member shall be entitled to one vote, which must be given in person or by proxy; and if at any time for any cause it shall happen that no election shall be held or made at the time herein appointed, the trustees for the time being shall continue in office until an election be regularly held, according to the requirements of the by-laws in that behalf, or of this act; and that in any election of trustees, the persons having or receiving the greatest number of votes shall be trustees, and shall continue in office until their successors are elected.

Act to be formally construed.

7. *And be it enacted*, That this act shall be formally construed in all courts and places for the purposes thereby intended, and no misnomer of the said corporation in any deed, grant, gift, devise, bequest or other instrument, contract or conveyance, shall defeat or vitiate the same if the corporation be sufficiently described to show or ascertain the intention of the parties.

May be repealed.

8. *And be it enacted*, That the legislature reserve the right at any time hereafter to alter, repeal or modify this act.

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

Approved April 15, 1868.

CHAPTER CCCCXXXVIII.

An Act to legalize certain tax sales made by the collector of the township of Montague, in the county of Sussex.

Preamble.

WHEREAS, Thomas Perry, collector of the township of Montague, did, on or about the twenty-fourth day of April, eighteen hundred and sixty-seven, by the order and direction of the township committee of the said township, make sale of certain lands situate in the said township belonging to non-residents and subject to taxation in said township; and whereas, doubts exist as to the legality of the sale so made as aforesaid; therefore—

Sales legalized and confirmed

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sales made by the said Thomas Perry, collector of the said township, in the preamble to this act set forth, be and the same are hereby legalized, ratified, and confirmed in all things, and that all conveyances made by him in pursuance thereof, shall be as valid and effectual in law as if made in strict conformity with the laws of this state.

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

Passed April 15, 1868.

CHAPTER CCCCXXXIX.

A Further Supplement to an act entitled "An Act to incorporate the Newark, Bloomfield and Montclair Horse Car Railroad Company," approved February twelfth, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That nothing contained in the act to which this is a further supplement shall prevent the said company from entering upon or taking possession of the lands of any person or persons for the purpose of actually constructing the railroad of the said company, or of making any erections or improvements whatever, or otherwise appropriating said lands to the use of the company, after they have paid the party or parties entitled to receive the same, the amount found by the commissioners; but in case the party or parties entitled to receive the amount so found by the commissioners as the value of said lands or damages, as provided in said act, shall refuse, upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, then payment of the amount assessed by the commissioners to the clerk of the circuit court of the county of Essex, shall be deemed a valid and legal payment for the purposes of this supplement. May enter upon and take lands for the purpose of constructing railroad.

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

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

Approved April 15, 1868.

CHAPTER CCCCXL.

An Act to repeal an act entitled "A Further Supplement to the act entitled 'An Act to revise and amend the charter of the city of Newark,'" approved March eleventh, eighteen hundred and fifty-seven, which supplement was approved March twentieth, eighteen hundred and sixty-six.

Repealer. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A Further Supplement to the act entitled 'An Act to revise and amend the charter of the city of Newark,'" approved March twentieth, eighteen hundred and sixty-six, be and the same is hereby repealed.

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

Approved April 15, 1868.

CHAPTER CCCCXLI.

An Act to incorporate the Bloomfield and Orange Horse Car Railway Company.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Sylvester S. Battin, James Peck, William A. Righter, Edward S. Wilde, P. Weaver, Alfred Beach, David N. Ropes, and such other persons as may be hereafter associated with them, be and they are hereby ordained, constituted and declared a body politic and corporate, in fact and in law, by the name of "The Bloomfield and Orange Horse Car Railway Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the objects of this corporation.

Name.

Capital stock. 2. *And be it enacted*, That the capital stock of said com-

pany shall be one 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.

Commissioners to open books of subscription.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said company, at such time or times and place or places, as they or a majority of them may think proper; and as soon as the sum of fifteen thousand dollars of the capital stock is subscribed for, such commissioners, or a majority of them, shall call a meeting of the stockholders to choose seven directors; and such election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said commissioners, or any three of them, shall be inspectors of said first election of directors of said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books and money paid in, after deducting all expenses previously incurred and a reasonable compensation for their services, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual election of said corporation, shall as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen by the said board of directors, or a majority of them; and in case of the absence of the president the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Election of directors.

Not dissolved by failure to elect directors

4. *And be it enacted*, That the directors of the said corporation shall be seven; and in case it shall happen that an election of directors should not be made during the day when pursuant to the by-laws of said company it 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 giving at least twenty days' notice in one or

more newspapers published in the county aforesaid, and the directors for the time being shall continue to hold their offices until others shall have been chosen in their place.

Capital, how paid in, and forfeited for non-payment.

5. *And be it enacted*, That a majority of the directors of said company shall be competent to transact all business of said corporation, and shall have power to call in the stock of said company by such installments and at such times as they may direct, by giving thirty days' previous notice in two newspapers published in the county of Essex; *provided*, that no installment shall exceed ten dollars on each share, and that no two installments shall be required to be paid within thirty days of each other; and in case of the non-payment of said installments, or any of them, they shall have power to forfeit the share or shares upon which said default shall arise to the said corporation; and the said directors shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear useful and proper, touching the management and regulation of the stock, property, estate, effects and business of the said corporation, and also shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix such salaries to them and to the president as to the said directors shall seem proper.

Proviso.

May lay out and construct a railroad and route.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some suitable point in the town of Orange, in the county of Essex, to some suitable point in the township of Bloomfield in said county, and to locate and construct said railroad not exceeding one hundred feet in width; and it shall be lawful for said president and directors, their agents, engineers, superintendents and others in their employ, to enter at all times upon lands for the purpose of exploring, leveling, surveying and laying out the route of such 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 to 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.

Rails not to be laid along streets or public highways until permission and consent is obtained.

7. *And be it enacted*, That if the said railroad shall be located on any public street or highway in the town of Orange, except for the purpose of crossing the same, the said company shall not lay any rails along said street or highway, nor commence work for that purpose without first obtaining the permission of the common council of said town, and under such restrictions as the said common council may designate, to lay the same; and if said railroad shall be located on any public street or highway, except for the purpose of crossing the same in the townships of Bloomfield or East Orange, the said company shall not lay any rails along such street or highway without first obtaining the consent in writing of the township committees of the respective townships or a majority of them to lay the same, which consent shall be filed in the office of the clerk of the county of Essex; and the said railroad and the rails thereof shall be constructed in such manner and of such size and pattern as to impair as little as practicable the ordinary travel in any street or highway along which the said road may be located.

Township committees of Bloomfield or East Orange to give consent in writing.

Proceedings when the company and owners of property cannot agree.

8. *And be it enacted*, That if the said company or its agent or agents cannot agree with the owner or owners of such required land for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of said company in the construction of said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of said company and also the name of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence if the same can be ascertained, to one of the judges of the inferior court of common pleas of the county of Essex, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof as he shall direct, for any time not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place upon satisfactory evidence to him of the service or publication of such

notice as aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, residents of this state, commissioners to examine and appraise the said lands, and assess the damages upon such notice, not less than ten days, to be given to the persons interested or otherwise as shall be directed by the judge making the appointment of commissioners; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation before some person duly qualified to administer the same, faithfully and impartially to examine the matter in question and make a true report according to the best of their skill and understanding), to meet at the time and place appointed and proceed to view and examine the said lands, the said commissioners at the same time taking into consideration all the benefits to be derived from, or in consequence of said railroad, as the case may be, to the said owner or owners, and to make a just and equitable appraisement of the value of the same, and an assessment of damages to be paid by the said company, which report shall be made in writing under the hands of said commissioners or any two of them, and be filed within twenty days thereafter together with the aforesaid description of the lands, and the appointments and oaths or affimations aforesaid, in the clerk's office of the said county, to remain of record therein, which report, or in case of an appeal, the verdict of a jury and the judgment of the court, and a copy thereof certified by the clerk of said county (the damages and costs assessed and adjudged, being first paid as hereinafter mentioned), shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said lands, and either of the judges of the said court shall, on application of either party, on reasonable notice to the other, tax and allow such costs, fees and expenses to the judges of the said court, commissioners, clerks and other persons performing any of the duties prescribed in this section, as he shall think equitable and just and to order and direct by whom the same shall be paid.

Proceedings in case of appeal.

9. *And be it enacted*, That in case the said company or owner or owners of the said lands shall be dissatisfied with the report made by the said commissioners named in the preceding section of this act, the party so aggrieved may appeal to the circuit court of the said county of Essex, at the first term after filing the said report by proceeding in the form of petition to said court, which proceedings shall vest in said circuit court full right and power to direct a proper issue for

the trial of the said controversy between the said parties, and order a jury to be empanelled and sworn as in other cases, and a view of the premises to be had, if either of the parties desire it, and the issue to be tried 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 and the damages sustained, and if they shall find a greater sum than the commissioners have awarded or the company may have offered to the said owner or owners, then judgment thereon, with costs, shall be entered against the said company and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded or the company offered, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury or execution awarded therefor, as the court shall direct, but such application shall not prevent the company from taking the said land upon filing the said report; *provided*, that in no case whatever shall said company enter upon or take possession of the lands of any person or persons for the purpose of actually constructing said railroad, or of making any erections or improvements whatever, or otherwise appropriating said lands to the use of the company, until they have paid the party or parties entitled to receive the same, the amount found by the said commissioners as the value of the said lands or damages; but in case the party or parties entitled to receive the amount assessed by the commissioners, shall refuse upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, then payment of the amount assessed or found as aforesaid, into the circuit court of the county of Essex, shall be deemed a valid and legal payment; *and further*, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being debarred thereby from an appeal from the report of the commissioners, and it shall be lawful for said company, and they are hereby authorized, with their road, to cross the line of any other railroad; *provided*, that the grade of the road hereby authorized, at the point or points of crossing such other railroad, shall correspond with the grade of the railroad so to be crossed, or otherwise, at such point or

Proviso.

Proviso.

Proviso.

points shall be constructed a viaduct of such height as not to interfere with the passage of the trains upon such other railroad.

Rates of fare and freight.

10. *And be it enacted*, That the president and directors of said company shall have power to have constructed or to purchase with the funds of the company, and place and use on said railroad, cars, wagons, carriages or vehicles for the transportation of persons or any species of property, and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than five cents per mile for each passenger, and ten cents per ton per mile for the transportation of every species of heavy merchandise and goods as usually weighed by the ton, in the carriages of the company, and for dry goods and packages such reasonable rates as shall be fixed by the board of directors, or six cents per ton per mile for every ton, four cents per mile for every passenger carried on said railroad in the carriages of others, and four cents per mile for every empty carriage not the property of the company; and that the road authorized by this act shall be and is declared a public highway and free for the passage of any railroad carriage thereon with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the carriages so used thereon shall be of the same description in the formation of the wheels and length of axles as those used by the company, and shall be regulated as to the time of starting and running and rates of travelling by the company, in the same manner as the carriages of the company are; and the said railroad and its appendages, and the land over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the company, are hereby vested in the said company and their successors for and during the continuance of the charter.

Proviso.

Proviso.

Dividends.

11. *And be it enacted*, That the president and directors of the said corporation shall declare and make such dividends as they deem prudent and proper from time to time, out of the net profits of the said railroad.

May purchase and hold real estate, &c.

12. *And be it enacted*, That the said company may purchase, have, hold and occupy such real estate at or near the commencement and termination of said road, and at such points along the line of said road as may be necessary for the

convenient transaction of business, not exceeding two acres in each place, and may erect and build thereon depots, houses, warehouses, stables, and such other buildings and improvements as they may deem expedient for the safety of their property and the necessary uses appertaining to their business, and shall have the privilege and authority to erect, build and maintain over such streams, canals or water courses, 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.

Penalty for injury to road, &c.

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

When company may commence carrying passengers and freight.

14. *And be it enacted*, That when so much of said road is completed as to make it a public convenience, the said company may commence running cars for the transportation of passengers and freight, enjoying all the privileges, and subject to the restrictions created by this act.

Must file a statement of costs and expenses with secretary of state.

15. *And be it enacted*, That as soon as the said railroad, or any part thereof, is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipment, appendages and all expenses, in the office of the secretary of state, and annually thereafter on the first Monday in January of each year, he shall, under oath or affirmation, make a statement to the secretary of state, of the cost of equipment, appendages and expenses of said road; and after the said railroad or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter, on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws, and until the said railroad, or any part thereof shall be in operation, the said corporation shall be regularly assessed, and pay tax for the value of its real estate, including improvements thereon, and personal property

Annual tax to be paid to the state.

as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purposes, and by the same person or persons, as the other taxes assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

Proviso.

State officers to pass free.

16. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court and the judges of the court of errors and appeals of this state, the state superintendent of public schools and the principal of the normal school, whilst travelling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, shall pass and repass on the railroad of said company free of charge during the year or years for which they are elected.

May borrow money on bond and mortgage.

17. *And be it enacted*, That the said corporation shall have power to borrow, after fifty per centum of the capital subscribed shall have been paid in, in cash, such sum or sums of money, from time to time, as shall be necessary to build, construct, or repair said road and furnish the said company with all necessary rails, buildings, cars, vehicles and animals for the use and object of said corporation, and to secure the repayment thereof by bond and mortgage or otherwise on the said road, land, franchises and appurtenances of or belonging to the said corporation, at a rate of interest not exceeding seven per centum per annum.

May lease road to or consolidate with any other companies.

18. *And be it enacted*, That it shall be lawful for the said corporation, at any time during the continuance of its charter, to lease its road to or consolidate with any other company, and after such lease or consolidation such company may use and operate said road according to the provisions and restrictions contained in the charter of such company, or the said corporation may make contracts and engagements with any other company or corporation, or with individuals for operating said railroad, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfillment of such contracts, and also to demand and receive for the transportation of all passengers and freight by them carried and transported over the road of any other company, the same rates of fare and tolls as the said company are entitled to demand and receive by virtue of this act, for transportation and passage over their own road.

Limitation.

19. *And be it enacted*, That if the said railroad is not

completed and in use within five years from the fourth day of July next, then and in that case this act shall become void.

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

Approved April 15, 1868.

CHAPTER CCCCXLII.

An Act to incorporate the Cumberland Mutual Life Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David P. Elmer, Uriah D. Woodruff, Jesse D. Claypoole, William G. Nixon, John B. Bowen, Alexander Stratton, Henry B. Lupton, Stephen G. Porch, William E. Potter, Charles E. Elmer, Joel Fithian, Horatio J. Mulford, James B. Ferguson, George F. Nixon, James M. Hanna, Joseph K. Riley, George W. Hilyard, Edwin Stokes, Charles P. Stratton, James H. Nixon, Hazon Z. Ellis, Reuben Townshend, George Gandy, Ellis A. Davis, George S. Whitaker, and others, their associates, successors and assigns, shall be, and are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in name, by the name of "The Cumberland Mutual Life Insurance Company," to be located at Bridgeton, in this state, and by that name they and their successors shall and may have succession during the continuance of this act, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions, suits, complaints, matters and causes whatever; and 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 Cumberland Mutual Life Insurance Company," shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation; *provided*, the lands, tenements and hereditaments which it shall be lawful for the said corporation to

Corporators.

Name.

Proviso.

hold, be only such as shall be requisite for the purpose of erecting buildings thereon in which to meet and transact the business of the corporation, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgments or decrees, which shall have been obtained for such debts; and with regard to all such lands, tenements and hereditaments so to be held by the said corporation as aforesaid, except such as may be for its immediate accommodation as aforesaid, or such as it may hold by way of mortgage, and whereof the actual possession shall be and remain in the mortgagers, their heirs and assigns, the corporation shall be bound to sell and dispose of respectively, within five years after it shall acquire the same, and shall not be capable of holding the same after the expiration of five years.

All persons insured made members of company.

2. *And be it enacted*, That all persons who shall at any time hereafter insure in or with the said association, shall, while they continue so insured, be deemed and taken as members of the said corporation; and the property and concerns of the said corporation shall be conducted and managed by

Election of directors.

twenty-five directors, a majority of whom shall be citizens and residents of this state, to be chosen by ballot by and from among the members, and shall hold their office for one year and until others are chosen; and said directors and officers may always be re-elected, and the election for directors shall be held on the third Monday in January in every year, at the office of the company, or such other time and place as a majority of the directors may previously designate, public notice of which shall be given by the secretary, in the news papers printed or published in the county of Cumberland, at least two weeks previous to the time of holding such election; and if any of the said directors shall die, refuse to serve, or neglect to act in their said office for the space of two months, then and in every such case the remaining directors shall have power to fill such vacancy or vacancies until the next annual election; and in case it shall happen that an election for directors should not be held on the day when pursuant to this act it ought to be held, the said corporation shall not be dissolved for that cause, but it shall and may be lawful to hold an election for directors pursuant to law; and until an election for directors shall be held according to the provisions of this act, the persons named in the first section of this act

shall have the direction and management of the said corporation.

May insure lives of individuals.

3. *And be it enacted*, That it shall and may be lawful for the said corporation to insure their respective lives, and to make all and every insurance appertaining to or connected with life risks of whatever kind or nature, as well of the sound in health as the infirm or invalid.

Any married woman may insure the life of her husband.

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

Insurance may be made payable after death of married woman to her children.

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

May take premium notes for insurance.

6. *And be it enacted*, That it shall and may be lawful for the officers of said corporation to take the notes or obligations of the members for the amount, either in part or the whole of the premium of insurance, in proportion to the amount insured.

Powers of directors.

7. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper for the management and disposition of the stock, property, estate and effects of the said corporation, and for all such matters as appertain to the business thereof; and shall have power to appoint an actuary from among themselves, and such other additional officers, clerks and servants for carrying on the business of said corporation as they may select, with such compensation as to them shall appear just and satisfactory; *provided*, that such by-laws, rules and regulations shall not be repugnant to the constitution or laws of the United States or of this state.

Proviso.

President to be chosen annually.

8. *And be it enacted*, That at the first meeting of the directors held after the organization of this company, and at

every annual meeting of the members in each year after, the directors shall choose from among themselves one person for president, who shall continue in office until the next annual meeting, and until another shall be appointed in his place.

Policies of insurance.

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

Proviso.

Meetings of directors.

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

Not to engage in banking.

11. *And be it enacted*, That no part of the funds of said corporation shall be used for banking purposes.

Act may be repealed.

12. *And be it enacted*, That it shall be lawful for the legislature at any time hereafter to alter, amend, modify or repeal this act.

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

Approved April 15, 1868.

CHAPTER CCCCXLIII.

A Supplement to "An Act concerning roads."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of any road district in the township of Westfield, Union county, at their annual meeting for the election of overseers, are hereby authorized to raise any such additional money over and above the township appropriation, for the making and repairs of roads in said districts, as they may deem necessary for the ensuing year, said tax to be assessed and collected in the same manner as other taxes are assessed and collected. Additional money may be authorized to be raised for repairs to roads.

2. *And be it enacted*, That all overseers of roads in said township are authorized to pay any hired laborer, or teams for repairing roads in said township, the regular wages paid for similar kinds of labor at the time. Wages to laborers.

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

Approved April 15, 1868.

CHAPTER CCCCXLIV.

A Further Supplement to the "Act concerning roads."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of road districts numbers one, three, nine and seventeen, in the township of Warren, in the county of Somerset, shall be elected at the same time and in the same manner that the overseers of the other road districts in said township are elected. Election of overseers in certain districts.

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

Approved April 15, 1868.

CHAPTER CCCCXLV.

An Act relative to the Delaware and Raritan Canal Company, the Camden and Amboy Railroad and Transportation Company and the New Jersey Railroad and Transportation Company.

Preamble. WHEREAS, the above named companies have become united in interest; therefore,

May erect a wing-dam at the head of Bull's Island, &c. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said Delaware and Raritan Canal Company, whenever the said United Companies shall deem it expedient to straighten their feeder as more water may be required for the traffic on said canal; and to make such structures as may be necessary for the protection and usefulness of said feeder, including a wing-dam at the head of Bulls Island, not exceeding eighteen inches high above low water mark, and not interfering with the raft navigation; and to protect and complete the wing-dams heretofore erected at Wells Falls, for the improvement of the raft navigation; also to erect temporary structures at Bulls Island and Wells Falls, in times of extreme low water, to prevent the water from falling below the level of common low water; and for the purposes specified in this section, to take and acquire such lands and materials as may be necessary, in the manner prescribed in the original charter of said canal company.

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

Approved April 15, 1868.

CHAPTER CCCCXLVI.

An Act relative to the Delaware and Raritan Canal Company, the Camden and Amboy Railroad and Transportation Company, and the New Jersey Railroad and Transportation Company.

WHEREAS, the above named companies have become united in interest; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said railroad companies respectively, whenever the said united companies shall deem it expedient to shorten, straighten, widen, or otherwise improve any part of their railroad lines respectively, or to cause the same to pass above or below any public highway or street crossing the same, and, if necessary, to change the location or grade of such highway or street so as to make the crossing more convenient; and when any change of location may be determined on and a new route laid out, to construct their road thereon, and to take and acquire title to the lands required for that purpose, in the manner prescribed by the act under which such railroad may have been originally constructed; *provided*, that one of the commissioners appointed to appraise the value of the land shall be selected from the city or township in which the lands proposed to be taken lie; and when such new route is completed, to abandon that part of the present route, for which such new route may be substituted, as soon as the same can be done without injury to the public or the business of said road, such abandonment to be made in writing, under the seal of the company to which such road may belong, and filed in the office of the secretary of state of this state; and until so abandoned the said companies shall maintain and operate the same; *provided*, that such new location shall not deviate more than two miles from the present route, and shall not be of greater width than authorized by the original charter; *and provided further*, that the location or grade of no street or highway shall be changed without the concurrence of the common council of any city or borough, or a majority of the surveyors of highways of any township in which such change may be made, nor shall the said new locations be extended

May change location of grade of street or highway so as to make the crossing more convenient.

Proviso.

Proviso.

Proviso.

over any public street in any incorporated city along which the same may run, without the consent of the municipal authorities thereof; and any street hereafter laid out according to law, shall be included in the provisions of this act; *provided*, that where the streets are elevated so as to pass above the railroad, the bridges for said streets shall be built and kept in repair by the said united companies.

Proviso.

Proceedings in case of defective title.

2. *And be it enacted*, That if at any time it shall appear that the title of the said companies, or any or either of them respectively, to any land whereon any portion of their railroads or canals or other works, are or shall be situated, is or shall be defective, it shall be lawful for either of the said companies, respectively, whenever the said united companies shall deem it expedient, in case agreement for such land cannot be made with the owner or owners thereof, to take such proceedings for perfecting the requisite title of said company thereto, as by its charter, or act of incorporation, are prescribed for taking lands for such railroad or canal, by procuring the appointment of commissioners to appraise the value of the land taken, and the damages caused thereby, and such other proceedings as are prescribed in said charter in that behalf; *provided*, that when such value and damages shall have been duly ascertained, the said company shall receive credit for all payments previously made in respect of the same (to the party legally entitled thereto), and shall forthwith pay or tender, or deposit in court (as the case may require), any balance which shall remain unpaid, or be liable to an action therefor, at the suit of the party or parties entitled thereto; *provided, further*, that nothing herein contained shall be construed to deprive the said company of any rights which it may have acquired to have the possession or title of or to such lands.

Proviso.

Proviso.

Bonds held by or in trust to be for mutual benefit.

3. *And be it enacted*, That the stock held by or in trust for any or either of the said companies in the Philadelphia and Trenton Railroad Company, or any other company or corporation, and also all bonds of any other company or corporation so held by or in trust for any or either of said united companies, shall be held for their joint and mutual benefit, and shall be sold and disposed of or transferred to said companies, or any of them, or to any other person or persons for their joint use, as may be directed by the joint board of directors, or executive committee of said united companies, having authority to act in their joint behalf, and until so sold or dis-

posed of shall be subject to the direction and control of said directors or executive committee, and shall be voted on and represented as they shall order and direct.

4. *And be it enacted*, That it shall be lawful for the said companies to invest such portion of their earnings as they may deem expedient, in permanent improvements in their works; and the amount so invested shall not be subject to be divided amongst the stockholders, except as the joint board of directors of said united companies in their discretion may see fit to issue stock or bonds therefor, and to divide the same, or the proceeds thereof. Portion of earnings may be invested in improvements in their works.

5. *And be it enacted*, That it shall be lawful for the said united companies to issue their bonds, or the bonds of any or either of them, in such amount or amounts as they may deem necessary, for the purpose of raising money for the improvement or renewal of all or any of their works, and to run for such period of time, and at such rate of interest as they may deem expedient; and to secure the payment thereof respectively, by a mortgage or mortgages upon all or any portion of their several works and property, and upon the franchises and chartered rights connected with the property and works mortgaged, and necessary or proper for the use and enjoyment thereof; and to dispose of such bonds, at the best prices they can obtain for the same; *provided*, that said bonds shall not be issued and sold to an amount exceeding, for the time being, the fair value of the property mortgaged to secure the same; *provided further*, that nothing in this act shall be so construed as to exempt the said Delaware and Raritan Canal Company, the Camden and Amboy Railroad and Transportation Company and the New Jersey Railroad and Transportation Company from the payment of any transit duties or taxes whatsoever, now imposed upon the said companies by the laws of this state; or to exempt the said companies from any of the provisions, conditions, liabilities, limitations and restrictions to which the said companies are now subject by their several acts of incorporation, and the supplements thereto, except as hereinbefore provided; *and provided further*, that nothing herein contained shall be construed to interfere in any way with the rights and privileges granted to the Newark and New York Railroad Company, except the right of crossing the same; *and provided further*, that nothing contained in this act shall be construed as in any wise affecting the provisions of the act entitled "An Act to enable the United Railroad May raise money by issuing bonds. Proviso. Proviso. Proviso. Proviso

and Canal Companies to increase their depot and terminal facilities at Jersey City," which became a law March thirtieth, eighteen hundred and sixty-eight.

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

Approved April 15, 1868.

CHAPTER CCCCXLVII.

An Act to incorporate the Beaver Dam Cranberry Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas W. Ivins, George D. Horner, Howard Ivins, Daniel L. Platt and George F. Fort, and all such persons as may hereafter be associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate, in fact and in law,

Name.

by the name of "The Beaver Dam Cranberry Company," for the purpose of buying, holding, cultivating and improving lands in the county of Ocean, and for raising and selling cranberries and other fruit, and other produce of said lands, and carrying on the business connected therewith, and erecting such buildings and holding such personal property as may be necessary therefor; and that they and their successors, by the same name may sell and dispose of the said lands, tenements and hereditaments, cranberries, produce, fruits, goods and chattels, or any part thereof, and may lay, open, make and maintain ditches, drains and embankments through their own and adjoining and contiguous lands, as they may deem for the benefit of said lands, and for such purposes the said company shall or may raise by subscription, by opening the books therefor or otherwise, a capital stock of twenty thousand dollars, with liberty to increase the same to forty thousand dollars, which shall be divided into shares of one hundred dollars each.

Affairs to be managed by a board of directors.

2. *And be it enacted*, That the affairs of said corporation shall be managed by a board of five directors, one of whom shall be president, and a majority of whom shall have all the

powers of the board, and they shall hold their office for one year and until others are elected in their stead, and shall have power to make by-laws for the government and management of said corporation, and shall hold their meetings at such times and places in this state as the by-laws may provide; and that until an election for directors shall be held, the persons named in the first section of this act shall be directors; and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder. Vacancies, how filled.

3. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and shall be transferable in such manner as the by-laws may prescribe, but no dividends shall be made to the stockholders except from the net profits of the corporation; and that regular books of accounts of the corporation shall be kept, to which every stockholder shall have free access at reasonable times for the purpose of inspection, and that their principal office shall be in New Egypt, in this state. Principal office, where located.

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

5. *And be it enacted*, That the said corporation shall possess the general powers, and be subject to the general directions and liabilities set forth in "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same are applicable. Powers and restrictions.

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

Approved April 15, 1868.

CHAPTER CCCCXLVIII.

Supplement to an act entitled "An Act to incorporate Jersey City," approved March eighteenth, eighteen hundred and fifty-one.

Provisions in section thirty-one of original act not to apply to Fifth ward in eighteen hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the thirty-first section of the act to which this is a supplement shall not be operative in the charter election for eighteen hundred and sixty-eight, as to the Fifth ward in the said city.

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

Approved April 16, 1868.

CHAPTER CCCCXLIX.

An Act to equalize the Assembly Districts in the County of Cumberland.

First assembly district.

Second assembly district.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of electing members of the general assembly of this state, the county of Cumberland shall constitute two districts: the first district to be composed of the townships of Hopewell, Stoe Creek, Greenwich, Fairfield, Deerfield and the city of Bridgeton; the second district to be composed of the townships of Downe, Maurice River, Landis and the city of Millville; and that all acts and parts of acts inconsistent with the above, be and the same is hereby repealed.

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

Approved April 16, 1868.

CHAPTER CCCCL.

A Further Supplement to the act entitled "An Act to regulate Elections," 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 the county of Morris shall constitute three assembly districts: the first district to be composed of the townships of Passaic, Chatham, Hanover, Morris and Mendham; the second district to be composed of the townships of Jefferson, Rockaway, Boonton, Montville and Pequannock; the third district to be composed of the townships of Roxbury, Washington, Chester and Randolph. First assembly district. Second assembly district. Third assembly district.

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

Approved April 16, 1868.

CHAPTER CCCCLI.

An Act to authorize the extension of the State Prison.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inspectors of the state prison be and they are hereby authorized to build an additional wing to the state prison, for the purpose of providing room for the female convicts, and that for the purpose of defraying the expense thereof the treasurer is authorized to pay out of the state treasury to the said inspectors, on the warrant of the comptroller, the sum of six thousand dollars. Appropriation for additional wing to state prison.

2. *And be it enacted*, That the said inspectors shall appoint two of their number, who, with the keeper of the state prison, shall be commissioners to superintend the erection of said buildings, under the direction of the board of inspectors. Commissioners.

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

Approved April 16, 1868.

CHAPTER CCCCLII.

An Act to incorporate the Quarrymen's Benevolent Society of the city of Hudson.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edward Foley, Patrick Hanly, Michael McDonough, Martin Keaden, Thomas Reilly, Thomas Doyle, John Crosby, Thomas McConnell, Michael Dolan, James Dunlevy and John Reilly, and their associate officers and members of the Quarrymen's Benevolent Society of the city of Hudson, and their successors, be and they are hereby constituted and declared a body corporate, in fact and in law,

Name.

by the name, style and title of "The Quarrymen's Benevolent Society of the city of Hudson," and by that name they and their successors shall and may at all times hereafter be capable in law of having, purchasing, holding and possessing any lands, tenements, hereditaments and personal estate purchased, devised or bequeathed by any person or persons, body politic or corporate, capable of making the same; to make all proper and needful by-laws for the regulation of its members and property, and also to have a common seal and use the same at pleasure, and also to have all the powers and privileges enumerated in the first section of the act entitled "An Act concerning corporations," approved February fourteenth,

Proviso.

eighteen hundred and forty-six; *provided always*, that the said corporation or body politic shall not at any time hold or possess property, real, personal or mixed, the net income of which shall exceed the sum of ten thousand dollars.

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

Approved April 16, 1868.

CHAPTER CCCCLIII.

An Act to divide the township of Hamilton, in the county of Mercer, into two election districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of Hamilton, in the county of Mercer, shall be divided into two election districts, as follows: all that part of the said township lying west of the following line, viz: commencing where the railroad bridge of the Belvidere and Delaware railroad crosses the Assanpink creek; and running thence in a straight line to Chambers street; thence southerly by Chambers street and Dayton avenue to the Lamberton road; thence along said Lamberton road by Robert H. Wright's farm to the westerly line of said Wright's farm; thence along said westerly line and the easterly line of the Lalor farm to the Delaware and Raritan canal; and thence in a straight line to the Delaware river, to be the Chambersburg election district, and all that part of said township east of said line to be the Hamilton Square election district. Boundary of first election district. Second election district.

2. *And be it enacted*, That the registers and inspectors of elections elected last November, shall preside at and conduct the elections in each of the above described districts, to be held in March, eighteen hundred and sixty-eight, and the clerk of the township shall act as clerk of the district in which he lives, and the inspectors or judges of election of the other shall appoint some person who shall be a legal voter in the district to act as district clerk of said board, who shall be entitled to the same fees as the other clerks, and that this rule shall apply to all subsequent elections to be held in said districts so far as it regards the clerks. Officers of elections.

3. *And be it enacted*, That the inspectors of registry and election elected in November eighteen hundred and sixty-seven shall act as judges of election at the next November election and the next March election in said districts, and that at the election to be held in March, eighteen hundred and sixty-eight, and at each succeeding March election, three persons shall be elected as judges of election for each election district for the term of one year, who shall possess the powers, be required to perform the duties, and be subject

to the liabilities as other judges of election, according to the general laws of the state of New Jersey, as they now are or may hereafter be; and said judges so elected shall act as judges of all elections to be hereafter held in said districts; no ballot for this purpose shall contain more than two names in case more than two names are voted for, the ballot shall only be void as to said judges, and the three persons who received the highest number of votes shall be deemed and taken to be elected judges of election; in case two persons shall have received an equal number of votes, the first person named on the ballot for judge of election shall be elected, and the said judges and clerks shall receive two dollars and a half per day for their services, and the said judges of election shall procure a place for holding all elections in each election district, of which place and time of elections, they shall give at least two weeks notice in five public places in said district.

Election of judges no ballot to contain more than two names.

Repealer.

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

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

Approved April 16, 1868.

CHAPTER CCCCLIV.

An Act to incorporate the Mechanics' and Traders' Exchange of Jersey City.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin Meigs, William H. Bumsted, Ferdinand Lewis, William Van Kuren, Smith Mead, E. M. Pritchard, John Pringle, James Dickson, John Falkinburg, Robert H. Martin, and such other persons as now are or hereafter may be associated with them, and their successors, are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Mechanics' and Traders' Exchange of Jersey City."

Name.

2. *And be it enacted*, That said corporation may purchase

and hold real and personal estate for their use and benefit, the annual income of which shall not at any time exceed five thousand dollars; and said corporation by their corporate name may sue and be sued, implead and be impleaded, answer and be answered unto, in all courts of law and equity, or in any other place whatever. May hold real estate.

3. *And be it enacted*, That said corporation shall have power and authority to make such constitution and by-laws for the control and government of said exchange as they or a majority of them may determine; *provided*, such constitution be not contrary to the constitution of the United States or of the state of New Jersey. Power to make by-laws.

4. *And be it enacted*, That the property, affairs, business and concerns of the corporation hereby created shall be managed by a president, vice president, treasurer, secretary and seven managers, who shall together constitute a board of managers, to be elected annually, at such time and place as may be provided for by the by-laws of this exchange; and the present officers and managers of this said exchange, as now constituted, shall be the officers and managers of said corporation until the present term of office shall expire, and until others, under the provisions of this act, shall be elected in their place; all vacancies which may occur in said board by death, resignation, or otherwise, shall be filled by said board; a majority of the members of such board shall constitute a quorum for the transaction of business, and said corporation shall have power to admit new members, and expel any member as may be provided for by the by-laws. Officers.

5. *And be it enacted*, That the purposes of said corporation shall be to provide and regulate suitable room or rooms for the daily meetings of the said exchange in the city of Jersey City; to establish a more general and good understanding; just and equitable principles in all business transactions with each other; to acquire, preserve and disseminate valuable business information, and, in all cases of misunderstanding arising between members of the said exchange, they may be adjusted as shall be hereafter provided in the by-laws of this corporation. Objects of corporation.

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

Approved April 16, 1868.

CHAPTER CCCCLV.

A Supplement to the act entitled "An Act to incorporate the Vineland Safe Deposit Company."

May commence business.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Vineland Safe Deposit Company may organize and commence business whenever five thousand dollars of the capital stock shall have been subscribed, and fifty per centum thereof paid in, in cash.

Repealer.

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

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

Approved April 16, 1868.

CHAPTER CCCCLVI.

An Act to incorporate the Hudson Hay Cutting, Winnowing, Crushing and Baling Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Brown, David L. Miller, Ralph S. Lewis, J. Condict Smith and John H. Lyon, and the survivors of them, and all such persons as may be hereafter associated with them or the survivors, their successors and assigns, shall be, and they are hereby constituted a body politic and corporate in fact and in name by the name of

Name.

"The Hudson Hay Cutting, Pressing and Baling Company," for the purpose of manufacturing and selling the machinery for cutting, crushing and winnowing hay and straw, and putting up the same in compact bales, and also for the purchasing, cutting, winnowing, baling and selling hay, straw and other materials.

2. *And be it enacted*, That the stock, property and concerns of the said company, shall be managed and conducted by five directors, one of whom to 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 every year, at such place and time, as shall be directed by the by-laws of said corporation, and public notice shall be given of the time and place of holding every such election, not less than ten days' previous, in the newspapers published in Jersey City, in the county of Hudson, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled either in person or by proxy, or by power of attorney, to as many votes as he or she shall hold shares of the capital stock of said company, and the 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 held, and the directors so chosen may appoint such officers and superintendents, and assign such compensation as they shall think fit, not less than a majority of the whole number being present when the same shall be done; and if it 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, the first directors shall be Charles Brown, David L. Miller, Ralph S. Lewis, J. Condict Smith and John H. Lyon, who shall hold their office until the first Monday in January next, and until others are legally chosen.

Directors, and how elected.

First directors

3. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with liberty to the said directors to increase the same to five hundred thousand dollars, if they deem it proper so to do, to be divided into shares of fifty dollars each; and as soon as twenty-five thousand dollars of the 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 business, and with that capital conduct and carry on their operations until they deem it expedient to extend the same; and it shall be lawful for the directors of the said company to call

Capital stock.

and demand from the stockholders of said company respectively, all such sums of money by them subscribed, at such times, and in such proportions, as they shall deem proper, not exceeding ten dollars on each share at any one time, under pain of forfeiting the shares of the said stockholders, and all previous payments thereon, if such payments shall not be made within sixty days after a notice shall have been published for the space of thirty days in the newspapers published in the said city of Jersey City, in the county of Hudson.

Books of subscription to be opened.

4. *And be it enacted*, That the subscription of the said stock shall be opened at such time and place as the directors shall designate, in the city of Jersey City, for any number of days not exceeding thirty, under the direction of the board of directors, or such of them as shall be designated by said directors for that purpose, and if more stock is subscribed for than the amount deemed by the directors proper for carrying on said business, the said directors shall have the power to distribute the shares deemed by them sufficient, between those subscribing, in such proportion as they shall deem proper.

Stock transferable.

5. *And be it enacted*, That the stock and property of the said corporation, of whatever 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 dividend shall be made to and among the stockholders, except from out of the net profits of said corporation.

Proviso.

Failure to elect not to work a dissolution.

6. *And be it enacted*, That in case it should at any time happen that any 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 aforesaid, as shall be prescribed by the by-laws and ordinances of said corporation.

Powers of directors.

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

Proviso.

Office, where located.

8. *And be it enacted*, That the principal office and place of

business of the said company shall be at Jersey City, in the county of Hudson, but the said company shall have power to locate and establish branch offices and places of business in the other counties of this state, and at such places the said company are authorized to hold sufficient real estate for the purpose of carrying on their business.

Books of account shall be kept.

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

How dissolved.

Proviso.

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

Limitation.

11. *And be it enacted*, That this act shall continue in force for the space of thirty years, and shall go into effect immediately.

Approved April 16, 1868.

CHAPTER CCCCLVII.

An Act to incorporate the Somerville Gas Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joshua Doughty, Nelson Young, La Rue Vredenburgh, Samuel S. Hartwell and Culver Barcalow, 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

Name.

corporate in fact by the name of "The Somerville Gas 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 in the towns of Somerville and Raritan, in the county of Somerset, 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 said corporation;

Proviso.

provided, that the said real estate shall not exceed what may be necessary for the purposes mentioned, and no private lands shall be in any way injured or defaced without permission first obtained in writing from the owner or owners thereof;

Proviso.

and provided also, that it shall not be lawful for said corporation to charge or receive for their gas any greater price than at the rate of six dollars per thousand cubic feet.

May lay down gas pipes, erect burners, &c.

2. *And be it enacted*, That the said corporation shall be empowered to lay down their gas pipes, and to erect gas posts, burners and reflectors in the streets, alleys, lanes, avenues or public grounds of Somerville and Raritan, and to do all things necessary to light the said towns of Somerville and Raritan, and the dwellings, stores and other places situated

Proviso.

therein; *provided*, that the public travel shall at no time be affected or impeded by the laying of the said pipes, or the erection of the said posts, and the streets, side and crosswalks,

public grounds, lanes and avenues shall not be injured, but shall be left in as good and perfect condition as before the laying of the said pipes or the erection of the said posts.

Commissioners to open books of subscription.

3. *And be it enacted*, That Joshua Doughty, Nelson Young, La Rue Vredenburgh, Samuel S. Hartwell and Culver Barcalow are hereby appointed commissioners for receiving subscriptions for the sum of thirty thousand dollars, to constitute the capital stock of the said corporation, in shares of twenty-five dollars each; and the said commissioners or a majority of them, shall open books for that purpose, at such time and in such place or places within this state, as they shall designate by a public advertisement, to be previously inserted for at least one week in the public newspapers printed and published in the county of Somerset, 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 dollars upon each share so subscribed, shall be paid by each subscriber to the said commissioners, or a majority of them, at the time of subscription; and each subscriber shall be entitled to receive a certificate for such stock from the said commissioners; and the amount so received by the said commissioners at the time of the said 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, first deducting therefrom a reasonable compensation for their own services and expenses; and all the powers of said commissioners shall cease and determine on the appointment of such board of directors, and the said board, when so appointed, shall have power, and they are hereby authorized from time to time under the foregoing regulations, to open the books for the further subscription of stock until the whole stock subscribed amounts to the said sum of thirty thousand dollars, and are also authorized to call upon the said subscribers for the payment of further installments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures, as they may deem most expedient, until the whole amount of said shares so subscribed shall have been fully paid; *provided*, that the said installments shall be at least twenty days apart, and shall not be called for in any larger sums than five dollars on each share, and at least ten days'

Payment of installments.

Proviso.

notice of each installment shall be given in the newspapers published in the county of Somerset aforesaid.

Election of directors.

4. *And be it enacted*, That the management of the concerns of said company shall be vested in five directors, to be selected from the stockholders, all of whom shall be residents of Bridgewater in the said county of Somerset; and as soon as conveniently may be after fifteen thousand dollars shall have been subscribed, the beforenamed 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 first Monday in May next succeeding their election, and the said directors shall choose by plurality of votes a president from among tehmselves, and such other officers as shall be provided for by the by-laws of said corporation, and the said directors and president and other offiers, shall hold their respective offices from the first Monday in May in every year, for one year, and shall be elected on the first Monday in May in each year, at such time and place as a majority of the directors shall appoint, and public notice shall be given of the time and place of holding such election, for ten days in the newspapers published in the county aforesaid; and in case of the death, resignation or removal of the president or any other officer or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the said board of directors or a majority of them; and in case of the absence of the president the said board of directors or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of said corporation shall provide; and all elections for directors shall be by ballot of the stockholders or their proxies, allowing one vote for each share which they shall have held, in his, her or their names, at least fourteen days before the time of voting.

Failure to elect directors not to dissolve

5. *And be it enacted*, That if at any time an election is not held on the day appointed, the corporation shall not be dissolved for that cause, but an election may be held at any other time in manner provided by law in such cases; and the directors for the time being shall continue to hold their offices until others are elected in their stead, and shall have the same powers for the time being as if they had been reëlected.

Quorum.

6. *And be it enacted*, That the directors for the time being

shall form a board, and they, or a majority of them, shall be a quorum for transacting business.

Stock transferable.

7. *And be it enacted*, That the stock of the corporation shall be transferable according to the by-laws and regulations of the corporation, and shall be considered personal property, and the stock and transfer books shall be open at all times to the inspection of the stockholders.

Penalty for injuring works.

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

Proviso.

Books of account to be kept.

9. *And be it enacted*, That the said company shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be open at all times for the inspection of the stockholders.

Powers and restrictions.

10. *And be it enacted*, That the said corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled, "An Act concerning corporations," approved the fourteenth day of Feburary, eighteen hundred and forty-six, so far as the same are applicable.

Repealer.

11. *And be it enacted*, That the act entitled, "An Act to incorporate the Somerville Gas Light Company," approved March fourth, eighteen hundred and fifty-three, be and the same is hereby repealed.

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

Approved April 16, 1868.

CHAPTER CCCCLVIII.

An Act to incorporate the Elizabeth Hotel Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin Williamson, Anthony W. Dimock, Edward G. Brown, Amos Clark, junior, A. Denman Mulford, Edward J. Owen, Augustus C. Kellogg, James T. Wiley, William W. Crane, John R. Crane, and all such persons as may be hereafter associated with them as subscribers and owners of the capital stock hereby created, shall be, and they and their successors are hereby constituted a body corporate and politic, in fact and in law, by the name

Name.

of "The Elizabeth Hotel Company," and by that name shall have power to lease, purchase, and hold real estate at or near the city of Elizabeth, in the county of Union, and state of New Jersey, and to erect and maintain a hotel and other buildings and improvements thereon, or upon any part thereof, for the accommodation of the public, and to transact all such business as may be incident or appertain to the erecting, conducting and holding of said premises, or otherwise controlling or disposing of the same.

Capital stock.

2. *And be it enacted*, That the said corporation shall have power to raise by subscription a capital stock of one hundred thousand dollars, with liberty to increase the same whenever a majority of the directors of said corporation shall so determine, to any sum not exceeding two hundred thousand dollars, which capital stock shall be divided into shares of twenty-five dollars each, and shall be transferable in such manner as the by-laws of said corporation shall direct, and each share of said capital stock shall entitle the bona fide owner thereof to one vote at all meetings of the stockholders, which vote may be given either in person or by proxy.

Commissioners to open books of subscription.

3. *And be it enacted*, That the persons named in the first section of this act are hereby appointed commissioners to receive subscriptions to said capital stock, at such places and times as a majority of them may appoint, giving previous notice thereof in one or more of the newspapers published in the city of Elizabeth, for two weeks, at least once in each week; and as soon as thirty thousand dollars of the said

capital stock is subscribed, the said commissioners, or a majority of them, may call a meeting of the shareholders for the purpose of organizing said corporation and electing directors, by giving each stockholder a written or printed notice at least five days previous to said meeting, and the remainder of the stock shall be disposed of under the direction of the directors of said corporation, or a majority of them.

Vacancies, how filled.

4. *And be it enacted*, That the directors shall be elected from among the stockholders, and shall be nine in number, who shall hold their respective offices until others are duly elected and qualified in their stead; and in case of a vacancy in the board of directors by death, resignation or otherwise, a majority of the remaining directors shall have power to fill such vacancy; and any election or elections of directors after the first election aforesaid, shall be held at such time and in such manner as the by-laws of said corporation shall provide.

Debts not to exceed amount of paid up capital stock.

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

Powers of directors.

6. *And be it enacted*, That the property and affairs of the said corporation shall be managed by a board of directors to be elected as aforesaid, a majority of whom shall be a quorum for the transaction of business; the said directors shall have power and authority to make all necessary by-laws and regulations for the transaction of the business of the corporation, to prescribe the time and mode of payment of subscriptions to the capital stock, and to forfeit the stock of any stockholder for neglect to make such payment in the mode prescribed, to appoint such officers and agents as they may deem requisite for the management of the business of the corporation, and such officers and agents to remove at pleasure; and shall have power and authority to lease the property of the said corporation, or any part thereof, and to mortgage the same in such manner and to such party or parties as they may deem advisable or necessary for the successful management of the property of said company.

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

Approved April 16, 1868.

CHAPTER CCCCLIX.

An Act to incorporate the Father Matthew Benevolent Total Abstinence Society of Belleville, Essex county, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Willian McVay, William Connolly, John Murphy, Thomas McGinnis, Christopher White, Michael Kane, Patrick McCoy, John Daly and John Clark, and such other persons as may hereafter be associated with them by becoming members as hereinafter provided, and their successors, are hereby created a body corporate and politic, by the name of "The Father Matthew Benevolent Total Abstinence Society of Belleville, Essex county, New Jersey."

Name.

Persons now members entitled to privileges of this act.

2. *And be it enacted*, That all persons who are now members of said society as it is at present organized, shall continue so to be under this act, and shall be entitled to all the privileges and advantages arising from this act of incorporation.

Election of managers.

3. *And be it enacted*, That the persons named in the first section of this act as incorporators shall after ten days notice in the newspapers circulating in Belleville (in which notice the time and place of said meeting shall be named), proceed to hold an election for a board of managers of said society, nine in number, and all persons who are now members of said society or who may become so before said election, shall be entitled to vote at said election for said managers, and a majority of said persons so first named are hereby authorized to hold said election.

Election of officers.

4. *And be it enacted*, That the said board so elected shall immediately after said election, proceed to elect a president and vice president from among their number, who shall hold their office until others are duly elected in their stead; and said board shall also elect a secretary and treasurer and such other officers as they may deem best for the interests of the said society, and shall hold their offices during the pleasure of the said board; and the said board of managers so elected as aforesaid shall hold their office until others are duly elected in their stead in accordance with the provisions of this act.

5. *And be it enacted*, That the annual election of the said society for members of a board of managers, shall be held on the first Tuesday in March, eighteen hundred and sixty-nine, and on the first Tuesday in March every year thereafter, of which due notice as to time and place shall be given by ten days notice duly published in the newspapers circulating in Belleville, and members in good standing in said society shall be entitled to vote at said elections. Persons that may vote at the annual election for managers.

6. *And be it enacted*, That the objects of this society shall be to provide for the temporal welfare of the members thereof by affording relief in case of accident or sickness, assisting in the burial of deceased members, the encouragement of all persons to abstain from the use of alcoholic drinks, and for any benevolent and charitable purpose appertaining to said society. Objects of the society.

7. *And be it enacted*, That the said board shall have power to make such by-laws and regulations for the management of said society as shall be necessary and proper and not inconsistent with the laws of this state or of the United States. Powers.

8. *And be it enacted*, That any vacancy occurring in said board shall be filled by the remaining members of said board, who shall hold office until others are duly elected in their stead. Vacancies, how filled.

9. *And be it enacted*, That the said board shall meet monthly or oftener if necessary, for the transaction of business; and all applications for relief shall be made to the board in writing stating the name, residence and circumstances of the applicant; said board shall receive and keep in charge all moneys received by them, and make such allowance to the needy as in their opinion the case may require and the state of the funds may warrant, and shall present annually to the society a statement of their funds and disbursements with whatever else may be combined with the benevolent objects of the society and the performance of their duty. Applications for relief to be made in writing.

10. *And be it enacted*, That nothing in this act contained shall in any way interfere with the said society as it now exists and until the same may be organized in accordance with the provisions of this act.

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

Approved April 16, 1868.

CHAPTER CCCCLX.

An Act to incorporate the Yonkers and Alpine Ferry Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Francis S. Miles, Sweeting Miles, Charles Nordhoff, Lyman F. Holman and Henry B. Batt, and all other persons who now are or shall hereafter become their associates, shall be, and they and their successors and assigns are hereby created, declared and constituted a

Name.

body politic, by the name of "The Yonkers and Alpine Ferry Company," and by that name shall possess all the powers and privileges of a corporation.

Capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be ten thousand dollars, with the privilege to the stockholders, or a majority of them, of increasing it at any time to any sum requisite to carry on their business, not exceeding one hundred and fifty thousand dollars; said stock shall be divided into shares of fifty dollars each, and shall be subscribed for and paid in at such time or times, and in such manner, and upon such notice as said company may direct; and in case of failure by any stockholder to pay any installment or installments on his or her stock at the time and place mentioned for the payment thereof, or within ten days thereafter, such stockholder shall forfeit his or her shares, and all previous payments thereon, for the use of said company.

Stock transferable.

3. *And be it enacted*, That the capital stock of said company shall be deemed personal property, and shall be transferable in such way as the by-laws of said company may direct; and every share of stock shall entitle the holder thereof to one vote, which may be given in person or by proxy.

First directors

4. *And be it enacted*, That the affairs of the said corporation shall be managed by five directors, but the number thereof may be increased by a majority vote of the stockholders at any annual meeting to seven or nine; and Francis S. Miles, Sweeting Miles, Charles Nordhoff, Lyman F. Holman and Henry B. Batt, shall be the first directors, who shall serve until the first Thursday in December next, and until others are chosen in their stead; and the said directors, or a ma-

jority of them, shall assemble as soon as convenient after the passage of this act and choose one of their number to be president of said company, who shall serve until the first annual election of directors, and until a successor shall be chosen; should a vacancy occur at any time in the board of directors, by death or otherwise, the remaining directors, or a majority of them, at their next meeting, may appoint and fill such vacancy or vacancies until the next annual election. Vacancies, how filled.

5. *And be it enacted*, That there shall be an election of directors held at some place in the county of Bergen, on the first Thursday of December next, and thereafter the annual election of directors shall be held at such time and place and upon such notice as the company by its by-laws shall determine, by giving at least ten days' notice of the same in the newspapers printed in the county of Bergen, and the board of directors shall appoint a judge of such election; and if it should happen that an election of directors should not be had at the time appointed, said company shall not for that cause be deemed dissolved, but such election shall be held at such time and place as the directors last before chosen shall appoint; and the directors last before chosen shall continue in office until their successors shall be elected; every board of directors shall, as soon as convenient after their election, choose from their number a president of said company, who shall serve until the next annual election and until another shall be chosen in his stead; the president shall preside at all meetings of the board, except in case of his absence, when a president pro tempore may be chosen by the directors present; all stated meetings of the board shall be held at such time and place as the by-laws appoint, but special meetings may be held by appointment of the board or upon call of the president. Directors, how elected. Not dissolved by failure to elect directors

6. *And be it enacted*, That the said company shall have power to establish and maintain a ferry across the Hudson river from Closter Landing, in the county of Bergen, to some point on the eastern bank of said river, which shall be designated by or under the authority of the legislature of the state of New York; said company shall maintain convenient docks or landing places at the points so designated, and keep the same in good condition and repair for the safe and comfortable embarkation and landing of passengers and vehicles, and shall furnish and maintain proper and safe ferry-boats, suitable for the transportation of passengers, vehicles, horses, cattle, goods and chattels, across said river, and for this May establish and maintain a ferry.

purpose may purchase or lease real estate and erect wharves, piers, slips, buildings and all necessary appendages.

Board of chosen freeholders of Bergen county to fix rates of ferriage.

7. *And be it enacted*, That the board of chosen freeholders of the county of Bergen shall have power at all times to fix rates of ferriage, which the said company shall not exceed; but the tariff of rates so fixed at any time shall not be changed oftener than once in three years; and the said board shall also have power to determine the hours and periods when boats shall be kept in readiness for use at said ferry.

Penalty for exacting higher rates of ferriage or detaining travelers.

8. *And be it enacted*, That if the said company, or any ferryman or other person in their employ, shall exact or receive any higher rates of ferriage than those established pursuant to the seventh section of this act, or shall neglect or refuse at proper times, or at hours to be designated pursuant to the seventh section of this act, to transport across the Hudson river any passenger, horse, vehicle, cattle, goods or chattels for lawful ferriage, or shall unreasonably hinder or delay the same, the person or persons so offending shall forfeit and pay to the party aggrieved the sum of five dollars, together with the excess of ferriage collected, to be recovered, with costs of suit, by action of debt in any court of competent jurisdiction.

Penalty for injury to works.

9. *And be it enacted*, That if person or persons shall wilfully injure, destroy, impair or obstruct any wharves, slips, bridges, piers, boats, buildings, fences, gates, engines, machines, or other works of said company, the person or persons so offending shall forfeit and pay to said company the sum of one hundred dollars, and in addition thereto, double the amount of the damages sustained by such injury, to be recovered in an action of trespass, or other proper form of action, in any court of competent jurisdiction.

Approved April 16, 1868.

CHAPTER CCCCLXI.

An Act to incorporate the Hudson Car Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Frederick B. Ogden, George T. Cobb, William Vanderpool, Edgar F. Randolph, Joseph P. Norris, Lewis B. Cobb and Thomas F. Clark, or the survivor or survivors of them, and all such persons as may hereafter be associated with them, or the said survivors, their successors or assigns, shall be and they are hereby constituted and declared a body corporate and politic in fact and in law, by the name of "The Hudson Car Company," to be located at such point or points in this state as said company shall deem most advantageous for carrying on the manufacture of railroad cars, and that the persons above named and their successors by the same name shall be able and capable in law to acquire, purchase, receive, have, hold and enjoy any lands, real estate, tenements and hereditaments, and any goods and chattles of whatsoever kind and quality, and the said lands, real estate, tenements, hereditaments, goods and chattles or any part thereof, to sell, grant, demise, mortgage and dispose of, to sue and be sued, plead and be impleaded in courts of justice, and to make and use a common seal. Corporators. Name.

2. *And be it enacted*, That the capital stock of said company shall be one million of dollars and shall be divided into shares of one hundred dollars each, and after one hundred thousand dollars shall have been paid in, said company may purchase manufactories, real estate and other property necessary for their business, and issue stock to the amount of the value thereof, in payment therefor, and the stock so issued shall be declared to be and taken to be full stock and not liable to any further calls, and that it shall be lawful for said company to issue bonds to the amount of its capital stock payable at such times as the said company shall designate, and to execute mortgages upon their property to secure the payment of the said bonds, with the interest. Amount of capital stock.

3. *And be it enacted*, That the subscription of said stock shall be open at such place as the directors may designate for any time not exceeding sixty days, under the direction of the Subscriptions to stock.

board of directors, or such of them as shall be designated by the said board for that purpose.

Directors how elected.

4. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by seven directors, who shall be stockholders, one of whom shall be president, who shall hold their offices for one year from the first day of May in every year, and that the said directors shall be chosen on the third Monday of April of every year at such hour and place as shall be designated by the by-laws of said company, of which notice shall be given in the manner provided for in the by-laws, and the seven persons shall be the directors who shall receive the greatest number of votes, and if it shall happen that any vacancies occur in any manner, such vacancy may be filled by the remaining directors or majority of them, at any meeting of the board of directors, until the time when the persons elected at the next election for directors shall take their offices by virtue of said election and until after those elected at the first election shall enter upon the duties of their office, the following persons shall be directors of the company until the first day of May eighteen hundred and sixty-nine, Frederick B. Ogden, George T. Cobb, William Vanderpool, Edgar F. Randolph, Joseph P. Norris, Lewis B. Cobb and Thomas F. Clark.

Location of office.

5. *And be it enacted*, That the office of the said company shall be located at Hoboken and that it shall be lawful for the said company to lease or rent the cars manufactured by them to any railroad now in operation or that hereafter may be operated, at such sums or upon such terms as may be agreed upon.

Stock transferable,

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

Failure to elect no forfeiture.

7. *And be it enacted*, That in case it should 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 dissolved; but it shall and may be lawful to hold such election on such other days as shall be directed by the said company, and that until such directors are elected the old directors shall hold over.

Books of account shall be kept.

8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, in which

shall be regularly entered and kept all the transactions of the said company, which books shall be open at all times 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 meeting for the election of directors hereinbefore provided.

Transfer book to be kept.

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

Restrictions and liabilities

10. *And be it enacted*, That this act shall take effect immediately, and 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 fourteenth, eighteen hundred and and forty-six, as far as the same is applicable.

Approved April 16, 1868.

CHAPTER CCCCLXII.

An Act to incorporate the Lafayette Coöperative Association.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John C. Van Horn, Appleton A. Woodward, Thomas Fenn, William R. Carpenter, Simeon M. Ayres, Charles H. Buttrick, Calvin G. Williams, John E. Halliday and George R. Hillier, shall be and they are hereby declared to be a body politic and corporate, in fact and in law, by the name of "Lafayette Coöperative Association," for the purpose of dealing in dry goods, clothing, groceries, provisions, and all articles that may be classed under the head of the necessaries of life, and for that purpose may hold such real estate as may be needful to carry on said business, or that may accrue to them in the course thereof, and may sell, mortgage, lease, or otherwise dispose of the same.

Name.

Capital stock.

2. *And be it enacted*, That the capital stock of the company shall be two thousand dollars, with the privilege of ex-

tending the same to five thousand dollars, divided into shares of twenty-five dollars each.

Conducted by a board of directors.

3. *And be it enacted*, That the business of the said company shall be carried on in the county of Hudson, and managed by the president, vice president, secretary and treasurer of the said corporation, and five directors, who shall constitute a board of managers, all of whom shall be stockholders and residents of this state, who shall hold their offices for one year and until others are elected in their stead; and every year thereafter, at such time and place, and upon such notice as the by-laws may appoint, an election shall be held, at which election every stockholder shall be entitled to one vote.

First managers.

4. *And be it enacted*, That the persons herein named shall be the first board of managers of said association, and shall hold their offices until the second Monday of January, or until others are legally chosen and elected.

Powers of the stockholders.

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

Stock transferable.

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

Books of account to be kept.

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

Liability of stockholders for debts limited.

8. *And be it enacted*, That no stockholder shall be liable for debts incurred by the association for more than twenty-five dollars on each share.

Restrictions and liabilities.

9. *And be it enacted*, That the corporation hereby created shall possess general powers, and be subject to the general restrictions and liabilities set forth in "An Act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable, and the legislature may at any time hereafter modify or repeal the same.

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

Approved April 16, 1868.

CHAPTER CCCCLXIII.

An Act making appropriation for the relief of the State Prison.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of seventy-five thousand dollars be and is hereby appropriated to the use of the state prison keeper, for the purpose of paying the present indebtedness (some twenty-four thousand dollars as by the report of the committee on state prison) and defraying such other expenses of the state prison during the current year of eighteen hundred and sixty-eight. Amount of appropriation.

2. *And be it enacted*, That the state treasurer shall pay to the said keeper, out of any funds in his hands not otherwise appropriated, the sum of seventy-five thousand dollars. To be paid by treasurer.

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

Approved April 16, 1868.

CHAPTER CCCCLXIV.

An Act to incorporate the Fuel Saving Furnace Company of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That J. Hunt Adams, William A. Freeman, George S. Comstock, Alfred Lawton and Francis N. Lawton, and their associates and successors, are hereby created a body politic and corporate in law by the name and style of "The Fuel Saving Furnace Company of New Jersey," to be located in the city of Newark, for the purpose of carrying on the business of making castings and machinery, and working in wood, iron, metals and minerals, and erecting factories, buildings, basins, wharves, and other improvements on their lands as may be useful or necessary for the purpose Corporators. Name.

aforesaid; and for such purpose the said company shall or may raise by subscription a capital stock of three hundred thousand dollars, to be divided into shares of fifty dollars each, with the privilege of increasing the capital to five hundred thousand dollars whenever the company may find it necessary to do so in the course of their business.

May hold real estate.

2. *And be it enacted*, That the said corporation may purchase, possess and enjoy any such real estate, improvements, machinery, goods and effects whatsover as shall be deemed necessary and advantageous to the said corporation to carry on its business; and it shall be lawful for the said corporation to sell, mortgage, lease, and otherwise dispose thereof at pleasure.

Books of subscription to be opened.

3. *And be it enacted*, That it shall be lawful for the aforesaid corporators, or their successors, to receive subscriptions to the capital stock by opening books, or otherwise; and as soon as one hundred thousand dollars shall have been subscribed, and ten per centum of that amount paid in, it shall be lawful for said corporators to organize said corporation, and forthwith commence and carry on its business as contemplated under this act.

Payment of installments.

4. *And be it enacted*, That it shall be lawful for the directors of said corporation to call for, collect and demand of the stockholders respectively, all such installments due on such stock subscribed for as may have been agreed upon previous to subscribing, under penalty of forfeiture of the shares so subscribed and all previous payments thereon; *provided, however*, that said stockholders be notified, personally or by advertising, at least thirty days previous to such installments becoming due; said stock to be transferable on the books of said company, and only in the presence of the proper officers.

Proviso.

Directors, and how elected.

5. *And be it enacted*, That the stock, property and affairs of the said corporation shall be managed by not less than five directors, a majority of whom shall be residents of this state, one of whom shall be appointed president; said directors shall have power to appoint such other officers, agents and employees as the by-laws may from time to time designate; said directors shall always be stockholders in said company, and shall hold office until the next annual meeting or election, and until others shall have been duly elected in their places; annual meetings shall be held on the second Tuesday in January of each year, at such places and hour as the by-laws may direct; a majority of the existing number of di-

rectors shall constitute a quorum, and when assembled at such places as the by-laws may designate, shall constitute a board competent to transact business, and all questions before said board shall be decided by a majority of votes present; in case any vacancy may occur by death, resignation or otherwise, the remaining directors shall have the power to fill such vacancy by the appointment of any stockholder.

Shall possess general powers.

6. *And be it enacted*, That the corporation hereby authorized or created shall possess such general powers usually possessed by corporations for their general government and the management of their affairs, and make all by-laws for the government of the same, not inconsistent with the purpose of this act or the laws of the United States or of this state.

Approved April 16, 1868.

CHAPTER CCCCLXV.

An Act relative to the Board of Assessors in the County of Union.

Provisions of act extended to Union county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the thirteenth section of an act entitled "An Act relating to the assessment and revision of taxes in the city of Newark," approved March fifteenth, eighteen hundred and sixty-six, be and the same hereby are extended to all the cities and townships of the said county of Union.

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

Approved April 16, 1868.

CHAPTER CCCCLXVI.

A Further Supplement to "An Act to incorporate Jersey City," approved March eighteenth, eighteen hundred and fifty-one.

Council empowered to make contracts for laying Nicholson or other improved pavement.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case application shall be made to the common council of Jersey City for the improvement of any street or avenue, or portion of any street or avenue within the limits of said city, by the work necessary for preparing the same, for the laying of the Nicholson or other improved pavement, and the laying of the same, when the right or patent for the said pavement shall be held by any person or persons, corporation or company solely empowered to lay, or cause the same to be laid, it shall not be necessary that the contract for said work or improvement, or materials for the same shall be given to the lowest bidder, and that the said common council are hereby authorized and empowered to make contracts for the execution of said work and the furnishing of said materials, by a majority of the votes of said council concurring in the same, without regard for the provisions of the sixty-second section of the act to which this is a supplement.

Proceedings when petition is made for improved pavement.

2. *And be it enacted*, That if a majority of the owners of property on the line of said streets or avenues proposed to be improved, shall petition for such improvement, specifying the kind of improvement and pavement desired by said property owners, it shall be necessary for said council to advertise for objections or remonstrances to said improvement; but it shall be competent for said council to enter at once into contract or contracts for said work by a vote of a majority of the members of said council; but in case said petition for said work shall not be signed by a majority of the owners of property on the line of said improvements, then and in that case the course of proceeding shall be the same as heretofore, except so far as the same may be modified by the first section of this supplement.

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

Approved April 16, 1868.

CHAPTER CCCCLXVII.

A Further Supplement to the act entitled "An Act concerning Taxes," approved April fourteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be assessed and levied and collected on the inhabitants of this state, and upon their taxable real and personal property, and upon the other objects liable to taxation, a state tax of three hundred and fifty thousand dollars, which is hereby appropriated and shall be applied as follows: two hundred and ninety thousand dollars, or so much thereof as may be needful for the payment of such interest as shall have accrued on the first day of January next, and on the first day of July next thereafter, on loan authorized by an act entitled "An Act authorizing a loan for the purposes of war, to repel invasion and suppress insurrection, and appropriating the same, and providing for the payment thereof," approved May tenth, eighteen hundred and sixty-one, and the several supplements thereto, and the residue thereof above what may be necessary to pay the said interest, shall be applied and added to the sinking fund provided for by the fifth section of said act towards the payment of the principal of said loan; and sixty thousand dollars of the said tax shall be applied, or so much thereof as may be needful to the payment of any other indebtedness of the state, and the residue thereof to any other uses of the state, which said state tax shall be and the same is hereby apportioned to and among the several counties of this state as follows, that is to say: Amount of state tax to be raised, and how appropriated.

To the county of Atlantic the sum of three thousand two hundred and seventy-four dollars and eighty-nine cents;

To the county of Bergen the sum of fourteen thousand six hundred and thirty-nine dollars and sixty-four cents;

To the county of Burlington the sum of eighteen thousand five hundred and seventeen dollars and fifty-eight cents;

To the county of Camden the sum of eleven thousand seven hundred and sixty-nine dollars and four cents;

To the county of Cape May the sum of one thousand six hundred and twenty-four dollars and eighty-eight cents;

To the county of Cumberland the sum of eight thousand and seventy-nine dollars and forty-five cents;

To the county of Essex the sum of fifty-five thousand one hundred and eight dollars and forty-nine cents;

To the county of Gloucester the sum of nine thousand nine hundred and thirty dollars and thirteen cents;

To the county of Hudson the sum of fifty-three thousand two hundred and twenty-five dollars and fifty-eight cents;

To the county of Hunterdon the sum of nineteen thousand two hundred and seventy-eight dollars and seventy-nine cents;

To the county of Mercer the sum of nineteen thousand nine hundred and fifty-six dollars and fifty-nine cents;

To the county of Middlesex the sum of sixteen thousand and twenty-two dollars and eighty cents;

To the county of Monmouth the sum of nineteen thousand four hundred and sixty-eight dollars and fifty-eight cents;

To the county of Morris the sum of sixteen thousand one hundred and eighty-two dollars and forty-two cents;

To the county of Ocean the sum of three thousand three hundred and fifty-seven dollars and fifty-four cents;

To the county of Passaic the sum of thirteen thousand nine hundred and fifteen dollars and ninety cents;

To the county of Salem the sum of twelve thousand and eighty dollars and ninety-four cents;

To the county of Somerset the sum of eleven thousand and eighty-four dollars and eight cents;

To the county of Sussex the sum of twelve thousand two hundred and sixty-one dollars and seventy-eight cents;

To the county of Union the sum of thirteen thousand nine hundred and nineteen dollars and eighty-three cents;

To the county of Warren the sum of sixteen thousand three hundred and one dollars and seven cents;

Mode of assessment and collection.

Which tax and the sums required to be raised for county, city, township and other public taxes, shall be levied, assessed and collected on the persons and property, and in the manner directed by the above recited act entitled, "An Act concerning taxes," and the several supplements thereto, and the laws of this state which shall be in force at the time the said taxes shall be assessed, regulating the assessment and collection of taxes, except as in and by this act is otherwise ordered and directed.

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

Approved April 16, 1868.

CHAPTER CCCCLXVIII.

Supplement to an act entitled "An Act to amend an act entitled 'A supplement to an act authorizing the appointment of commissioners to lay out and map streets, avenues and squares in that part of Bergen township south of the Morris canal, in the county of Hudson,'" which said act to amend an act was approved March twenty-third, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of the act to which this is a supplement shall be amended by adding the following words: "*provided*, this act shall be construed as relating to sidewalks as well as to the roadbed of any streets, avenues, or squares opened in accordance with this act." Amendment to original act.

2. *And be it enacted*, That the sixth section of the act to which this is a supplement shall be amended by adding the following words: "*provided*, that said chosen freeholders so appointed shall file said certificate, either affirming or altering said assessment, with the said county clerk within thirty days from the date of their appointment, and in default thereof the said assessment made by said commissioners shall be valid, and final and conclusive; *provided further*, that if said chosen freeholders so appointed shall neglect or refuse to perform the duties imposed upon them by this act, they or either of them so appointed shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined not less than one hundred nor more than five hundred dollars; to be sued for by the party appealing aforesaid." Amendments continued.

3. *And be it enacted*, That whenever the owner or owners of any land or lands through which any street, avenue, or square may be opened shall elect to actually open, grade and Streets, avenues, &c., to be opened under direction of township committee.

regulate the same, they, the said owners shall notify the township committee of Bayonne township in writing within ten days after receiving notice of the amount assessed against him or them, of their intent to do so; said opening, grading, and regulating to be done by said owner or owners within such time or times as the said township committee shall direct, and in case said owner or owners shall neglect or refuse to open, grade and regulate said street, avenue or square, within the time appointed by said township committee, then said township committee shall cause the same to be done forthwith, and are hereby empowered and directed to do the same; and said owner or owners neglecting or refusing to open, regulate and grade said street, avenue or square, shall be lawfully bound to pay any assessment made against him or them by the provisions of the act to which this is a supplement.

Proceedings when a majority of owners apply in writing for improvement of side and cross-walks.

4. *And be it enacted*, That whenever one or more of the owners of land upon either or both sides of any street, avenue, or square now opened, or that may hereafter be opened, shall apply in writing to the township committee aforesaid, for the improvement of sidewalks and crosswalks upon either or both sides of any of said streets, avenues or squares or parts thereof, it shall and may be lawful, and the township committee are hereby authorized, empowered and directed within thirty days after said application, to cause an estimate to be made of the probable cost to pave said sidewalk or sidewalks and crosswalks, either with stone, flagging, hard merchantable brick, or pine or spruce planking of not less than one and one-half inches in thickness, said paving or planking to be not less than four feet in width, and as soon as said estimate is made shall notify in writing within ten days thereafter, said owner or owners, of the probable cost of making said sidewalk or sidewalks and crosswalks, stating the amount each owner is assessed, which shall be a pro rata division of said cost per lineal foot upon the property along said street or side of the street, avenue or square on which said sidewalk is laid; and if a majority of said owners do not object to said assessment in writing to said township committee within ten days from the date of said notice, then it shall be lawful, and said township committee are hereby authorized, empowered and directed to cause the paving of said sidewalks and crosswalks to be done forthwith, and each of said owners shall be bound to pay to the treasurer of said township the amount so assessed against him or them within sixty days from the date of said

notice; said money when so paid and collected, to be used solely for the purpose of making said walks; and in default of the payment thereof within the time specified, said assessment shall be a lien against said property, to be collected in the same manner as other state, county and township taxes are collected; *provided*, that any owner or owners so assessed may pave the sidewalks and crosswalks in front of their own property at their own expense, under the supervision of such person and within such time (not less than thirty days) as said township committee shall direct; said owner or owners to give notice in writing within fifteen days from the date of the notice of said assessment, to said committee, of his or their intention to do said paving; and in case said owner or owners shall pave said sidewalks and crosswalks within the time specified by said committee, and according to the provisions of this act, then said owners shall be exempt from said assessment; and in case all the owners on any of said streets, avenues or squares, or parts of streets, avenues or squares, shall pave the sidewalks in front of their property, and shall neglect to make the crosswalks connecting therewith, then the said township committee shall cause said crosswalks to be made of such material as to them may seem best, and assess the cost of the same pro rata per lineal foot upon the owner or owners of property along the line of said streets or sidewalks to be collected and paid as aforesaid. Proviso.

Earth or stone not to be removed from the line of any street when filling is required.

5. *And be it enacted*, That whenever any filling is required upon any street, avenue or square ordered to be opened and graded in accordance with this act and the act to which this is a supplement, it shall not be lawful for any contractor or contractors, or other person or persons acting under the authority or by contract made with the township committee, to sell or dispose of in any way, or remove any earth or stone from the line of said street, avenue or square, except for the purpose of filling in said street, avenue or square to the grade established by the provisions of said acts; *provided*, that said contractors may, after said street or avenue has been fully graded to said established grade, dispose of and remove any surplus earth or stone that may be upon said street or avenue, or part of street or avenue which said contractor or contractors may have contracted to grade. Proviso.

Additional assessments may be made when requisite to complete grades.

6. *And be it enacted*, That whenever filling is required to be done to make the grade established on any street or avenue aforesaid, and the amount assessed against the owner

or owners of the land in front of whom said filling is required to be done is not sufficient to do said filling, it shall and may be lawful, and the township committee aforesaid are hereby authorized and empowered to assess upon said owners or owner such additional amount of money, and no more, as will be sufficient to complete said filling; said additional assessment to be paid and collected in the same manner as all other assessments provided for by this act and the act to which this is a supplement.

Repealer. 7. *And be it enacted*, That all acts or parts of acts inconsistent with this act and the act to which this is a supplement, be and the same are hereby repealed.

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

Approved April 16, 1868.

CHAPTER CCCCLXIX.

An Act to amend an act entitled "An Act to incorporate the Hoboken Bank for Savings of the City of Hoboken," approved March twentieth, eighteen hundred and fifty-seven.

May invest money in county bonds. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said corporation may invest the money left with them on deposit in the bonds issued by the board of chosen freeholders of the county of Hudson.

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

Approved April 16, 1868.

CHAPTER CCCCLXX.

A Supplement to "An Act amendatory of the 'Act to regulate sales of real estate made under a public statute or the direction of a Court,'" approved April fifteenth, eighteen hundred and forty-six, which act amendatory was approved April fifth, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the advertisements in and for the county of Hunterdon, directed by the first section of the said amendatory act to which this is a supplement, shall be published in the two newspapers printed and published at the the county seat, and those only. Advertisements to be published in two newspapers only.

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

Approved April 16, 1868.

CHAPTER CCCCLXXI.

A Further Supplement to an act entitled "An Act to incorporate the Plainfield Fire Department," approved March third, eighteen hundred and fifty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person shall be eligible to the office of president, secretary, treasurer or manager of the Plainfield fire department who is an active member of any engine, hose or truck company within the corporate limits of said department. Offices that shall not be filled by active members of any engine, hose or truck company.

2. *And be it enacted*, That any portion of the act to which this is a supplement as is inconsistent herewith, be and the same is hereby repealed. Repealer.

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

and after the second Monday in April, eighteen hundred and sixty-eight.

Approved April 16, 1868.

CHAPTER CCCCLXXII.

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

May borrow to an amount not exceeding twenty thousand dollars.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to enable the legal voters of Newton School District number one, to execute more effectually the power conferred upon them by the eightieth section of the act to which this is a supplement, to borrow money for the purposes in said section mentioned, it shall be lawful for the said legal voters of said "Newton School District number one," to raise by loan such sum or sums of money, not exceeding twenty thousand dollars, as the said legal voters shall under the provisions of said section agree to raise for the purposes therein mentioned; and for the amount so determined to be raised by loan, it shall be lawful to issue obligations in the corporate name of the body corporate known as "The Trustees of Newton School District number one, in the county of Sussex," payable at such time or times and place, as shall be fixed by the said legal voters by a majority of two-thirds of said voters present, at the meeting thereof which shall under the provisions of said section authorize the raising of money as aforesaid; and said obligations shall bear interest at a rate not exceeding seven per centum per annum, and shall be signed by the district clerk of said school district, and countersigned by the town clerk of the town of Newton, in said county, and shall be drawn payable to such order as the said trustees of said district or a majority of them shall direct, or to the bearer thereof; and it shall be the duty of the district clerk of said district to number and register the said obligations, and the town clerk of said town of Newton, shall likewise number

and register in the town book of said town of Newton the said obligations.

Principal and interest to be paid by tax.

2. *And be it enacted*, That it shall be lawful for the trustees of said school district, or a majority of them, to negotiate and dispose of said obligations; and it shall be lawful to levy and raise money from time to time, by taxation in said town of Newton, to pay the interest on said obligations, and for the redemption and payment of the same; *provided*, that no more than two thousand dollars of principal shall be made payable on said obligations or any of them, in any one year.

Proviso.

Duties of the assessor and collector.

3. *And be it enacted*, That it shall be the duty of the said town of Newton to provide by taxation for the payment of the said obligations with the interest, and it shall be the duty of the assessor and of the collector of said town to assess and to collect the taxes which shall be necessary for the purpose of redeeming said obligations, at the same time and in the same manner that other taxes shall be assessed and collected in said town.

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

Approved April 16, 1868.

CHAPTER CCCCLXXIII.

A Further Supplement to "An Act to provide for the payment of scrip issued by the Township Committee of Bloomfield, in the county of Essex, in order to meet the last call for troops in eighteen hundred and sixty-five, by the Government of the United States," approved March twenty-seventh, eighteen hundred and sixty-six.

Poll tax reduced.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the poll tax of four dollars, authorized to be assessed and collected in the third section of the act to which this is a further supplement, for the purpose mentioned in said act, shall hereafter in each year be two instead of four dollars.

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

Approved April 16, 1868.

CHAPTER CCCCLXXIV.

An Act to incorporate the New Jersey Iron-Clad Roofing, Paint and Mastic Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alexander Gray, junior, John W. Fielder, James W. Van Deventer, Alfred W. Martin, Henry B. Duryee, Henry W. Leard, Edward Howe, Aaron L. Green, Charles O. Hudnut, John Cox, and their associates and successors, are hereby created a body politic and corporate in law, by the name and style of "The New Jersey Iron-Clad Roofing, Paint and Mastic Company," to be located in the county of Mercer, in this state, for the purpose of manufacturing iron-clad roofing and paints.

Name.

May purchase, hold and convey real estate

2. *And be it enacted*, That the said corporation may sue and be sued, plead and be impleaded; may purchase, possess and enjoy, sell, and otherwise dispose of such real estate, improvements, machinery, goods and effects whatsoever as shall be deemed advantageous and necessary to the said corporation to carry on its business.

Capital stock.

3. *And be it enacted*, That the capital stock of said corporation shall be twenty-five thousand dollars, with the privilege to increase the same to fifty thousand dollars, the said stock to be divided into shares of fifty dollars each, and shall be deemed personal property, and may be transferred as the by-laws of said corporation may direct.

Commissioners to open books of subscription.

4. *And be it enacted*, That the persons above named shall be commissioners to receive subscriptions to said capital stock, at such time and place in the borough of Princeton, in said county, as they or a majority of them shall appoint, giving ten days' notice thereof in one or more newspapers printed in said county; and when two hundred and fifty shares of said stock have been subscribed for and paid to said commissioners,

they shall call a meeting of subscribers to said stock for the purpose of organizing the company; and when the company is organized, said commissioners shall deliver to the president of the company all moneys, books and papers in their hands as such commissioners.

Business to be managed by a board of directors.

5. *And be it enacted*, That the business of said company shall be managed by a board of directors, consisting of not less than five and not more than nine persons, all of whom shall be stockholders and residents of this state; and said board may elect from their number a president and treasurer, and may appoint a secretary, superintendent, and such agents as they may deem necessary, and fix the salaries of the same; that said directors, their president, vice president and treasurer, shall hold their offices for one year, and until others are elected; that said board of directors shall make all necessary rules, by-laws and regulations, and may fill vacancies in their board until the next election.

Meetings of directors.

6. *And be it enacted*, That the meetings for the election of directors shall be held on the second Monday of January in each and every year, at such hour of the day and at such place in said Princeton as the board of directors may direct; and each share of stock shall entitle its owner to one vote at each election, to be given either in person or by proxy.

Shall possess general powers.

7. *And be it enacted*, That the corporation hereby created shall possess such general powers usually possessed by corporations for their general government and the management of their affairs, not inconsistent with the laws of the United States or of this state, and shall remain in force for thirty years.

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

Approved April 16, 1868.

CHAPTER CCCCLXXV.

A Further Supplement to "An Act to incorporate the Morris and State Line Railroad Company," approved March thirty first, eighteen hundred and sixty-four.

Additional names of commissioners to open books of subscription.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Theodore F. Randolph, Francis S. Lathrop, William W. Shippen, Beach Vanderpool, Alexander P. Berthoud and Augustus W. Cutler, together with the commissioners named in the original act, or a majority of them, be and are hereby authorized to open books of subscription, and perform all the duties required by the original act.

Time for the commencement and completion of main line extended.

2. *And be it enacted*, That it shall be lawful for the said company to lay out and construct a railroad from some point on the main line of the Morris and Essex railroad, or on a branch of the same, to the state line dividing the states of New York and New Jersey, and passing through or near Deckertown, in the county of Sussex, and the time for the commencement of the main line be renewed or extended to five years, and for its completion to ten years from the fourth day of July next.

Payment of interest and principal of bonds may be guaranteed.

3. *And be it enacted*, That it shall be lawful for the Morris and Essex Railroad Company to guarantee the payment of interest and the principal of any bonds that may be issued by the Morris and State Line railroad, as provided for in their charter.

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

Approved April 16, 1868.

CHAPTER CCCCLXXVI.

An Act entitled "An Act to incorporate the Ocean Academy."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ralph B. Gowdy, George W. Cowperthwait, William J. James, James G. Gowdy, A. P. Stanton, John Aumack, William A. Low, George M. Joy, Dr. J. L. Trowbridge, Rev. J. P. S. Wait, Charles H. Chambers, Dr. Lewis Lane, Caleb Grant, G. S. Conover, Dr. S. S. Gillett, A. A. Brant, A. R. Chamberlin and Warren C. Abbe, and their associates, shall be and are hereby created, declared and constituted a body corporate and politic, in fact and in name, by the name and style of "The Ocean Academy," 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, enjoy any lands, tenements, hereditaments, in fee simple and 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. Corporators. Name.

2. *And be it enacted*, That the objects of this corporation shall be for the promotion of education, and the said academy shall be located at Toms River, in Ocean county. Object and location.

3. *And be it enacted*, That the capital of this corporation shall be five thousand dollars, with the privilege of increasing the same to ten thousand dollars, to 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 at any election or question at issue, to cast one vote, in person or by proxy, for each and every share of stock by him or her owned, and standing in Capital stock.

his or her name on the books of said corporation; and that whenever one thousand dollars shall be subscribed of said stock, the trustees may purchase a lot of ground, and to proceed to erect thereon such buildings as they may deem needful and proper, and that installments of the shares may be called in as the wants of the corporation may require.

Affairs to be managed by trustees.

4. *And be it enacted*, That this corporation shall be managed by a board of trustees, five in number, stockholders in said corporation, a majority of whom shall constitute a quorum.

Election of trustees.

5. *And be it enacted*, That the trustees shall be elected annually by a meeting of the stockholders, and by a majority of the votes legally cast by the stockholders and representatives of stock; and the trustees 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 the laws of this state nor 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 of the stockholders to hold an election on the day annually appointed therefor, said trustees shall continue in office until a new election shall be held, either at a special meeting of the stockholders or at a subsequent annual meeting; the said trustees shall at their first annual meeting, and annually thereafter, elect a president, secretary and treasurer, and appoint such other officers, and fix compensation for the same, as they may from time to time deem necessary.

Powers.

6. *And be it enacted*, That this corporation shall have the same powers (except as herein otherwise provided) as are provided under the act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six.

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

Approved April 16, 1868.

CHAPTER CCCCLXXVII.

A Further Supplement to the act entitled "An Act to regulate fees," 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 so much of the provisions of the act entitled "A further supplement to the act entitled 'An Act to regulate fees,'" approved April fifteenth, eighteen hundred and forty six, which supplement was approved April seventeenth, eighteen hundred and sixty-eight, as relates to the sheriff of the county of Passaic, in this state, be and the same is hereby repealed. Repealer.

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

Approved April 16, 1868.

CHAPTER CCCCLXXVIII.

An Act to confirm the acknowledgments and proofs of deeds and other instruments of writing taken by James L. Hines.

WHEREAS, it appears to the legislature that James L. Hines was duly appointed on the twenty-eighth day of March, in the year eighteen hundred and sixty-seven, one of the commissioners to take acknowledgments and proofs of deeds for the township of Union, in the county of Camden, and was commissioned on the first day of April, eighteen hundred and sixty-seven; and whereas, it appears that there were already three duly appointed and qualified commissioners for the taking of acknowledgments and proofs of deeds living and serving in said township of Union at the time the said James L. Hines received his said appointment and commission, wherefore said James L. Hines' appointment was a nullity and void, and by reason of acknow- Preamble.

ledgments and proofs taken by him, innocent persons may be subject to great loss; therefore,

Legalizing proofs of deeds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several acknowledgments and proofs of deeds, and other instruments of writing taken and certified by the said James L. Hines as commissioner from the time of the date of his said commission; namely, April first, eighteen hundred and sixty-seven, to the present time, be and the same are hereby confirmed and declared valid and effectual, in like manner as though the said James L. Hines had been lawfully authorized to take the same.

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

Approved April 16, 1868.

CHAPTER CCCCLXXIX.

An Act to incorporate the Peter Spencer Association.

Preamble.

WHEREAS, Dempsey Butler, Henry Harrison, Peter Smith, John Jones, junior, Christopher Berry, Thomas Becket and their successors, of the city of Camden, county of Camden, have formed themselves into an association to which they have given the name of "The Peter Spencer Association," the object of which is to create a fund to be applied toward the relief or support of such members thereof as shall by sickness, accident or bodily infirmity or other cause be rendered incapable of attending to their usual occupation or calling, and also toward the decent interment of deceased members; and whereas, it is believed that an act of incorporation will promote the objects of the society and add to the security of its property; therefore,

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Dempsey Butler, Henry Harrison, Peter Smith, John Jones, junior, Christopher Berry and Thomas Becket, and all such other persons as now are or shall hereafter become members of the said society, be and they are hereby constituted and declared to be a body politic and cor-

porate, in fact and in law, by the name, style and title of "The Peter Spencer Association," and by that name they and their successors shall have continued succession, and be persons in law capable of sueing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts of law and equity whatsoever, in all manner of actions, suits and causes whatsoever; and that they and their successors may have and use a common seal, and shall have power to change and alter the same at pleasure, and by their name aforesaid and under their common seal may make, enter into, form and execute any contracts or agreements relating to the objects of said incorporation. Name.

2. *And be it enacted*, That for the more effectual accomplishment of the objects of the said incorporation there shall be a president, vice-president, treasurer, secretary, and such other officers and assistants as shall be deemed necessary, who shall be elected annually by ballot by a majority of the members present at the annual meeting of said society to be held in June of each year. Election of officers.

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

4. *And be it enacted*, That the sole and exclusive objects of the society hereby incorporated, shall be the relief of its members when sick or disabled by bodily infirmities or accident, from pursuing their ordinary avocations, the payment of the expenses incident to the decent interment of deceased members or deceased wives of members, as provided in the constitution and by-laws of said society, and such other necessary expenses as shall accrue by carrying into effect the objects set forth in the preamble, in this and the foregoing Objects.

sections of this act; and no part of the funds of this association shall be used for banking purposes or in any other way except as provided for by this act.

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

Approved April 16, 1868.

CHAPTER CCCCLXXX.

An Act to legalize the township election held in the township of Dennis, in the county of Cape May, March third, eighteen hundred and sixty-eight.

Preamble. WHEREAS, the inspectors of registry and election in the township of Dennis, in the county of Cape May, failed to advertise the town meeting held in that township on third day of March, eighteen hundred and sixty-eight, as is required by law; and whereas, doubts have arisen in regard to the legality of the said town meeting; therefore,

Proceedings of town meeting legalized. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proceedings of the said town meeting shall be and hereby are in all respects rendered legal, and all the officers elected at the said town meeting shall be and the same hereby are declared to be the legally elected officers, in and for said township, to hold office for and during the term for which they are elected, under the law.

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

Approved April 16, 1868.

CHAPTER CCCCLXXXI.

An Act to incorporate the Manchester Fruit Preserving and Manufacturing Company in the County of Ocean.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John S. Schultze, Roswell S. Hillman, Roland D. Minard, Hiram B. Willits and Nathan De Witt of the county of Ocean, and such other persons as may be associated with them, shall be and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Manchester Fruit Preserving and Manufacturing Company," for the purpose of preparing sealed fruits, vegetables, meats and sauces, and to make sale of the same, manufacturing the cans and whatever else may be necessary to carry on said business, and by that name shall have continued succession, and shall be capable of purchasing, holding, leasing, mortgaging and conveying any lands, tenements, goods and chattels necessary or proper for the objects of the said corporation hereby created.

Name.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, with the privilege from time to time of increasing the same to any sum not exceeding one hundred thousand dollars, divided into shares of twenty-five dollars each, each stockholder being entitled in person or by proxy to as many votes as he or she holds shares of stock, which shares shall be deemed personal property and transferable in such manner as the company by its by-laws may direct; that five dollars shall be paid on each share of stock at the time of subscribing, and further paid in at such time and in such installments as the directors may from time to time appoint and direct; *provided*, that such installments shall not be called for at a shorter period than twenty days from each other.

Payment of installments.

Proviso.

Directors, and how elected.

3. *And be it enacted*, That the property and affairs of the said corporation shall be managed and conducted by a board of five directors, stockholders in said company, who shall be chosen annually at such time and place in the county of Ocean, in such manner, and upon such notice as the laws of such company shall direct, who shall serve for one year and until others are chosen in their stead; and that John S.

First directors

Schultze, R. S. Hillman, R. D. Minard, H. B. Willits and Nathan De Witt shall be the first directors of this company under this charter, to continue in office until others are elected in their stead; that the directors of said company shall choose one of their number to be president, and may appoint such other officers, agents and servants as they may deem expedient, fill vacancies in their own board until the next annual election, collect installments on stock when called for, or declare the stock forfeited, and all previous payments made thereon to and for the use of said corporation, in case of non-payment of installments when duly called for, if they deem it expedient.

Books of account to be kept.

4. *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 regularly all the transactions and accounts of said company, and also books for the transfer of the stock of said company, which shall at all times and reasonable hours be open for the inspection of the stockholders of said company; that the directors shall make an annual report to the stockholders of the affairs of the company, of the amounts of stock actually paid in, and of the assets and liabilities of the company; and no dividend shall be declared except from the actual profits of the company.

How dissolved.

5. *And be it enacted*, That the said company may be dissolved at any time at a general meeting of the stockholders, specially called for that purpose; *provided*, that members owning at least two-thirds in value of the stock of said company shall concur therein; and upon such dissolution the directors for the time being, and the survivors of them, or such other persons as the stockholders shall appoint, shall be trustees for settling all the affairs of the company, collecting and disposing of its property and assets, paying its debts, and dividing its surplus among the stockholders, in proportion to their respective interests in the stock.

Proviso.

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

Approved April 16, 1868.

CHAPTER CCCCLXXXII.

A Supplement to an act entitled "An Act to develop and improve the water power of the Passaic river."

WHEREAS, it appearing that the company interested in the said act consent to the provisions of this act; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful under the provisions of the act to which this is a supplement, to increase the height of Beatty's dam in the Passaic river, at Little Falls, or to erect any dam in said river above said dam, anything in said act to the contrary notwithstanding. Height of Beatty's dam not to be increased.

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

Approved April 16, 1868.

CHAPTER CCCCLXXXIII.

A Further Supplement to an act entitled "An Act for the instruction of indigent deaf and dumb persons inhabitants of this state," approved April tenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual expenses for each deaf mute instructed at the charge of the fund provided by the act to which this is a supplement, shall not exceed the sum of two hundred and sixty dollars, unless the governor or person administering the government shall be satisfied that the means of such deaf mute, or those of his or her parents or guardians, are insufficient to keep such deaf mute supplied with suitable clothing during his or her term of instruction, in which case clothing may be supplied at the charge of said fund at an expense not exceeding twenty-five dollars in any one year for any one pupil so supplied. Annual expense of each deaf mute.

Payment for loss authorized to be made.

2. *And be it enacted*, That the governor be authorized to pay to the New York Institution for the Instruction of the Deaf and Dumb the sum of four hundred and eighty dollars, to be drawn from the fund provided by the act to which this is a supplement, in repayment of loss actually sustained by that institution by reason of receiving compensation only at the rate of two hundred and forty dollars per annum for the maintenance and instruction and twenty-five dollars per annum for the clothing of indigent deaf and dumb person inhabitants of this state during the last two years.

Repealer.

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

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

Approved April 16, 1868.

CHAPTER CCCCLXXXIV.

A Further Supplement to an act entitled "An Act to develop and improve the water power of the Passaic river," approved March thirtieth, eighteen hundred and sixty-eight.

Commissioners to be appointed on application of company, for assessing damage of a permanent character.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, under the said act lands or other real estate are authorized to be taken or used by the company in said act named, for their use, like commissioners as are authorized to be appointed by said act, may on the application of the said company and in like manner as provided in said act, be appointed for assessing any damage of a permanent character, which the work or structure authorized by said act and requiring said lands may cause to any other lands or real estate though not taken and used therefor, and when such damage shall be assessed and paid the said company shall be exonerated and discharged from any further claim or demand in respect thereof; *provided*, that nothing herein contained shall be construed to make such com-

Proviso.

pany liable for any damage for which they would not otherwise be held legally liable and responsible.

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

Approved April 16, 1868.

CHAPTER CCCCLXXXV.

A Supplement to the act entitled "An Act to incorporate the Gloucester Turnpike Company," approved March fifth, eighteen hundred and fifty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons shall ride or drive, or suffer to be ridden or driven, any horse or horses, mule or mules, or other animal or animals, on or over the bridge of said company over Great Timber Creek, at a faster gait than a walk, such person or persons so offending shall forfeit and pay for each and every such offence, the sum of five dollars to be recovered in an action of debt, with costs of suit, by any person who shall sue for the same, in any court of competent jurisdiction in this state, one-half of said penalty to be paid over, when collected, to the person by whom such suit was brought and the other half to be paid to the said company. Penalty for riding or driving over bridge at a faster gait than a walk.

2. *And be it enacted*, That said company shall within thirty days after the passage of this act, cause to be erected and put up in a conspicuous place upon said bridge, and within the view of travellers, thereon a notice as follows: "All persons are prohibited from travelling over this bridge at a faster gait than a walk, under a penalty of five dollars." Notice to be put up.

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

Approved April 16, 1868.

CHAPTER CCCCLXXXVI.

An Act to incorporate the New Jersey Trust Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Albert Pearce, David E. Green, Robert M. Hening, Zebulon E. Carrington, William Green, and such other persons as may be hereafter associated with them, and their successors, are hereby constituted a body corporate, in fact and in law, under the name of "The New Jersey Trust Company," and by that name shall have perpetual succession, and may sue and be sued in any court whatever, with powers and privileges as are hereinafter provided.

Name.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, in shares of one hundred dollars each; but when one hundred thousand dollars shall have been actually subscribed, and fifty thousand dollars paid in, in cash, the said company may organize and proceed to business under this act.

Powers and business of the company.

3. *And be it enacted*, That the said company shall have power to guarantee the payment, punctual performance and collection of promissory notes, bills of exchange, contracts, bonds, accounts, claims, rents, annuities, mortgages, choses in action, evidence of debt and certificates of property or value, and the titles to property, real or personal, upon such terms as may be established by the board of directors of said company; to receive upon storage, deposit or otherwise, merchandise, bullion, specie, plate, stocks, bonds, promissory notes, certificates and evidences of debt, contracts, or other property, and to take the management, custody and charge of real or personal estate and property, and to advance moneys, securities and credits upon evidence of debt or any property, real or personal, on such terms as may be established by the directors of said company; but no rate of interest to exceed seven per centum per annum shall be charged or received by said company upon any transaction.

Principal office, where located.

4. *And be it enacted*, That the business and the corporate powers of said company shall be exercised by a board of nine directors, to be chosen as hereinafter provided, who shall elect from their number a president, five of which directors shall

constitute a quorum for the transaction of business, and the principal office of said company shall be located in the county of Hudson, in this state.

Subscriptions to capital stock.

5. *And be it enacted*, That the persons named in the first section of this act shall be and they are hereby appointed commissioners to open books for subscriptions to the capital stock of said company, at such time and place as they, or a majority of them shall deem proper, and for such amounts as in their judgment the business of the company may require, but for no less amount of subscription than one hundred thousand dollars, as hereinbefore provided; the persons named in the first section of this act shall be directors of said company for one year after the passage of this act, and until others are elected in their stead; the remaining directors for the same period shall be elected by a majority in interest of the stockholders, voting at an election to be held under the inspection of said commissioners within twenty days from the closing of the subscription called for by them; and all the directors must be stockholders in said company.

May purchase and hold real estate.

6. *And be it enacted*, That it shall be lawful for said company to lease, purchase, hold and convey all such real or personal estate as may be necessary to carry on their business, as well as such real or personal estate as they may deem it necessary to acquire in the enforcement or settlement of any claim or demand arising out of their business transactions, and to sell and exchange the same for other property as they may determine, that the interests of the company may require; and the said company are hereby authorized to make, execute and issue, in the transaction of their business, all necessary receipts, certificates and contracts, which shall bear the impress or stamp of the seal of the company, and shall be signed by the president, and countersigned by the secretary or treasurer thereof.

Capital stock may be increased.

7. *And be it enacted*, That it shall be lawful for said company to increase the amount of its capital stock in the manner provided in and by an act entitled "An Act to authorize the establishment and to prescribe the duties of companies for manufacturing purposes," approved March second, eighteen hundred and forty-nine, and by the fourteenth section thereof, and by the supplement or supplements to said act.

Stock transferable.

8. *And be it enacted*, That the stock of said company shall be transferable only on the books of the company.

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

Approved April 16, 1868.

CHAPTER CCCCLXXXVII.

A Supplement to the act entitled "An Act to incorporate a company to form an artificial navigation between the waters of Newark Bay and New York Bay."

May extend canal.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it may be lawful for the New York and Newark Bay Ship Canal Company to extend their canal from the Newark bay across the marshes to a suitable point in the city of Newark, to construct one or more branches therefrom and thereover, and to increase their capital stock to such amount as shall be necessary to carry out the meaning of the original act and supplements thereto incorporating said company.

Rights, grants or privileges not to be affected nor interfered with.

2. *And be it enacted*, That nothing contained in the act entitled "An Act to ascertain the rights of the state and of riparian owners in the lands lying under the waters of the bay of New York and elsewhere in the state," approved April eleventh, eighteen hundred and sixty-four, or in any supplement or supplements thereto shall be so construed as to prevent, hinder or interfere with or in any way affect any of the franchises, powers, rights, grants or privileges given, granted or conferred by this act or the act to which this is a supplement.

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

Approved April 16, 1868.

CHAPTER CCCCLXXXVIII.

An Act in relation to the inspection of steam boilers, and for the better protection of life and property against accidents by steam boiler explosions.

Governor to appoint inspector-in-chief and deputy inspectors

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of the state of New Jersey, shall within thirty days after the passage of this act, and hereafter as necessity may require, to fill vacancies, appoint an inspector-in-chief, and one suitable person in each congressional district, as deputy inspector; said deputy shall be a practical engineer, and whose duty it shall be to inspect steam boilers in such congressional district, as hereinafter specified and directed; such inspector-in-chief and deputy inspectors shall hold their office for two years unless sooner removed by the governor for cause.

Owners of steam boilers to make report of location of boiler.

2. *And be it enacted*, That every owner or owners of any steam boiler in use situated within this state, shall on or before the first day of July next, and annually thereafter as the inspector-in-chief may prescribe, report to the deputy inspector of the district in which the same may be, the location of such steam boiler; and thereupon and within sixty days at farthest, the said deputy inspector shall proceed to inspect such steam boiler in such manner as shall be designated by the rules and regulations of the inspector-in-chief, and all apparatus and appliances connected therewith; and that such boiler shall have attached to it a lock-up safety valve; such valve to be taken wholly from the control of the person or persons engaged in using or working the boiler, and to be set by the inspector to blow off steam at a point of safety to be determined by him; the said lock-up safety valve shall fulfill all the conditions now adopted by the board of supervising inspectors of the United States in reference to said safety valves.

Duty of deputy inspector.

3. *And be it enacted*, That said deputy inspector shall limit the pressure of steam upon every such boiler, and shall certify such inspection and such limit of pressure to the owner, or one of the owners of such boiler, and also to the engineer in charge of the same; in limiting the amount of pressure whenever the boiler under test will with safety bear the same,

the limit desired by the owner of the boiler shall be the one certified.

Continued. 4. *And be it enacted*, That it shall be the duty of the said deputy inspector on receiving such report as aforesaid from the owner or owners of any steam boiler to notify such owner or owners of the time when he will inspect the same, and it shall be the duty of such owner or owners to have such boiler ready for inspection at the time specified in such notice; in case the owner or owners of any such boiler shall fail to report the location of the same as aforesaid, he shall be liable to a penalty of twenty-five dollars; and in case the owner or owners of any such boiler shall fail to have the same ready for inspection as aforesaid, he or they shall be liable to pay the fees and expenses of the said inspection incurred in the inspection of any such boiler, and five dollars in addition thereto; such fees, expenses and penalty in such case may be sued for and recovered by and in the name of the said inspector-in-chief, for the benefit of the county in which such boiler may be situated; and in case said deputy inspector shall fail to make the inspection at the time specified, he shall pay to the owner of such boiler all damages sustained by said failure.

Continued. 5. *And be it enacted*, That each deputy inspector shall make in proper form, a statement of every inspection of steam boilers made by him, and by any board of examiners as hereinafter provided, and the amount of steam or pressure allowed in each case, and report the same within thirty days after any such inspection to the inspector-in-chief; in cases where any steam boiler or the apparatus or appliances connected therewith shall be deemed by such deputy inspector, upon inspection as aforesaid, to be insecure or dangerous, the said deputy inspector shall, as soon as convenient, confer with two practical engineers, one of whom may be chosen by the owner of such boiler, who with such deputy inspector shall constitute a board of examiners, whose duty it shall be forthwith to further examine such boiler or boilers, and any two of such board shall prescribe and certify to the owner thereof such changes and alterations as will in their judgment render such boiler, apparatus and appliances secure, and until such changes and alterations are made and such appliances attached, it shall not be lawful for the owner of such boiler to use or permit the same to be used under a penalty of fifty dollars for each day's use, said penalty to be sued for, recovered and

applied in the manner prescribed by the fourth section of this act, the members of said board of examiners shall each be entitled to receive three dollars for each day or part of a day, during which they are actually engaged in making any examination aforesaid.

Compensation to deputy inspectors.

6. *And be it enacted*, That each deputy inspector shall receive for the inspection of a boiler, according to the provisions of this act, the sum of three dollars, and such sum, and the compensation of said board of examiners convened as hereinbefore provided, shall be a charge upon the county in which the boiler inspected or examined shall be situated, and shall be audited and paid by the county in the same manner that other county salaries and expenses are paid.

Proceedings in case of appeal from decision of deputy inspector.

7. *And be it enacted*, That any owner or part owner of any boiler who shall consider himself aggrieved by the decision of said inspector or board of examiners under the provisions of this act, may, within thirty days after the result of such inspection or examination has been certified to him as aforesaid, appeal from said decision to the inspector-in-chief, who may in his discretion order a further examination and inspection, the expense thereof to be borne by the owner or owners of such boiler, and the decision of said inspector-in-chief, or of said board upon a reëxamination, shall be final.

Duty of inspector-in-chief, and his compensation

8. *And be it enacted*, That it shall be the duty of the inspector-in-chief to prescribe rules and regulations to govern said deputy inspectors in the performance of their duties; to furnish each deputy inspector with the forms or blank certificates of inspection, together with the necessary apparatus and appliances for testing and examining steam boilers; to keep a correct record of all inspections of steam boilers, and of the amount of steam or pressure allowed in each case reported to him by any deputy inspector, which record shall be the property of the state, and shall annually be filed in the office of the secretary of the state; the said inspector-in-chief shall receive annually from the state a salary of five hundred dollars, which shall be paid by the treasurer of the state in the same manner as other salaries are paid; the expense of furnishing apparatus and appliances for the purpose of inspecting steam boilers as hereinbefore prescribed shall be borne by the state, and paid in the same manner that other state charges and expenses are paid; no bill for any expense or charges shall be paid, however, unless the same be certified by the inspector-in-chief to be correct.

Penalty if indicator shall not be attached.

9. *And be it enacted*, That the owner or owners of every such steam boiler shall, under a penalty of two hundred dollars, to be sued for, recovered and applied in the manner prescribed in the fourth section of this act, cause to be attached thereto a high and low water indicator, with an alarm whistle so constructed and forming part of said indicator that the whistle will give an alarm at low water and at high pressure of steam.

Deputy inspectors to make certificate.

10. *And be it enacted*, That it shall be the duty of said deputy inspectors, on the inspection of any boiler, to deliver to the owner or one of the owners thereof a certificate (a duplicate of which shall be retained on file) of inspection, stating the condition of said boiler; and if he shall deliver or cause to be delivered to the owner or owners of any boiler so inspected a certificate of inspection, without having first subjected the same to all the mechanical tests hereinbefore provided, he shall be liable to a penalty of five hundred dollars for each such act, or, if after such inspection he shall render a false report, either to the owner or the inspector-in-chief, he shall be liable to a penalty of five hundred dollars for each offence, to be sued for, recovered and applied in the manner prescribed in the fourth section of this act; *provided*, that the said certificate of inspection shall be placed and kept in some conspicuous place on the premises where the boiler therein referred to is used.

Proviso.

Not to apply to locomotives, &c.

11. *And be it enacted*, That this act shall not apply to boilers upon railroad locomotives, nor to boilers used for heating private dwellings.

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

Approved April 16, 1868.

CHAPTER CCCCLXXXIX.

A Further Supplement to an act entitled "An Act to incorporate the Miners', Manufacturers' and Farmers' Railroad Company," approved March fourth, eighteen hundred and forty-six.

Provisions of act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "An Act to authorize certain townships in the counties of Somerset, Morris, Essex and Union to issue bonds and to take stock in the Passaic Valley and Peapack Railroad Company," approved April fourteenth, eighteen hundred and sixty-eight, be extended to the said townships situate along the route of the said Miners', Manufacturers' and Farmers' railroad or contiguous to the said railroad or any of its branches.

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

Approved April 16, 1868.

CHAPTER CCCCXC.

An Act relative to publishing the statute laws.

Statutes published in Nixon's Digest by authority of legislature.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it may be set forth on the title page of Nixon's Digest of the Laws of New Jersey that the statute laws of this state are published therein under the authority of the legislature.

Approved April 16, 1868.

CHAPTER CCCCXCI.

Supplement to "An Act to establish the Mercantile Court of the city of Newark."

Judge to take oath and give bond.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the judge of the said court shall be required to take the oath required by law to be taken by justices of the peace, and be subject to the requirements of law in reference to justices of the peace in regard to commitments and recognizances, and shall give a bond similar to that required of a justice of the peace in the penal sum of three thousand dollars.

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

Approved April 17, 1868.

CHAPTER CCCCXCII.

A Supplement to the act entitled "An Act concerning witnesses," approved April sixteenth, eighteen hundred and forty-six.

Marital relationship not to disqualify being a witness in suits for or against a married woman.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all suits at law or in equity, brought by, or in behalf of, or against a married woman, the marital relationship shall be no disqualification to her or husband being a witness in said suit.

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

Approved April 17, 1868.

CHAPTER CCCCXCIII.

Supplement to an act entitled "An Act to revise and amend the charter of the city of Elizabeth," approved March third, eighteen hundred and sixty-three

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the city council of the city of Elizabeth, in addition to the loans now authorized by the charter of the said city and the supplements thereto, to borrow the sum of seventy thousand dollars to be applied to the payment of the floating debt of said city, thirty-two thousand dollars to be applied to the payment of the debt incurred in the building, completion and furnishing of the market house, and ten thousand dollars to be applied to the payment of the debt incurred for fire engines, and that the city council may issue the bonds of the said city to secure the payment of the said loan, as provided in the supplement to the city charter, approved March thirty-first, eighteen hundred and sixty-four, and may provide by tax for the payment thereof, and the said amount shall be included in the general debt of said city; *provided*, that the interest and at least one thousand dollars of the principal of said loan shall be raised by tax in each year, and paid into the sinking fund of the said city until the full amount shall be raised. Amount of money that may be borrowed, and how applied. Proviso.

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

Approved April 17, 1868.

CHAPTER CCCCXCIV.

A Supplement to the act entitled "An Act to incorporate the Holmdel and Middletown Point Turnpike Company," approved February twenty-eighth, eighteen hundred and sixty-two.

Rates of toll.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said company to demand and receive for travelling the said road the following rates, to wit: for every carriage, sleigh or sled drawn by one beast one cent per mile; for every additional beast one cent per mile; for every horse and rider or led horse or mule one cent; for every dozen of calves, sheep or hogs, one cent; for every dozen of horses, mules or cattle, four cents per mile

Road may be extended.

2. *And be it enacted*, That it shall and may be lawful for the said company to extend the road to the village of Holmdel under the conditions named in the charter.

Repealer.

3. *And be it enacted*, That anything in the original act inconsistent with this supplement be and the same is hereby repealed.

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

Approved April 17, 1868.

CHAPTER CCCCXCV.

A Further Supplement to an act entitled "An Act relative to Commissioners for taking the Acknowledgments and Proofs of Deeds," approved April fifteenth, eighteen hundred and forty-six.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of the further supplement to the act to which this is a supplement, approved

March twenty-sixth, eighteen hundred and sixty-seven, be and the same is hereby amended by striking out the word April and inserting May.

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

Approved April 17, 1868.

CHAPTER CCCCXCVI.

An Act to incorporate the Mutual Security Fire Insurance Company of Matawan.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry S. Little, Gordon D. White, Daniel B. Strong, William L. Terhune, Tunis Hubbard, Charles W. Fountain, William S. Horner, Henry W. Johnson, David H. Wyckoff, Lawrence Cartan, William Spader, Jacob B. Wooley and Rennselaer W. Dayton, and others, their associates, successors and assigns, 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 "Mutual Security Fire Insurance Company," for the purpose of insuring their respective dwelling houses, stores, shops and other buildings, household furniture, merchandise and other property, against loss or damage by fire; and by that name, they and their successors may have succession, and shall have power to sue and be sued, and to defend and be defended in all courts, either in law or equity; and by that name may also have, purchase, possess and enjoy to them and to their successors, lands, tenements, and hereditaments, goods, chattels, and effects of what nature and kind soever, necessary for the purpose of this corporation, and the same may grant, demise, alien and dispose of at pleasure, for the benefit of said company; and also may have a common seal, and alter and renew the same at pleasure; and also, may make and establish such by-laws and regulations as to them shall seem necessary and expedient for the well ordering and government of said institution, and put the same in execu- Corporators. Name.

Proviso. tion; *provided*, that they be not contrary to the constitution or laws of this state or of the United States.

All persons insuring to be members. 2. *And be it enacted*, That all persons who shall insure with the said corporation, and also their heirs, executors, administrators, and assigns, continuing to be insured in said corporation, as hereinafter provided, shall thereby become members thereof, during the period they shall remain insured by the said corporation, and no longer.

Affairs to be managed by a board of directors. 3. *And be it enacted*, That all the affairs, property and concerns of the said corporation shall be managed and conducted by thirteen directors, who shall continue in office for one year, and until others shall be chosen in their place, all of whom shall be members of said corporation, and shall take an oath of office, and choose out of their body a president; all vacancies may be filled for the remainder of the year, by such person or persons as a majority of the board of directors for the time being may appoint, and a majority of the whole shall constitute a quorum for the transaction of business; First directors and that the said Henry S. Little, Gordon D. White, Daniel B. Strong, William L. Terhune, Tunis Hubbard, Charles W. Fountain, William S. Horner, Henry W. Johnson, David H. Wyckoff, Lawrence Cartan, William Spader, Jacob B. Wooley and Rennselaer W. Dayton shall be the first directors of said corporation, which board of directors shall hereafter be elected in each year, at such time and place in Matawan, in the county of Monmouth, as the said corporation in their by-laws shall appoint, of which election public notice shall be given, in at least one of the public newspapers printed in said county, at least two weeks immediately preceding such election, which election shall be holden under the inspection of three members, not being directors, to be appointed previous to every election by the board of directors, and shall be made by ballot, and by plurality of the votes of the members, or their proxies present, allowing one vote for every five hundred Proviso. dollars insured in said company; *provided always*, that each member shall have at least one vote, and that no member shall have more than five votes.

Officers. 4. *And be it enacted*, That the board of directors may appoint a secretary and such other officers and agents as may be requisite for effecting the business of said company, and allow them such compensation as they may deem reasonable, and also to determine the rates of insurance.

Policies of insurance. 5. *And be it enacted*, That all policies and contracts

founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president and attested by the secretary, and being so subscribed and attested shall be binding upon the said company; and the said company shall be liable for all loss or damage sustained by fire, or other casualty, agreeably to and on such terms and conditions as shall be contained in the policy.

Members not to be liable beyond the amount of their promissory note given before receiving policy.

6. *And be it enacted*, That every person who shall become a member of said corporation by effecting insurance therein shall, before he receives his policy, deposit his promissory note, with good security for such a sum of money as shall be determined by the directors to be the premium for said insurance, and that a part, not exceeding twenty-per centum of said note, shall be immediately paid, and the remainder of said deposit shall be payable, in part or the whole, at any time when the directors shall deem the same requisite for the payment of losses 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 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, if any, after all losses and expenses occurring during said term shall have been provided for according to the provisions of this act, shall be relinquished and be given up to the maker thereof; and it shall be lawful for said corporation to loan such portion of their money on hand as may not be immediately wanted for the purposes of said corporation.

When policy of insurance may be surrendered and cancelled.

7. *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 surrender 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 was issued was entitled and subjected.

No person to be incompetent as a witness on account of being a member of the corporation.

8. *And be it enacted*, That suits at law or in equity may be maintained by said corporation against any of its members for the collection of said deposit notes, or any assessment thereon, or for any 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 loss or damage; and no member of the corporation not being in his individual capacity a party to such suit, shall be incompetent as a witness in any cause on account of his being a member of said corporation.

Proceedings after receiving notice of loss or damage by fire.

9. *And be it enacted*, That the directors shall after receiving notice of any loss or damage by fire sustained by any member, and ascertaining the same, or after the rendition of any judgment against said company for loss or damage, settle and determine the sums to be paid by the several members thereof as their respective portion of such loss, and publish the same in such manner as they shall see fit, or as the by-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice; and if any member shall for the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed upon him, or them, as their proportion of any loss as aforesaid, in such case the directors may sue for and recover the whole amount of his deposit note or notes, with costs of suit, and the amount thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have accrued or may thereafter accrue.

Transfer of policy, how made valid.

10. *And be it enacted*, That no transfer of any policy of insurance of the said corporation shall be valid until entered in the books of the company and certified on such policy by the secretary.

Duty of the secretary.

11. *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 the corporation, certify all drafts or orders of the president for the payment of money, and such other duties as the board from time to time by their by-laws may direct.

Place of business.

12. *And be it enacted*, That all the operations and business of the corporation shall be conducted at such place in Matawan as shall be designated by a majority of the directors present at any regular meeting.

Annual statement.

13. *And be it enacted*, That at every meeting of the said company the directors for the time being shall make and exhibit a full statement of the affairs of the said company for the preceding year for the satisfaction of the members of said company.

Limitation.

14. *And be it enacted*, That this act shall take effect immediately, and shall continue in force thirty years, and that the same may be at any time hereafter altered, amended or repealed by the legislature.

Approved April 17, 1868.

CHAPTER CCCCXCVII.

An Act to incorporate the Cumberland Woolen Manufacturing Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George W. Finlaw, George Atkinson, Stephen G. Porch and John Cheeseman, junior, and their successors and assigns, be and are hereby created a body politic and corporate, in fact and in law, by the name of "Cumberland Woolen Manufacturing Company," for the purpose of manufacturing in the city of Bridgeton, county of Cumberland, woolen goods, yarns, and other productions of a similar nature, and for such purpose may purchase and hold, or sell and dispose of all real and personal estate necessary for the conducting the said business.

Name.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, with power to increase the same to any amount not exceeding fifty thousand dollars,

and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferable upon the books of the corporation in such manner as the by-laws of such corporation shall direct.

Books of subscription to be opened.

3. *And be it enacted*, That it shall and may be lawful for the persons named in the first section of this act, or a majority of them, at such time and place as they may select, to open books of subscription to the capital stock of said corporation; and whenever the sum of ten thousand dollars shall have been subscribed and actually paid, or secured to be paid, it shall and may be lawful for the said corporation to organize and conduct its business under the provisions of this act.

Business to be managed by a board of directors.

4. *And be it enacted*, That the business of said corporation shall be managed by not less than three nor more than seven directors, all of whom shall reside in this state, and shall be stockholders, one of whom shall be president; such directors shall hold their office for one year, and until others are elected in their stead; an election of directors shall be held yearly, at such time and such place, and upon such notice, and in such manner as the by-laws may direct, at which election each stockholder shall be entitled to one vote, either in person or by proxy, for each share of stock by them respectively owned.

Capital stock may be increased.

5. *And be it enacted*, That the said corporation may, by a vote of the stockholders thereof, from time to time, increase the capital stock to any amount not exceeding the amount provided for in the second section of this act; and it shall be lawful for the directors of the said corporation to call for and demand of the stockholders respectively, all such sums of money as are by them subscribed, at such time and in such proportions as the said directors shall determine; and in case any stockholder shall neglect or refuse to pay in the amount so called for and demanded, after being notified at least thirty days previous to the time of payment, such shares and all previous payments made thereon, shall be forfeited to the said corporation.

Buildings, land, &c., may be received in payment for subscriptions.

6. *And be it enacted*, That any buildings, land, machinery, or other property used in manufacturing, may be received in payment for subscriptions to the capital stock, at a valuation agreed upon by a majority of the board of directors, or a majority of the stockholders.

Books of account to be kept.

7. *And be it enacted*, That regular books of account shall be kept in the office of said corporation, to which books any

stockholder shall have free access at all reasonable times for the purpose of examining the same.

8. *And be it enacted*, That the said corporation hereby created shall possess the general powers and be subject to the restrictions and liabilities set forth in "An Act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable. Restrictions and liabilities.

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

Approved April 17, 1868.

CHAPTER CCCCXCVIII.

A Further Supplement to an act entitled "An Act to incorporate the Weequahick Lake Association," approved March twenty-third, eighteen hundred and fifty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for "The Weekquahick Lake Association," to increase their capital stock to an amount not exceeding one hundred thousand dollars. Capital stock may be increased.

2. *And be it enacted*, That the said corporation shall have the power to borrow such sum or sums of money from time to time, as shall be necessary to complete the improvements authorized by their charter, and to secure the repayment by the issue of bonds secured by a mortgage on all the lands, property, privileges, franchises and appurtenances belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, the amount of such bonds shall not exceed one-half of the amount of the capital stock of said association actually paid in; *and provided also*, that it shall not be lawful for the said corporaton to plead any statute or statutes of this state against usury, in any court of law or equity in any suit instituted to enforce the payment of any bond or mortgage executed under this section. May borrow money, issue bonds, and execute mortgage. Proviso. Proviso.

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

Approved April 17, 1868.

CHAPTER CCCCXCIX.

A Further Supplement to the act entitled "An Act respecting conveyancers," approved April fifteenth, eighteen hundred and forty-six.

Preamble. WHEREAS, it has occurred that certain commissioners for taking the acknowledgments and proofs of deeds in this state residing in other states, who have been duly commissioned, but whose official oath and impression of official seal do not appear on the files of the office of the secretary of state as required by the act of February tenth, eighteen hundred and sixty-two, have acted as such, and as if in all respects duly qualified; and whereas, doubts have been expressed as to the validity of the official acts of said commissioners.

Acts legalized 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the official acts of such commissioners prior to the date of this act are, and are hereby declared to be good and effectual in the law to all intents and purposes as if the official oath and impression of seal had been duly filed in the office of the secretary of state as required by law.

Secretary of state to furnish lists of commissioners. 2. *And be it enacted*, That from and after the passage of this act it shall be the duty of the secretary of state to furnish to each of the several commissioners residing in other states a copy of the list of commissioners such as is now required by law to be furnished to the clerks of the several counties within this state.

Approved April 17, 1868.

CHAPTER D.

A Further Supplement to the corporate act of the City of Paterson, and the supplement thereto, approved March twenty-fourth, eighteen hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the division line between the First and Second wards of said city shall be the centre line of Temple street, from what is known as the county bridge, directly out to the line of Manchester township. Division line declared.

2. *And be it enacted*, That nothing in this act contained shall be so construed as to affect the status of any officer now elected in either of said wards during the present year for which they have been elected. Not to affect the status of any officer now elected.

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

Approved April 17, 1868.

CHAPTER DI.

An Additional Supplement to "An Act to provide for the publication of the Public Laws of this State," approved February sixteenth, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all laws directed to be published by the act to which this is a supplement, or the supplements thereto, in any of the newspapers published in the city of Trenton, shall be published in the "Emporium," a daily newspaper printed and published in the city of Trenton; and in the "New Republic," a newspaper printed and published in the city of Camden, all laws as are authorized to be published in the county of Camden; and in the "Spirit of the Times," Additional newspapers designated to publish the laws.

a newspaper printed and published in Egg Harbor City, all laws as are authorized to be published in the county of Atlantic; and in the "New Jersey Democrat," a newspaper printed and published in the city of Newark, all laws as are authorized to be published in the county of Essex; and in the "Constitutionalist," a newspaper printed and published in the town of Plainfield, in the county of Union, all laws as are authorized to be published in the county of Union; and in the "Orange Record," a newspaper printed and published in the city of Orange, all laws as are authorized to be published in the county of Essex; and in the "Weekly Bergen County Times," a newspaper published at Englewood, all laws as are authorized to be published in the county of Bergen; and in the "Hudson City Gazette," a newspaper printed and published in Hudson City, all laws as are authorized to be printed in the county of Hudson; and in the "Evening Journal," a newspaper printed and published in Jersey City; and in the "Sussex Record," a newspaper printed and published in the county of Sussex, all laws as are authorized to be published in the county of Sussex; and in the "Washington Star," a newspaper published in the county of Warren, all laws as are authorized to be published in the county of Warren; for which publication they shall be entitled to receive the same compensation as is allowed the publishers of other newspapers published in this state for said work, and that this act shall take effect immediately.

Approved April 17, 1868.

CHAPTER DII.

An Act to authorize the Township Committee of the township of Dover, in the county of Ocean, to open, work, grade and repair the public roads, streets, avenues and sidewalks in said township.

Township committee to supervise the opening and grading of streets, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the opening, working, grading and repairing of the public roads, streets, avenues and side-

walks in the township of Dover, in the county of Ocean, shall hereafter be under the control, direction and supervision of the township committee of said township, who shall designate and employ such and so many agents, and for such compensation as they shall deem expedient in the premises, and who shall have the control and disposal of all moneys raised, or to be raised in the said township for said purposes.

2. *And be it enacted*, That all acts and parts of acts relating to overseers of the highways of this state, so far as the same relates or applies to the township of Dover, in the county of Ocean, be and the same are hereby repealed. Repealer.

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

Approved April 17, 1868.

CHAPTER DIII.

An Act to confirm the acknowledgments and proofs of deeds, mortgages, and other statements in writing, taken by Frederick Clever.

WHEREAS, It appears to the legislature that Frederick Clever, of Egg Harbor City, in the county of Atlantic, and state of New Jersey, was on the —— day of ———, in the year of our Lord one thousand eight hundred and sixty-——, duly elected by the senate and general assembly of this state, in joint meeting, a commissioner for the county of Atlantic at Egg Harbor City, to take the acknowledgments and proofs of deeds or mortgages, or of any other instrument in writing under hand and seal required by the laws of this state, to be acknowledged or proved; and whereas, the said Frederick Clever proceeded, under the said appointment, to take acknowledgments and proofs of deeds, mortgages, and other written instruments, and from misapprehension of the laws of this state, continued to take them longer than said laws authorized him to do, by reason of which defective acknowledgments and proofs, innocent Preamble.

persons may be subjected to great loss and inconvenience; therefore, to rectify the same,

Acts confirmed and legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no acknowledgment or proof of any deed, mortgage, or other instrument in writing heretofore taken and certified by the said Frederick Clever shall be deemed defective by reason of such acknowledgment or proof having been taken and certified after his term of office had expired; but all such acknowledgments and proofs shall have the same validity and effect as if the said Frederick Clever had been, at the time of taking and certifying such acknowledgments or proofs, duly authorized by law to take and certify the same.

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

Approved April 17, 1868.

CHAPTER DIV.

A Supplement to an act entitled "An Act to incorporate the Lahlatang Iron Works," approved March fifth, eighteen hundred and sixty-eight.

Corporate name changed

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the corporation created by the act to which this is a supplement, be changed to the name of "The Taylor Iron works."

Rights and liabilities.

2. *And be it enacted*, That all the legal rights and liabilities of said corporation shall remain the same as if this act had not passed, and that this act shall take effect immediately.

Approved April 17, 1868.

CHAPTER DV.

Supplement to an act entitled "An Act to incorporate the Hackettstown Mining and Manufacturing Company," approved February twelfth, eighteen hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Caleb H. Valentim, Robert Rusling, George Roe, Aaron B. Mitchell, John Fisher, William W. Marsh, Abram R. Day, Jacob Welsh, junior, Isaac W. Crane, George W. Johnson and John S. Little be hereby declared to be associated with the incorporation named in the act to which this is a supplement, with all the powers and privileges provided in said act. Additional corporators.

2. *And be it enacted*, That so much of the act to which this is a supplement that requires notice to be given in a newspaper published at Belvidere is hereby repealed and the same provisions made for a newspaper published in Hackettstown. Part of former act repealed.

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

Approved April 17, 1868.

CHAPTER DVI.

Supplement to an act entitled "An Act for the establishment and government of the Police of Jersey City," approved March third, eighteen hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said board of police commissioners shall have the power to appoint a police surgeon, at a salary not to exceed five hundred dollars per annum, said surgeon to be under the control of said board and subject to its rules and regulations. Commissioners to appoint a police surgeon.

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

Approved April 17, 1868.

CHAPTER DVII.

A Further Supplement to the act entitled "An Act to incorporate Morristown," approved April sixth, eighteen hundred and sixty-five.

May impose a tax on dogs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the common council of Morristown to impose a tax upon the owners of dogs within the limits of the corporation of Morristown, not exceeding three dollars for each dog in each year, and the harboring a dog or dogs shall be evidence of ownership for the purpose of such taxation, and the tax so imposed on the owners of dogs shall be assessed and collected at the same time that other taxes are assessed and collected, and shall be in addition to the amount which the said common council are authorized to raise by general taxation.

Temporary loans.

2. *And be it enacted*, That said common council shall have power to pledge the credit of said corporation by promissory note of the mayor or otherwise, for the purpose of raising temporary loans to meet the current expenses thereof; *provided*, that no such loan shall be made or raised before the first day of April in any year, nor to a greater amount than five thousand dollars in any one year; which amount so raised by temporary loan, shall be first paid out of the taxes first thereafter raised by said corporation.

Proviso.

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

Approved April 17, 1868.

CHAPTER DVIII.

An Act to incorporate the Septemvirs Boat Club of New Brunswick, in the county of Middlesex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas N. Doughty, Franz M. Schnerveiss, William R. Hill, Chester D. Hartranft and Edward B. Boggs, and such other persons as now or hereafter may be associated with them, are hereby constituted a body corporate by the name of "The Septemvirs Boat Club of New Brunswick," in the county of Middlesex, for the purpose of engaging in and promoting the exercise of rowing. Corporators. Name.

2. *And be it enacted*, That the said corporation shall be capable in law to hold by donation, purchase or otherwise, and also from time to time to lease, mortgage and convey real and personal estate, so far as the same may be needed, for the purpose of carrying out the objects for which the said association is incorporated. May purchase and hold real estate, &c.

3. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of ten thousand dollars, and shall be divided into shares of such amounts, and be transferable in such manner and upon such conditions as the said corporation may prescribe. Capital stock.

4. *And be it enacted*, That the said corporation shall have the power to make and adopt a constitution, by-laws and regulations for the admission, suspension, expulsion and government of its members, the election of its officers, and to define their duties, and for the general management of its affairs, and from time to time may alter or repeal the same; and in their corporate name may be sued, and may institute suits for the recovery of all fines, debts, fees, dues and arrearages due the said corporation, and upon all other causes of action. Powers of corporation.

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

Approved April 17, 1868.

CHAPTER DIX

A Supplement to an act entitled "An Act to provide for the assessment and collection of taxes, in the counties of Camden and Gloucester," approved March the fourth eighteen hundred and forty-seven.

Act of eighteen hundred and forty-even to be and remain in force.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled, "A Further Supplement to an act entitled 'An Act concerning taxes,'" approved April the fourteenth eighteen hundred and forty-six," which said supplement was approved April the eleventh, eighteen hundred and sixty-seven, shall not be held or construed to repeal the act of the legislature of this state entitled "An Act to provide for the assessment and collection of taxes in the counties of Camden and Gloucester," approved March the fourth, eighteen hundred and forty-seven, but the said last mentioned act and the provisions thereof shall be and remain in force as if the said supplement had not been passed; *provided*, that the meetings of the township committees, and common council of the various townships, cities and towns of said counties of Camden and Gloucester, provided for or within the purview of said supplement, shall be held on the last Monday in June of each year, at which time the assessors of the several townships, towns, boroughs, cities and wards shall perform the duties provided for in the third section of the said supplement; *and provided further*, that nothing in this act shall operate to invalidate or affect the assessment and collection of any tax already assessed, for the year eighteen hundred and sixty-seven.

Proviso.

Proviso.

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

Approved April 17, 1868.

CHAPTER DX.

A Further Supplement to the act entitled "An Act to incorporate a company to form an artificial navigation between the Passaic and Delaware rivers," passed December thirty-first, eighteen hundred and twenty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Morris Canal and Banking Company are hereby authorized and empowered to construct railways in this state, except in the counties of Hudson and Essex, with one or more tracks, connecting their canal with such railroads in this state, except in Hudson or Essex county, as now are or may hereafter be built, and to work and operate the same in aid of their business; *provided*, that neither of the said connecting railways shall be more than two miles in length from the Morris canal, and shall not cross the track of the Morris and Essex Railroad Company at any point without the permission of said company. Power to construct railways. Proviso.

2. *And be it enacted*, That the Morris Canal and Banking Company are hereby authorized and empowered to obtain the right of way for the construction of the said connecting railways, respectively, in the same manner as is provided for obtaining the right of way in the act to which this is a supplement. Right of way to be obtained

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

Approved April 17, 1868.

CHAPTER DXI.

An Act to extend the provisions of a "Supplement to an act concerning Roads," approved March twenty-third, one thousand eight hundred and fifty-nine, being a supplement to "An Act concerning Roads," approved April sixteenth, eighteen hundred and forty-six, to the township of West Windsor, in the county of Mercer.

Provisions of act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of a "Supplement to an act concerning roads," approved March twenty-third, eighteen hundred and fifty-nine, being a supplement to "An Act concerning roads," approved April sixteenth, eighteen hundred and forty-six, be and the same are hereby extended to the inhabitants of the township of West Windsor, in the county of Mercer.

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

Approved April 17, 1868.

CHAPTER DXII.

A Supplement to the act entitled "An Act to incorporate the Pavonia Horse Railroad Company," approved April fourth, eighteen hundred and sixty-seven.

Power to construct railroad

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company shall be and hereby are authorized and empowered to construct a railroad from a point at or near the Pavonia Ferry in Jersey City to the place commonly known as West End in the city of Hudson, and for that purpose to lay one or more tracks in any street or streets in Jersey City and in the city of Hudson, and also over private property; *provided*, that the right to lay such tracks over private property shall first have been

Proviso.

acquired by purchase from or consent in writing of the owner or owners of such private property; *and provided further*, that the consent of the common councils of Hudson City and Jersey City shall first be obtained before said company shall lay any tracks in said cities, and that the route or routes of said railroad shall be first approved by the resolutions of the common council of Jersey City and of Hudson City, for such parts of said route or routes as shall be located in Jersey City and Hudson City. Proviso.

2. *And be it enacted*, That no motive power except by horses or other animal power shall be used on the said railroad. Steam power not to be used

3. *And be it enacted*, That the sixth section of the act to which this is a supplement, be and the same is hereby repealed, and that this act shall be taken as a public act, and shall take effect immediately. Repealer.

Approved April 17, 1868.

CHAPTER DXIII.

A Supplement to an act entitled "An Act relating to the assessment and revision of taxes in the city of Newark," approved March fifteenth, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the present year only, the twentieth day of April shall be the day for making the assessment of taxes in the city of Newark, in said state, and all valuation of property and assessment of taxes for said year in said city shall be considered as made on said twentieth day of April. Time for making assessments.

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

Approved April 17, 1868.

CHAPTER DXIV.

A Further Supplement to an act entitled "An Act to describe, apprehend and punish disorderly persons," passed June tenth, seventeen hundred and ninety-nine.

Proceedings when husband neglects to provide for and maintain his family.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any husband or father who deserts or wilfully refuses or neglects to provide for and maintain his family shall be deemed and adjudged a disorderly person; and that whenever any overseer of the poor of the township or city within which any husband or father resides believes that such person does desert or wilfully refuse or neglect to provide for and maintain his family, and that by reason thereof such family may become chargeable to such township or city, it shall be his duty to make complaint thereof, under oath, before some justice of the peace therein.

Further proceedings.

2. *And be it enacted*, That upon receiving such complaint, the said justice shall issue his warrant, directed to any constable of the county, for the immediate apprehension of the person so complained of, and for bringing him before such justice, upon the return of which warrant said justice shall cause such person to enter into a bond to said overseer, in any sum not exceeding five hundred dollars, with good security, conditioned for his appearance before said justice at a time therein named, to answer said complaint, and to abide all orders, judgments and decrees that may be made against him touching said complaint; and in default of such person entering into such bond, and giving such security, said justice shall commit him to the county jail, to await the investigation of said complaint.

Further proceedings.

3. *And be it enacted*, That at the time of appearance mentioned in said bond, the justice shall proceed to hear the witnesses produced to substantiate and rebut the said complaint, and shall decide whether such person is guilty or not guilty thereof; if he decides such person guilty he shall adjudge him to be a disorderly person, and in lieu of the penalties now prescribed for disorderly persons, such justice may make an order requiring such person to pay such sum weekly to said overseer for the support and maintenance of his family as to said justice may seem proper; but if such person acknow-

ledges himself guilty, then said justice may forthwith make such adjudication and order.

Proceedings continued.

4. *And be it enacted*, That at any time previous to the hearing of said cause, either party may demand a trial by jury, whereupon said justice shall issue a venire facias, to summon a jury of twelve men competent as jurymen to try said complaint, and to decide whether the person complained of as aforesaid be guilty or not guilty; and such venire shall be issued and returned, and such jury shall be empannelled and sworn, and such complaint tried as in courts for the trial of small causes; and in case said jury decide such person guilty, then said justice shall proceed as though he had decided such person guilty, if no jury had been demanded.

In case of appeal.

5. *And be it enacted*, That either party upon paying all costs incurred, and by filing with said justice within ten days after trial before him a written notice of his intention to appeal from the decision of said justice or jury, may appeal to the next court of general quarter sessions of the peace, and may there demand a trial by jury, which said court shall proceed to try the same and to make such adjudication and order thereon as is herein provided, in case of such trial before said justice; and any order made by said court shall be held to commence to run from the date of the trial before said justice.

Justice may issue writs of subpœna.

6. *And be it enacted*, That any justice before whom any complaint as aforesaid shall be made, is authorized to issue writs of subpœna, and to make adjournments; and the jurymen and witnesses shall receive such pay, and be subject to such fines and punishments, and the justices and constables shall receive such fees for the services as are allowed them for like services in courts for the trial of small causes; the overseer shall be entitled to the sum of one dollar for his fees, both in the court below and on appeal; and the justice shall be entitled to the like sum for making the adjudication and order, the losing party to pay all costs of suit.

Witnesses.

7. *And be it enacted*, That all orders made under the provisions of this supplement shall continue in force for the term of one year from the time when the payments therein directed commence to run; but such order shall not be a bar to a subsequent complaint after the expiration of said term, and upon all trials both the wife of the person complained of and himself may be witnesses.

When bond shall be made.

8. *And be it enacted*, That where any order shall be made in pursuance of this supplement, the person against whom the

same is made shall be required to execute a bond with good security to the overseer of the poor of the township or city, to stand to and obey such order and such other orders as may be made, in case an appeal be taken, and in default thereof, the accused shall be committed to the county jail until such bond shall be given; *provided*, that the justice, before such appeal be taken, or such court of quarter sessions, thereafter, or a judge thereof, in vacation, upon being satisfied that further imprisonment will fail to produce support for the family of the accused, or security therefor, may discharge the accused from further imprisonment, but no such discharge shall be granted until the accused shall have first paid all previous costs; *and provided further*, that in case the bond be given as required by the second section hereof, that no further bond shall be necessary, but the same shall bind the security for the faithful obedience of the accused to all orders and decrees made in pursuance of supplement.

Proviso.

Proviso.

9. *And be it enacted*, That this act shall be deemed a public act and take effect immediately, but shall be limited in its effects and operation to the county of Essex.

Provisions of act limited to Essex county.

Approved April 17, 1868.

CHAPTER DXV.

An Act to incorporate the "People's Mutual Fire and Marine Insurance Company of Toms River, New Jersey."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, are hereby constituted and made a body politic and corporate, by the name of "The People's Mutual Fire and Marine Insurance Company of Toms River, New Jersey," and by that name may have, purchase, possess and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels and effects of what nature and kind soever necessary for the purpose of this corporation, and the same to grant, demise, alien and dispose of at pleasure

Name.

for the benefit of the said company, and may also have a common seal, and alter and renew the same at their pleasure.

2. *And be it enacted*, That the capital stock of the said company shall be twenty thousand dollars, to be divided into shares of fifty dollars each, with the privilege of increasing the said capital stock to three hundred thousand dollars at any time during the continuance of this charter; and when the said capital stock of twenty thousand dollars shall be subscribed, and ten per centum of the said sum paid in cash, or secured to be paid, that then the subscribers to said capital stock, upon ten days' previous notice in a newspaper published in the county of Ocean, given by the commissioners hereinafter named, shall proceed to the election of the board of directors, which said board of directors shall then proceed to the election of a president, a vice-president, a treasurer and secretary, and the appointment of such other officers as may be necessary to manage the business of the company, and the office of secretary and treasurer may be filled by the same person; and William I. James, Thomas Hooper, George W. Cowperthwait, John T. Chambers, Edward W. Ivins, John G. Shultze and Washington McKean, be and the same are hereby appointed commissioners to open the books for subscriptions to the capital stock of said company, and that ten days previous notice of the time and place of the opening of said books shall be given by the said commissioners, or a majority of them, the said notice to be published in a newspaper in the county of Ocean during said space of ten days, and that said books of subscription may be kept open as long as it shall seem best by the said commissioners, or a majority of them, so to do.

Capital stock.

Commissioners to open books of subscription.

3. *And be it enacted*, That the capital stock may be increased at any time by the directors to such amount as they may determine, not exceeding the amount provided for in the second section, and they shall open books of subscription for said increased capital stock after giving ten days' previous notice in a newspaper published in the county of Ocean; and the persons who shall then own the stock of said company shall have the privilege for five days, of subscribing for said increased stock, and after that time, if not subscribed for by the stockholders it may be subscribed for by others, and the terms of said subscription, as well as the balance of first subscription, shall be fixed and determined by the said directors.

Capital stock may be increased.

4. *And be it enacted*, That the stock, property, affairs and

Powers of directors.

concerns of said company shall be managed and conducted by nine directors, three of whom shall constitute a quorum to transact business, who may respectively hold their office for one year and until others may be chosen; and shall at all times during their continuance in office, be stockholders in the said company in their own right, and the said directors shall hereafter be elected on the second Monday in January, in each and every year, at such hour of the day, and at such place in the village of Toms River, as the board of directors for the time being shall appoint, of which election public notice shall be given in a newspaper published in the county of Ocean, at least ten days previous to such election; and every such election shall be by ballot and by a plurality of the votes cast in person or by proxy; and at every such election each stockholder shall be entitled to one vote for every share of stock he may have standing in his own name on the books

First directors

of the company, and the first directors shall be William I. James, Thomas Hooper, George W. Cowperthwait, John T. Chambers, Edward W. Ivins, John G. Shultz, Washington McKean, Ralph B. Gowdy and J. Logan Cowperthwait, who shall respectively hold their office until other directors are elected in their stead; and any vacancy in the office of president or director may be filled by a majority of the remaining directors, and in the absence of the president the directors may appoint a president pro tempore, who shall have authority to exercise the power of the president; and the board of directors shall have power to allow such compensation to the officers of, and others in the employ of the company for their services as they may in their judgment deem reasonable and right; and the said directors or a majority of them, shall have authority to make all necessary rules, regulations and by-laws as may be necessary and expedient for the management and conducting of the business of the company; *provided*, the same do not conflict with the laws of this state or of the United States.

Proviso.

May take fire and marine risks.

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

6. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president or by such other officer as may be designated for that purpose by the by-laws of said company, and attested by the secretary, and when so subscribed and attested, the same shall be binding upon the company according to the tenor, intent and meaning of this act, and of such policies or contracts; and all such policies and contracts may be made, subscribed, attested and executed, and the business of the said company may be otherwise conducted and carried on without the presence of a board of directors by committee or otherwise, and the same shall be binding and obligatory on the said company. Policies.

7. *And be it enacted*, That the stock of said company shall be deemed personal property, and as such assigned and transferred on the books of the company. Stock transferable.

8. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold such and so much real estate as shall or may be necessary for their convenient accommodation in the transaction of their business; and also to take and hold any real estate or securities, mortgaged or pledged to the said company or to secure the payment of any debt which may be contracted with the said company, and to redeem the money so pledged or secured either at law or equity; and also to purchase on sales made under judgments at law or done in equity, or on any other legal proceedings, or otherwise, to receive and take any real estate in payment or towards satisfaction of any debt previously contracted and due to the said company, and to hold the same until they can conveniently sell or convert the same into money or other personal estate, and for the purpose of investing any part of their capital stock, funds or money, may purchase and hold any public stocks created by the incorporated cities, and of the townships and counties of this state or of the United States, or the states of New York, Ohio, Pennsylvania, Massachusetts and Connecticut, as also of the stocks or other securities created by said states or either of them, or of the United States or in bonds secured by mortgage on unincumbered real estate within this state worth double the amount of money invested or loaned. May hold real estate.

9. *And be it enacted*, That it shall be lawful for the directors of said company to make dividends of so much of the pro- Dividends.

fits of the company as shall be deemed advisable, and the said dividends shall be paid to the stockholders, or to their legal representatives.

Persons insuring may participate in profits.

10. *And be it enacted*, That all persons who shall insure with the said corporation may participate in its profits during the period they may remain insured by the same, upon such terms and conditions as the directors by their by-laws may fix and determine; and the power conferred in this section shall not prevent the said company from issuing policies of insurance without the parties participating in the profits of the company.

Tax to be paid to the state.

11. *And be it enacted*, That the tax to be paid by the said company into the treasury of this state shall be at the rate expressed in an act entitled "An Act to increase the revenues of the state of New Jersey," approved March Sixth, eighteen hundred and fifty-eight, and shall be paid first upon the fifty thousand dollars, and upon the increased amounts from time to time, and at the time or times the same may be increased, and that this act shall be and remain in force for the term of fifty years, and shall take effect immediately.

Approved April 17, 1868.

CHAPTER DXVI.

A Supplement to the act entitled "An Act to incorporate the Cape May Land and Fruit Company," approved March twenty-seventh, eighteen hundred and sixty-seven.

Preamble.

WHEREAS, a re-survey of the lands of said corporation locates a part thereof in the county of Camden, and not in the county of Atlantic; therefore,

May take title to lands in Camden county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for said corporation to take title to said land, and to carry on the operations in said county of Camden.

Corporate name.

2. *And be it enacted*, That the corporate name of said company shall be "The Park Cranberry Company."

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

Approved April 17, 1868.

CHAPTER DXVII.

An Act to incorporate the Passaic Mutual Protective Union.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alfred Speer, John V. S. Van Winkle, Richard A. Terhune, Walling Kip, Nicholas S. Kip, William S. Anderson, Aaron Kenter, C. M. K. Paulison, John T. Van Iderstine, Wilhelmus Van Winkle, Aaron Van Iderstine, and their successors, are hereby constituted a body corporate by the name of "The Passaic Mutual Protective Union," and to remain and continue for the space of twenty years next ensuing.

Name.

Affairs to be managed by a board of directors. 2. *And be it enacted*, That the affairs of the said society shall be managed by a president, secretary, treasurer and five directors, to be chosen by the members of the said society annually, at such time and manner as the by-laws of the society may direct, who shall serve for one year and until others are chosen in their stead; notice of which election shall be given two weeks previous by sending or mailing a notice to each member, and that the persons heretofore named as corporators shall, as soon as convenient after the passage of this act, assemble and organize said society, and order an election of officers and directors.

May make arrests. 3. *And be it enacted*, That every member of said society be empowered to make arrest of any person or persons who they may find stealing, or know have stolen property, or who have been setting fire to or in any way wilfully destroying property, or who have committed burglary, and bring them before a magistrate for examination.

Special committee. 4. *And be it enacted*, That the directors may from time to time elect one or more persons to act as special committee to go in search of thieves or of stolen property, and may also appoint such other officers as may be necessary.

May issue policies of insurance.

5. *And be it enacted*, That when the funds of this society shall amount to one thousand dollars, the said directors, together with the president, secretary and treasurer, may issue policies of insurance against theft on any property belonging to any member of said society, on such terms as the society may make in their by-laws.

Approved April 17, 1868.

CHAPTER DXVIII.

An Act to incorporate the Randolph Manufacturing Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William G. Lathrop, George Gage, James H. Neighbour, C. D. Schubarth, John Hance, Robert F. Oram, John C. Ryle, and such other persons as may be associated with them, be and they are hereby created a body corporate and politic in law, by the name of

Name.

"The Randolph Manufacturing Company," and as such may sue and be sued, implead and be impleaded, in any court of law or equity in this state; may adopt a common seal, and alter the same at their pleasure; may purchase, lease, convey, mortgage, hold and sell any goods and chattels, personal property, lands and tenements, and rights thereon, that may be required for the purposes of this act, and possess generally all the powers, and be subject to all the liabilities of corporations under the laws of this state.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be the sum of fifty thousand dollars, with power to increase the same, by a vote of the board of directors, to any sum not exceeding two hundred thousand dollars.

Business of the company.

3. *And be it enacted*, That the capital stock of said company shall be divided into five hundred shares, of one hundred dollars each, until the same be duly increased as hereinbefore provided; that all shares of said stock shall be deemed to be personal property, and shall be transferable in such

manner as the corporation by its by-laws shall direct, and that the said capital may be employed in the business of manufacturing silk, cotton, flax or other fibrous material, and in buying, selling and disposing of the same, and of all articles connected therewith, and that the said company shall locate their works in the village of Port Oram, in the state of New Jersey.

Conducted by a board of directors.

4. *And be it enacted*, That the property and affairs of said corporation shall be managed by a board of directors, not more than seven, nor less than five in number, who shall be stockholders in said company, and shall be chosen annually at such time and place in said village as the by-laws of the company shall appoint, giving ten days' notice of such time and place in one or more newspapers published in the county of Morris; that said directors shall serve for one year and until others are chosen in the corporation in their stead; and that in case of the death, incapacity or refusal to serve of any of said persons before the said company shall be organized, or of any director after the same shall be organized, the survivors may appoint a person to fill each vacancy, who shall hold office for the balance of the term of the person whose place he is appointed to fill.

Commissioners to open books of subscription.

5. *And be it enacted*, That the persons above named shall be commissioners to open books of subscription to the stock of said company, at such time and place in said village of Port Oram, and for such period or periods as they may determine, giving ten days' notice of such time and place in one or more of the newspapers published in said county; and when ten per centum of the said stock has been subscribed for and paid up in full, or issued accordingly to this act, it shall be lawful for the said company to commence its business, and when the books of subscription are closed, the said commissioners shall deliver to the president of said board of directors, all books, papers and moneys in their hands belonging to the company, first deducting their fair and reasonable compensation and expenses, and thereupon the board may proceed with the business of the company.

May issue stock in payment for land, goods, &c.

6. *And be it enacted*, That the said company may issue stock to any person or persons in payment for any lands, goods, chattels, lease and holds, and property required by said company for the prosecution of their business under this act.

Officers.

7. *And be it enacted*, That the board of directors may choose from their number a president, and such other officers

as they may deem proper, and may appoint and employ such agents and superintendents and subordinates as their business shall require, and may adopt by-laws and rules for the government of said company and of said board, and of their officers and employees; may fill all vacancies in the board until the next annual election of directors; that the said annual election shall be held on the first Monday in June in each year, at which election each stockholder shall be entitled to one vote for each share of stock held by him.

Dividends.

8. *And be it enacted*, That no dividends shall be declared except from the actual profits of the company; that a meeting of the board may be called at any time by the president, or by any two directors, and a meeting of the stockholders may be called by any two of the stockholders, and that all elections of directors shall be by ballot, and that their principal office shall be in the village of Port Oram.

Limitation.

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

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

Approved April 17, 1868.

CHAPTER DXIX.

An Act to confirm certain acknowledgments taken by John Black and Robert W. Wood.

Preamble.

WHEREAS, at the City of Mexico, in the republic of Mexico, on the twenty-ninth day of March, anno domini one thousand eight hundred and forty-four, Francis Preto and Neto, and Mary, his wife, did appear before John Black, consul for the United States of America for the said City of Mexico, and acknowledge a deed made by them and others to William B. Bend, which deed is recorded in book C six, of deeds, for the county of Essex, in the state of New Jersey, at pages four hundred and twenty-six, four hundred and twenty-seven, four hundred and twenty-eight, and four

hundred and twenty-nine; and whereas, in Adams county, in the state of Mississippi, on the fourth day of June, anno domini one thousand eight hundred and forty-four, John T. Griffith did appear before Robert W. Wood, a justice of the peace and ex-officio a notary public, in and for said county of Adams, and acknowledge said deed above referred to, he being one of the grantors therein; and whereas, neither said John Black, consul, or said Robert W. Wood, justice of the peace and ex-officio notary public, was authorized to take said acknowledgments, or either of them; and the one taken by said Robert W. Wood is imperfect, not being in the form prescribed by the laws of this state; and as innocent persons may suffer thereby,

Acts legalized and confirmed

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said acknowledgments, and each of them, shall be deemed and taken to be to all intents and purposes as good and valid and effectual in law, and the record admissable in evidence as fully and completely, as if such acknowledgments and each of them had been made and taken before a person or officer by the laws of this state authorized to take acknowledgments of deeds and conveyances, and as if these said acknowledgments had been in all other respects perfect and in conformity with the laws of this state; and the said acts of said John Black and the said acts of said Robert W. Wood, in taking said acknowledgments, are hereby confirmed and declared effectual in like manner as though the said John Black and Robert W. Wood had been lawfully authorized to take said acknowledgments, and said acknowledgments were perfect and in conformity with the laws of this state.

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

Approved April 17, 1868.

CHAPTER DXX.

An Act to incorporate the New York and New Jersey Bridge Company.

Commissioners to receive subscriptions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Rodman M. Price, Delos E. Culver, Nathaniel Dole, Augustus O. Evans, Noah D. Taylor, Henry C. Smith, Thomas B. Decker, Leon Abbett, J. Otto Seymore, John Y. Dater, Cornelius Lydecker, Henry G. Hering, John Goldthorp and John Hopper, be and they hereby are appointed commissioners on the part of this state, who with commissioners to be appointed by the state of New York, shall be authorized to receive subscriptions to the capital stock hereby created, at such time or times, and place or places as they or a majority of them may direct, giving notice thereof in a newspaper printed in the city of New York, and in the newspapers printed in the county of Hudson, in this state, for at least twenty days of the time or times, and place or places when and where the said subscriptions shall be received and at the time of subscribing for the said stock, five dollars shall be paid upon each share subscribed for, to the commissioners or some one of them, which money shall be paid over to the treasurer of said company as soon as one shall be appointed, and that the residue of said subscriptions shall be paid in such installments, and at such times and places, and to such persons as the president and directors of the company shall from time to time direct, and give public notice of, and upon the failure of payment thereof, as so directed for thirty days thereafter, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said installments, or any of them, and for the use of said company; *provided*, that the books of subscription shall be kept open for three days at least, and if the number of shares subscribed for shall exceed the amount or number of shares authorized by this act to be subscribed for, that then the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed as aforesaid.

Payment of installments.

Proviso.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be two millions of dollars, divided into shares of

one hundred dollars each, with the privilege to increase the same to five million dollars, and the said shares shall be deemed and considered personal property, and may be transferred in such manner as shall be prescribed by the by-laws of said company and the said company shall have power to borrow money from time to time and to issue bonds to an amount not exceeding five millions of dollars, and to secure the payment of the same by mortgage of the property of the company or otherwise.

3. *And be it enacted*, That when ten thousand shares are subscribed for and paid up, the persons holding the same shall be and they hereby are incorporated into a company by the name of "The New York and New Jersey Bridge Company," and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement should be found necessary to fulfill the intent of this act; *provided*, such increase does not, with the original subscription, exceed the amount of five millions of dollars.

Name.

Capital stock may be increased.

Proviso.

4. *And be it enacted*, That when ten thousand shares of the said capital stock shall be subscribed and paid for as aforesaid, it shall be the duty of the commissioners to give notice in one or more of the newspapers printed in the city of New York and in the newspapers printed in the county of Hudson in this state, of the time of a meeting of the stockholders in Jersey City, in the county of Hudson, not less than thirty days from the time of issuing the said notice, at which time and place the said stockholders shall proceed to organize the said company, and shall choose by ballot thirteen directors, who shall hold their offices until the second Tuesday of the month of May next succeeding the date of their election, and thereafter the stockholders shall meet on the second Tuesday of May in every year, at such place as shall be fixed by the by-laws of said company, and shall choose by ballot thirteen directors, who shall hold their office for the ensuing year, and each share shall be entitled to one vote, but if it should happen that an election of directors should not be held at the time so appointed for the holding thereof, or at the time appointed for the holding of any subsequent election, the said company shall not for that cause be deemed to be dissolved, and such election shall be held at such other time and place

Directors, and how elected.

Not dissolved by failure to elect directors

as the board 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, vice president, a secretary and a treasurer of said company, to serve until the then next annual election of directors, and until others shall be appointed in their stead, and the board of directors or a majority of them, shall have power to make, prescribe and to alter such by-laws, rules and regulations of said company as to them shall appear needful and proper, and not contrary to the laws or constitution of this state, the state of New York or of the United States, and shall have power to appoint such officers, clerks and servants, as to them shall seem necessary, and to establish and fix such salaries thereto as to them shall seem proper.

May erect and construct a bridge and operate a railroad.

5. *And be it enacted*, That the said company shall have the power to erect, construct and maintain a permanent bridge over the Hudson river, and construct and operate a railroad over the same between some suitable point in the city of New York and a point north of the southerly line of the township of Union, in the county of Hudson, in this state, and to lease, purchase, acquire and hold as much real estate as may be necessary for the site of said bridge, and of all abutments, approaches, walls, toll-houses, and other structures proper to said bridge, and for the opening of suitable avenues of approach to said bridge, and shall also have power to build, erect and construct a pier for the support of said bridge at the bulkhead line on each side of said Hudson river, and one or two piers in the river between such bulkhead lines, with spaces between said piers of not less than one thousand feet each; *provided*, that nothing in this act contained shall be construed to authorize, nor shall it authorize the construction of any bridge which shall obstruct the free and common navigation of the Hudson river, save as herein granted, and such bridge shall not be less than one hundred and thirty feet elevation above high tide at the middle of the river; it shall not obstruct any public road, street or avenue, which it shall cross, but such public road, street or avenue shall be opened by a suitable arch or suspended platform as shall give a suitable height for a passage under the same for all purposes of public travel and transportation; the said bridge shall be built with a substantial railing or siding and shall be kept lighted through all hours of the night.

Proviso.

6. *And be it enacted*, That the board of directors shall have the power to fix the rates of toll for persons, animals, carriages and vehicles of every kind or description passing over the same; toll gates shall be kept at each end of the bridge, and the toll demanded and paid upon entering on the bridge; the rates of toll shall be posted up conspicuously at the toll gates; the said directors shall reduce the rates of toll from time to time, so that the net profits of said bridge shall not exceed the sum of fifteen per centum per annum, after deducting the expenses of repairs and improvements of said bridge, its appurtenances and approaches, and all just and proper damages against the said corporation. Board of directors to fix the rates of toll.

7. *And be it enacted*, That any person wilfully doing any injury to the said bridge or any of its appurtenances, shall forfeit and pay to the said corporation three times the amount of such injury, and shall be deemed guilty of a misdemeanor, and be subject to a penalty not exceeding five hundred dollars, or to imprisonment not exceeding six months, in the discretion of the court. Penalty for injury to bridge.

8. *And be it enacted*, That the state of New York shall have jurisdiction of all crimes and offences committed upon said bridge.

9. *And be it enacted*, That said company shall have power to procure the right of way and lands necessary to carry out the objects of this act, either by purchase or appraisement by commissioners in the manner prescribed in and by the original charter or act of incorporation of the New Jersey Railroad and Transportation Company. Right of way.

10. *And be it enacted*, That the construction of the said bridge shall be commenced within three years, and shall be completed within five years from the time when this act shall take effect, or this act and all rights and privileges granted thereby shall be null and void. Limitation.

11. *And be it enacted*, That this act shall take effect when the legislature of the state of New York shall pass a law appointing commissioners on their part, and vesting like power and authority in the subscribers to the said capital stock of erecting the bridge as aforesaid, and with as full and ample powers, privileges, franchises and emoluments, as to the said company are hereby given. Act when to take effect.

Approved April 17, 1868.

CHAPTER DXXI.

An Act to incorporate the Rockaway River Water Power and Improvement Company, in the county of Morris.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That J. Cooper Lord, George Fuller, William G. Lathrop, George W. Esten, Edwin E. Willis, James Holmes, R. F. Oram, Mahlon Hoagland, Phillip Woolten, Charles A. Righter and such other persons as may hereafter be associated with them, shall be and are hereby ordained, constituted and declared to be a body politic, in fact and in name by the name of "The Rockaway River Water Power and Improvement Company," and by that name they, their successors and assigns shall and may have continual succession, and shall and may sue and be sued, implead and be impleaded, in all courts of justice, and shall have power to make and use a common seal, and they and their successors shall have power and authority to purchase or receive by gift, and to hold, enjoy or convey all such lands, mills, manufactories, water privileges, water rights, goods and chattels in the townships of Hanover, Boonton and Rockaway, in the county of Morris, as may be necessary or expedient for the objects contemplated by this act, and the same to demise, lease, grant or sell, under such rules and regulations as the said company may ordain.

Name.

Capital stock.

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

Commissioners to open books of subscription.

3. *And be it enacted*, That the above named persons or a majority of them, shall be commissioners to receive subcriptions to the capital stock of said company, and as soon as fifty thousand dollars of the capital stock shall be subscribed in good faith, such commissioners or a majority of them, shall give to said subscribers at least ten days' notice in the newspapers printed in Morris county, of the time and place of a meeting, to choose nine directors or managers of said company, a majority of whom shall be residents of this state, and such election shall be held at the time and place so appointed, by such of the subscribers to said capital stock as

Election of directors.

may attend in person or by proxy, each share of said stock subscribed for entitling the subscriber thereof to one vote; at such election the above mentioned commissioners shall act as inspectors thereof, and shall certify under their hands the names of the persons who may be elected, and shall thereupon deliver over to the persons so elected, the subscription books and such moneys as may have been received by them.

Directors to appoint officers.

4. *And be it enacted*, That the directors or managers chosen at such meeting and at the annual elections of said corporation, shall as soon as may be after every such election, choose out of their own number a president, who shall hold his office until a successor shall be elected, and in case of the death, removal, resignation or disqualification of any director, the vacancy may be filled for the remainder of the year by the said board of directors; the said board of directors shall also have power to appoint a treasurer, secretary and such other officers as they may deem necessary for the carrying on of the business of said company, which appointments shall be regulated by the by-laws of said corporation.

Not dissolved by failure to elect directors

5. *And be it enacted*, That in case it shall happen that an election of directors or managers shall not take place at the time when by this act it should be held, the said company shall not for that cause be deemed to be dissolved, but such election shall be held at such other time as the directors for the time being shall appoint, and such directors for the time being shall continue to hold their office until new ones shall be chosen in their place.

Powers of directors.

6. *And be it enacted*, That annual elections for directors or managers shall be held at such times and places as the board of directors shall from time to time direct, of which elections public notice shall be given for at least two weeks in the newspapers published in said county of Morris; five of said directors shall be a quorum to transact all the business of said corporation, and they shall have power to call in the capital stock of said company by such installments, and at such times as they may direct; and in case of the non-payment of said installments or any of them, to forfeit the share or shares on which such default shall arise to and for the use of the corporation; and also to make and prescribe such by-laws, rules and regulations as to them shall seem needful and proper touching the management of the stocks, property, estate and effects of the said corporation.

7. *And be it enacted*, That it shall be lawful for the said

May construct a dam and raceways.

company, when duly organized, and after at least the sum of twenty thousand dollars is paid in upon the capital stock, to construct a dam across the Rockaway river at such point in either of said townships of Hanover, Boonton or Rockaway as they may deem most expedient, and to construct a raceway along the banks of said Rockaway river, and in connection therewith, and to construct as many lateral or branch raceways, and such locks, weirs, and other works from the said main raceway to the channel of said river as the company shall deem expedient for the purpose of creating a water-power and using the same for manufacturing purposes; *provided*, the said dam, raceways and other works shall be so located and constructed as not to interfere with any existing improvements on said river, and for the purpose of enabling said company to determine where said dam, raceways and other works can be located and constructed to the best advantage, it shall be lawful for the said company by its agents, engineers, officers, or other persons in their employment, to enter upon all lands lying along said Rockaway river, in the townships aforesaid, whether the same may be covered with water or not, for the purpose of exploring, leveling, surveying and locating said dam and raceways, or other improvements, doing no unnecessary damage to private property; and when the location of said dam and main raceway shall be determined, and a survey of the same deposited in the office of the clerk of the county of Morris, it shall be lawful for the said company by any of its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, have, hold, use and occupy any such lands, and to make excavations, erect embankments, and all other necessary works and structures which may be necessary or expedient to carry into effect the purposes contemplated by this act; *provided*, they do not flow any lands now tillable: *and provided also*, that where such lands are not purchased by, or given to said company, payment or tender of payment of all damages for the occupancy of said lands, to be ascertained as hereinafter provided, shall be made before the said company shall enter upon or occupy said lands, except for the purpose of surveying the same as hereinbefore mentioned.

Proviso.

Proviso.

Proceedings when the company and owners of property cannot agree.

8. *And be it enacted*, That if the said company, or its officers or agents cannot agree with the owner or owners of such required lands or water rights for the use or purchase

thereof, or if by reason of the legal incapacity or the absence of such owner or owners, no such agreement can be made, as particular a description as the case will admit of, of the land or water, or other rights so required for the use of the said company, 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 occupants or owner, if known, to one of the justices of the supreme court, who shall require the said company to give notice of said application to the persons interested, if known and in this state, or if unknown or out of this state, to make publication as he shall direct for any term not less than ten days, and the said justice shall appoint a time and place for the appointment of three disinterested commissioners to view said lands; and at the time and place appointed, upon satisfactory evidence of the service or publication of said notice, the said justice shall appoint three disinterested commissioners to appraise the value of said lands and water rights, and the damages which may be sustained by the owner, by the taking of the same by said company; and the said commissioners having first taken an oath in writing faithfully and impartially to execute the duties of said appointment, shall, after giving five days' notice to both parties where said parties reside in this state, view the premises, and hear the parties and their evidence, if so desired, and thereupon make such appraisement of the value of said lands or water rights, and of the damages sustained by the owner, as to them shall appear just and proper, and shall transmit such appraisement and award in writing, under their hands, to the justice who appointed them, to be by him returned and filed in the office of the clerk of said county of Morris, together with all the papers before him relating thereto, there to be kept as a public record; and if either party shall feel aggrieved by the said appraisement and award of the said commissioners, the party so aggrieved may appeal to the circuit court of said county of Morris at the next term after said appraisement and award shall be returned as filed as aforesaid, by a proceeding in the form of a petition to said court; and the party appealing shall give to the opposite party five days' notice in writing of said appeal, and the filing of such petition in said circuit court shall vest in said court full power to hear and adjudge the same, and if required by either party, the said court shall award a venire for a jury, who shall hear and finally determine said appeal; the said jury shall

Proceedings in case of appeal.

assess the value of the lands or water rights taken by said company, and all damages sustained, or that may be sustained by the owner; and if said jury shall find a greater sum than was awarded by the commissioners, judgment shall be given therefor against the company, with costs, and execution may be issued thereon; but if the said jury shall be demanded by the owner, and shall find the same sum, or a less sum, than the commissioners awarded, the costs shall be paid by the owner or owners, and shall be deducted out of the sum so found by the jury, or considered a payment thereon, or an execution may issue therefor by the order of the court; and on payment or tender of payment of the sum so awarded by the commissioners, or found by the said jury, with costs, where costs are adjudged, the said company shall be deemed to be seized in fee simple of all such lands and real estate and water rights appraised as aforesaid; *provided*, that the said company may take possession of said land and water rights, and use the same for the purposes contemplated by this act, at any time after the appraisement and award of said commissioners, and notwithstanding any appeal therefrom, having first tendered to the owner or owners the amount of said award; or in case of refusal to receive the same, or in case of any disability on the part of the owner, or his absence from the state, having paid the same into the circuit court of said county for the use of such owner or owners.

Proviso.

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

Approved April 17, 1868.

CHAPTER DXXII.

A Further Supplement to "An Act to incorporate Jersey City," approved March eighteenth, eighteen hundred and fifty-one.

Term of office.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and school superintendent shall hold their offices for two years, and that this

act shall extend to and include the mayor and school superintendent elected at the charter election in Jersey City on the fourteenth day of April, eighteen hundred and sixty-eight.

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

Approved April 17, 1868.

CHAPTER DXXIII.

A Supplement to an act entitled "An Act relative to taxes in certain counties of this state," approved April eighth, eighteen hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the word "inhabitant," in said act, shall be construed to include bodies corporate and politic; and the word "chattels" shall be held to include all personal estate taxable by law, except mortgages, as is in the said act mentioned, and all real and personal estate shall be assessed at its full and fair value in the townships and wards where found without any deductions for mortgages thereupon. Real and personal estate to be assessed where found.

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

Approved April 17, 1868.

CHAPTER DXXIV.

An Act to confirm the Acknowledgments and Proofs of Deeds and other instruments of writing, taken by William H. Meeker.

WHEREAS, It appears to the legislature that William H. Meeker was duly appointed according to law in March, Preamble.

eighteen hundred and sixty-eight, one of the commissioners to take the acknowledgment and proof of deeds and other instruments of writing; and whereas, he was appointed from the Sixth ward of the city of Elizabeth, he then being a resident of said ward, and was commissioned and sworn into office by virtue of said commission; and whereas, it appears that the said William H. Meeker removed from the said ward into the Third ward of the said city, and from a misapprehension of his authority under said commission, continued to take acknowledgments and proofs after his said removal, by reason of which defective acknowledgments and proofs innocent persons may be subject to great loss; therefore—

Acknowledgments, &c., legalized and confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several acknowledgments and proofs of deeds and other instruments of writing, taken and certified by the said William H. Meeker, as commissioner, after his removal from the ward for which he was appointed, be and the same are hereby confirmed and declared valid and effectual, in like manner as though the same had been taken and certified by him before his removal from the said Sixth ward from which he was appointed.

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

Approved April 17, 1868.

CHAPTER DXXV.

An Act constituting a Public Road Board for the laying out, constructing, appropriating, improving and maintaining public carriage roads in the county of Essex.

Names of board of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William H. Murphy, Francis McGrath and Llewellyn S. Haskell, and their successors to be appointed as hereinafter directed, be and they are hereby constituted a board of commissioners, to be known and designated as "The Essex Public Road Board," for the purpose of

Name.

laying out, constructing, appropriating, improving and maintaining free carriage roads in the county of Essex; and each of the above named commissioners and their successors shall, before he enters upon the duties of his office, take and file an oath or affirmation in the clerk's office of the county to act faithfully and impartially in the execution of the trust reposed in him by this act. Duties of the commissioners.

2. *And be it enacted*, That the said board is hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, locate, construct and maintain such carriage roads in the county of Essex as to them may seem proper for the convenience of public travel by carriages in said county; and to facilitate such objects it shall be lawful for said board to take into their charge such roads as now are used in said county, or any part or parts of such roads, and widen, straighten, or otherwise improve and maintain the same as to the said board may seem expedient; *provided*, that any road which may now be held by an incorporated company, and upon which tolls are collected, may be purchased by said board for such an amount as may be agreed upon between said board and the said company; and in case the said board and said company cannot agree upon said amount, then the said board may on proof of that fact, and giving ten days' notice to said company, make application to any justice of the supreme court of this state for the appointment of three disinterested men, whom the said justice is authorized to appoint, who shall assess the value of said road or the part thereof desired by said board, and the damages for the taking thereof, and their report shall be made and served on the said board and the president or secretary, or other head officer of said company, within sixty days from their appointment, and such report shall be final and conclusive; *and further provided*, that nothing in this act shall be construed to affect or impair the right of any city or incorporated town in the said county to survey, locate, control, open, grade or pave streets and highways, within the limits of any such city or town, in accordance with the provisions of its charter; the persons so to be appointed under this section shall take an oath or affirmation to act fairly and impartially, according to the best of their judgment. Powers of the commissioners. Proviso. Proviso.

3. *And be it enacted*, That the said board, their agents, engineers, surveyors, and others in their employ, shall have full power to enter at all times upon lands for any of the purposes contemplated by this act. May enter on lands, &c.

Damages shall be allowed for lands taken.

4. *And be it enacted*, That all lands deemed necessary by the said board for the construction, widening, or other improvement of any road, may be taken therefor, and damages shall be allowed and benefits assessed by the said board to the persons owning the lands so taken.

Notice of meeting to assess damages to be given.

5. *And be it enacted*, That the said board shall cause to be served on the owner or owners of land taken for the construction or improvement of any road, written notice of the time and place of the meeting of the board to assess damages, by reason of the taking of his or their land for such road, which notice shall be served at least six days before the time of such meeting upon such owner or owners personally, or by leaving a copy at his or their residence, and if such resident is out of this state or cannot be ascertained upon diligent inquiry, then by publishing the notice in some daily newspaper in the county six days, and the like notice shall be given to any land owner or owners who shall be deemed to be benefitted by the construction or improvement of any road, of the time and place, when and where the said board will proceed to assess benefits.

Where damages exceed in amount the benefits.

6. *And be it enacted*, That when damages are allowed to persons for lands taken for any road, and such damages exceed in amount the benefits assessed to such persons, the said board shall have authority to charge such excess upon the owners of the lands benefitted in proportion to the benefits conferred.

Proceedings when owners are dissatisfied.]

7. *And be it enacted*, That if any owner or owners of lands shall be dissatisfied with the damages allowed or benefits assessed to him or them, such owner or owners may, within ten days after a copy of the decision of the said board shall be served upon him or them, appeal from such decision, by filing a written appeal with one of the justices of the supreme court of this state, and the said justice, upon being satisfied by due proof that six days' notice has been given in writing to said board of the time and place of making such appeal, shall proceed to appoint three disinterested persons to review the said allowance of damages or assessment of benefits, and increase, lessen or confirm the same, as to them shall seem fit and just, and their report or the report of a majority of them, filed in the office of the clerk of the court of common pleas of the county, shall be final and conclusive unless an appeal is taken as hereinafter provided; and similar notice as is required in the fifth section of this act shall be given to the

board of the time and place of meeting to review the decision of said board, and the persons appointed under this section shall before they enter upon their duties, take an oath or affirmation to act faithfully and impartially, and any person or persons, corporation or corporations, may appeal from said report to the supreme court of this state within thirty days from the time of filing of the said report, and the supreme court shall order a trial by jury to assess the damages sustained by the party so appealing, the trial whereof shall be conducted as in other cases of trial by jury. Appeal may be taken.

8. *And be it enacted*, That the costs, expenses and damages incurred by the said board, under and by virtue of the provisions of this act, shall be borne by the county of Essex, in proportion to the extent of road in each county under the charge of said board; and it shall be lawful for the said board to draw their warrant or warrants for such cost, expense and damage, at such times and for such amounts as may be sufficient for that purpose; and the collector of said county is hereby directed to pay said warrants within thirty days after presentation thereof.

9. *And be it enacted*, That the county of Essex shall be credited from time to time with the amounts received by the said road board, from the owners of lands for benefits paid, according to the location of the land benefitted. County to be credited with amounts received.

10. *And be it enacted*, That the said Essex public road board shall have power, in their corporate name, to sue for and collect by law from the owner or owners of lands such benefits as may be assessed for them to pay by virtue of the provisions of this act; and such assessment shall be a lien upon the lands declared to be benefitted until the said assessments are paid. Assessments to be a lien.

11. *And be it enacted*, That the persons named in the first section of this act shall constitute the said Essex public road board until the regular annual meeting of the chosen freeholders in the said county, in the year eighteen hundred and sixty-nine; and that at said regular annual meeting of the said chosen freeholders in the said county, in the year eighteen hundred and sixty-nine, and every year thereafter, there shall be elected in the county of Essex three commissioners, which said three commissioners so elected each year, from and after the said annual meeting in eighteen hundred and sixty-nine, shall constitute the said road board; *provided*, that in case of vacancy from any cause in the said road board, such Election of commissioners. Proviso.

New Jersey State Library

vacancy may be filled by the chosen freeholders of the county at any meeting thereof; and the annual salary of each of said commissioners constituting said road board shall be one thousand dollars, payable quarterly, by the collector of the county from which he is appointed.

Notice to be given when commissioners determine to take charge of any public road.

12. *And be it enacted*, That whenever it shall be determined by said board to take under their charge any public road, or any part of a public road now in charge of any township, the said board shall give notice thereof to the clerk of said township of said determination, and said township shall thereafter be exonerated from the liability of maintaining the good order of such road; *provided*, that said board may at any time change such determination and refuse to keep such road in order, and in such case, on giving notice thereof to the clerk of said township, the repairs and good order of said road shall again be chargeable to said township as heretofore.

Proviso.

Penalty when roads are not kept in repair.

13. *And be it enacted*, That it shall be the duty of the said road board to maintain in the best possible order the several roads constructed by them or taken in their charge; and in case any one of said roads shall be neglected and suffered to remain in bad order for want of repairs, the said board may be indicted and convicted therefor in the county where the discovered road is situate, and on each conviction may be punished by fine not exceeding one thousand dollars and costs, and each of said board shall be personally liable for the one-third of such fine and costs, and may be imprisoned until the same is paid, said fine to be paid to the collector of the county in which such conviction is had for the use of said county.

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

Approved April 17, 1868.

CHAPTER DXXVI.

An Act relative to the Public Arms in 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 dispose of, at public vendue or at private sale, as in his opinion may be to the best interest of the state, such of the old arms and equipments now in the arsenal as are not fit for service, and to deposit the proceeds of such sales with the treasurer of this state, who shall place the same to the credit of the arsenal, to be expended in the repairs and alterations, and the purchase of such ordinance and ordinance stores, as from time to time may be required for the militia service of this state. Quartermaster general authorized to sell old arms and equipments.

2. *And be it enacted*, That the quartermaster general of this state be authorized and directed to cause such muskets now in the arsenal, as are suitable for that purpose to be altered into breech-loaders, upon the most approved plan, upon the best and most advantageous terms on which the work can be done, and in such numbers as may be required for the use of the uniform companies of this state, and that the proceeds of the sales provided for in the foregoing section shall be applied to the payment of the expenses of said alteration. Muskets to be altered.

3. *And be it enacted*, That the action of the quartermaster general, in carrying out the provisions of this act, shall be subject to the approval of the commander-in-chief, upon whose certificate the comptroller is directed to issue his warrant upon the treasurer to pay the same from the moneys derived from such sales as aforesaid. Governor to approve action of the quartermaster general.

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

Approved April 17, 1868.

CHAPTER DXXVII.

An Act to set off from the township of Belleville, in the county of Essex, an election district, to be called and known as Franklin District in said township.

Boundaries of election district.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Belleville, in the county of Essex, north of a line commencing on the Passaic river, where the dividing line of the farm of DeGroat and Joice join, and thence running up said line, and continued in said course in a westerly direction to the line of the Newark and Paterson railroad; thence in a straight line in a southwesterly direction to the northeast corner of the poor house lot and the centre of public road; thence southerly along the centre of said road to the southerly line of Frances Merritt's land; thence in a southwesterly direction, and striking the Bloomfield township line twenty chains south of Third River brook; thence northerly along the Bloomfield township line until it intersects the line of Acquackanock township; thence easterly along the line of Acquackanock township to the Passaic river; thence southerly along Passaic river to the place of beginning.

Names of inspectors.

2. *And be it enacted*, That Lucius D. Baldwin, Henry VanWinkle and John Rusby be and are hereby appointed inspectors of election with power to elect and appoint a clerk for said election, to be held in November next, in the North Belleville school house, in said district, Belleville township.

Election of judges.

3. *And be it enacted*, That at the election to be held in November, anno domini one thousand eight hundred and sixty-eight, three persons shall be elected as judges of election for the said district, for the term of one year, who shall possess the power, be required to perform the duties, and be subject to the liabilities as other judges or inspectors of elections, according to the general laws of the state of New Jersey, as they now are or may hereafter be, and the said judges so elected shall act as judges of all elections held in said district; no ballot, for this purpose, shall contain more than two names, in case more than two names are voted for, the ballot shall only be void as to said judge; and the three persons

who receive the highest number of votes, shall be deemed and taken to be elected judges of election; in case two persons shall have received an equal number of votes, the first person named on the ballot for judge of election shall be elected; and the said judges shall have power to elect a clerk for said election district, and shall receive two dollars per day for their services; and the said judges shall procure a proper box for said district, of which place and time of holding elections, they shall give at least eight days notice in five of the most public places in said district. No ballot to contain more than two names for judges.

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

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

Approved April 17, 1868.

CHAPTER DXXVIII.

An Act to set off [from] the township of Belleville, in the county of Essex, an election district, to be known as Woodside.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of said township of Belleville, lying and being south of the Second river, be set off from the township of Belleville, and made and constituted an election district to be known and called Woodside. Boundary of election district.

2. *And be it enacted*, That Alfred Keene, Charles D. Morrison and Charles Akers be, and are hereby appointed inspectors of election, with power to elect and appoint a clerk for said election, at the annual election to be held in November, eighteen hundred and sixty-eight, at Woodside polling district in the public hall known as Woodside hall, and who are hereby required and authorized to perform all duties required of inspectors of election in and for said district, and shall preside at said first annual election in November, eighteen hundred and sixty-eight, in said district, as inspectors of election. Names of inspectors.

Election of judges.

3. *And be it enacted*, That at the election to be held in November, anno domini eighteen hundred and sixty-eight, and at each succeeding November, three persons shall be elected as judges of election for such election district for the term of one year, who shall possess the powers, be required to perform the duties, and be subject to the liabilities as other judges or inspectors of elections, according to the general laws of the state of New Jersey, as they now are or may hereafter be, and said judges so elected shall act as judges of all elections to be hereafter held in said district; no ballot for this purpose shall contain more than two names; in case more than two names are voted for, the ballot shall only be void as to said judge, and the three persons who receive the highest number of votes shall be deemed and taken to be elected judges of election; in case two persons shall have received an equal number of votes, the first person named on the ballot for judge of election shall be elected; and the said judges and clerk shall receive two dollars per day for their services; and the said judges of election shall procure a proper box for said district of which place and time of holding elections they shall give at least two weeks' notice in five of the most public places in said district, and the said board shall have power to appoint a clerk, who shall perform such duties as is required in the act to which this is a supplement.

Ballots not to contain more than two names for judges.

Repealer.

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

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

Approved April 17, 1868.

CHAPTER DXXIX.

A Further Supplement to an act entitled "An Act to create a new township in the county of Hudson, to be called the Township of Weehawken," approved March fifteenth, eighteen hundred and fifty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all ordinances passed by the town committee of the township of Weehawken shall begin as follows: "The inhabitants of the township of Weehawken, in the county of Hudson, do ordain as follows." Enacting clause.

2. *And be it enacted*, That the town committee of said township shall have power to pass, alter and repeal ordinances declaring what shall be considered as nuisances in the lots, streets, docks, wharves and piers of said township, and to direct, provide for and enforce their removal. May enforce the removal of nuisances.

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

Approved April 17, 1868.

CHAPTER DXXX.

An Act to repeal an act entitled "An Act to incorporate the Riverside Institute for Orphan Children of Soldiers and Sailors and others," at Riverside, New Jersey.

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 Riverside Institute for orphan children of soldiers and sailors and others," at Riverside, New Jersey, approved April ninth, eighteen hundred and sixty-seven, be and the same is hereby repealed. Act of incorporation repealed.

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

Approved April 17, 1868.

CHAPTER DXXXI.

A Further Supplement to "An Act to incorporate the Paterson and Newark Railroad Company," passed March seventh, eighteen hundred and sixty-four.

Preamble. WHEREAS, The Paterson and Newark Railroad Company, on the twenty-fifth day of April, eighteen hundred and sixty-five, filed in the office of the secretary of state an incomplete and partial survey of the location of their road, and afterwards, on the twenty-second day of August, eighteen hundred and sixty-seven, filed in the said office a new and more specific survey thereof;

Survey and location declared valid. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the survey of the location of the road of said company, filed on the twenty-second day of August, eighteen hundred and sixty-seven, be deemed and taken to be a good and valid survey of such location, as fully as if no former survey thereof had been filed.

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

Approved April 17, 1868.

CHAPTER DXXXII.

An Act to incorporate the Hoboken Gymnastic Society.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Frederick Holling, Charles Finke, Charles Kaufman, Otto Schasberger, Augustus Schasberger, Charles Erlenkotter, Henry Schuman and Raimund Batch and such other persons as now are or hereafter shall become members of the Hoboken Gymnastic Society, are hereby constituted a body corporate and politic by the name

Name. of "The Hoboken Gymnastic Society."

2. *And be it enacted*, That the object of this society shall be the improvement of mental, physical and corporeal education. Object of corporation.

3. *And be it enacted*, That said corporation shall have power to prescribe rules for the admission and expulsion of its members, and for the election, time of service and duties of its officers. Powers.

4. *And be it enacted*, That said corporation may purchase and hold real and personal estate for the use and benefit of the said corporation, the annual income of which shall not at any time exceed five thousand dollars. May hold real estate.

5. *And be it enacted*, That the said corporation shall possess all the powers and privileges, and be subject to all the restrictions and liabilities contained in the act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, and the various supplements thereto. Restrictions and liabilities.

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

Approved April 17, 1868.

CHAPTER DXXXIII.

An Act to incorporate the Woodside Coöperative Grocery Store Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles C. Hines, Henry I. Winser, Alfred F. Lears, Charles D. Morrison and James T. Reynolds, together with such persons as shall subscribe to the stock hereby authorized, and their successors, be and the same are hereby constituted a body corporate and politic in law, by the name of "The Woodside Coöperative Grocery Store Association," for the purpose of carrying on such business as may be incident to a corporation of this kind, and to do all things which may be in accordance with the objects of said corporation and necessary to the purposes of this act, and by that name shall have power to use a common seal, to sue and Corporators. Name.

be sued, to defend and be defended in all courts of law and equity.

Capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be six thousand dollars, with liberty to increase the same to fifteen thousand dollars, and shall be divided into shares of ten dollars each, and the said company may organize and commence operations whenever six thousand dollars shall have been subscribed to said stock; and the said stock shall be deemed personal property, transferable only on the books of the company, and shall be paid in at such times, in such manner, and upon such notice as the directors of the company may appoint.

May hold real estate.

3. *And be it enacted*, That for carrying out the purposes mentioned in the first section of this act, the said company may from time to time procure and hold such 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, not to exceed in amount the sum of ten thousand dollars.

Election of directors.

4. *And be it enacted*, That the business of said corporation shall be conducted by five directors, one of whom shall be president, one secretary, and one the treasurer; the said directors shall hold their office for 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, and the persons named in the first section of this act shall be the first directors, and hold their office until others may be elected in their stead.

Annual statement.

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 for twenty years.

Powers of directors.

6. *And be it enacted*, That the said directors may make such by-laws as may be necessary for the carrying out the objects of this corporation not inconsistent with the laws of this state or of the United States.

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

Approved April 17, 1868.

CHAPTER DXXXIV.

An Act to incorporate the Nereid Boat Club of Newark, in the county of Essex.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Frederick J. Stevens, Walter B. Stevens, George C. Wilde, Henry P. Jones and George W. Frey, and such other persons as now are or may hereafter be connected with them are hereby constituted a body corporate, by the name of "The Nereid Boat Club," of Newark in the county of Essex, for the purpose of engaging in and promoting the healthful and manly exercise of rowing, and in other lawful ways improving and perfecting physicial education and social intercourse among its members.

Name.

May purchase and hold real estate.

2. *And be it enacted*, That the said club shall and may at all times hereafter be capable of having, holding and possessing, and also of conveying and leasing any real or personal estate of which by purchase or donation, they shall become possessed, so far as the same is needed for carrying out the objects for which the said association is incorporated.

May make rules and regulations.

3. *And be it enacted*, That the said club shall have power to make and adopt a constitution and by-laws and to enforce rules for the administration, suspension and expulsion of its members, and their governance, and defining also the duties of officers and the times and manner of their election, which rules they may from time to time alter or repeal, and in their corporate name, may institute suits for the recovery of all fines, debts, fees, dues and arrearages due the said corporation.

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

Approved April 17, 1868.

CHAPTER DXXXV.

An Act to extend the provisions of "An Act to prevent horses, mules, cattle, goats, sheep and swine, from running at large in the townships of Hackensack and Harrington, in the county of Bergen," approved April twelfth, eighteen hundred and sixty-seven.

Provisions of 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, mules, cattle, goats, sheep and swine, from running at large in the townships of Hackensack and Harrington, in the county of Bergen," approved April twelve, eighteen hundred and sixty-seven, and all the benefits and provisions of said act, be and the same are hereby extended to the township of East Brunswick, in the county of Middlesex.

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

Approved April 17, 1868.

CHAPTER DXXXVI.

A Further Supplement to an act entitled "An Act for the punishment of Crimes," approved April sixteenth, eighteen hundred and forty-six.

Penalty for exposing for sale obscene books, prints, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person who shall at any time sell, or expose for sale, or give, or permit to be taken from his or her premises or possession any obscene book, pamphlet, picture, print, paper, or other publication of a vulgar or indecent character, shall in every such case, on conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment at hard labor not exceeding one year, or by both.

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

Approved April 17, 1868.

CHAPTER DXXXVII.

An Act to legalize and extend Belleville avenue in the township of Belleville.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the street called Belleville avenue, as now actually opened and existing within the township of Belleville, in the county of Essex, extending from the boundary of the city of Newark according to the lines already established and occupied, and through the middle of which the Newark and Belleville Horse Railroad runs, being one hundred feet wide, shall be and the same is hereby declared a public road, and that the same is hereby extended, carrying the same width to the street called Mill street, in the village of Belleville. Declared a public road.

2. *And be it enacted*, That the said Belleville avenue shall be subject to all the laws regulating highways as if the same had been laid out under the general laws of this state regulating highways; *provided*, that nothing herein contained shall be construed to interfere with the right of occupancy of said avenue by said Horse Railroad Company as now possessed by them. To be subject to laws regulating highways. Proviso.

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

Approved April 17, 1868.

CHAPTER DXXXVIII.

A Further Supplement to the act entitled "An Act concerning Inns and Taverns."

Portion of act relating to keeping of billiard tables repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the twenty-third section of the act entitled "An Act concerning inns and taverns," approved April seventeenth, eighteen hundred and forty-six, as makes it an offence against this state for any innholder or tavern keeper to keep any billiard table in his or her inn or tavern, or in any outhouse, tenement or garden belonging thereto, be and the same is hereby repealed.

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

Approved April 17, 1868.

CHAPTER DXXXIX.

An Act to defray Incidental Expenses.

Certain incidental expenses to be paid.

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 upon the warrant of the comptroller, to the several persons hereinafter named, the following amounts, viz:

Item No. 1. To Robert B. Ivins, for horses and carriages to take members of the legislature to soldiers' children's home, twenty-five dollars, $25 00

Item No. 2. To Samuel R. Smith for Michael P. Nerney, for use of steamboat in viewing New Jersey Central Railroad bridge and Newark bay, as per resolution of legislature of eighteen hundred and sixty-seven, one hundred and sixty-nine dollars, 169 00

Item No. 3. To Anthony Rowley, for dusters, matches, rubber bands, &c., furnished the senate, forty dollars and fifty cents, $40 50

Item No. 4. To Anthony Rowley, for baskets, ink-stands, tape, &c., furnished house of assembly, two hundred and sixty dollars and twenty cents, 260 20

Item No. 5. To C. Barricklo, for articles furnished house of assembly, forty-four dollars and twenty-five cents, 44 25

Item No. 6. To William Paterson, master in chancery, services examining testimony in contested election in second assembly district in the county of Middlesex, Jones vs. Tyrell, two hundred and fifty dollars, 250 00

Item No. 7. To W. T. Nicholson, for stationery furnished assistant clerk of the senate, seventy-four dollars and sixty cents, 74 60

Item No. 8. To Richard H. Cook, for services rendered in perfecting rolls of New Jersey regiments, five hundred and forty-four dollars, 544 00

Item No. 9. To Charles Scott, for stationery furnished the senate, twenty dollars and seventy-five cents, 20 75

Item No. 10. To J. O. Seymour & Co., for stationery furnished the house of assembly, 3,350 00

Item No. 11. To Wm. T. Nicholson, for stationery furnished chancery court office, per order of B. Gummere, clerk, two hundred and twenty-three dollars and seventy-eight cents, 223 78

Item No. 12. To Wm. T. Nicholson, for stationery furnished secretary of senate, ninety-five dollars and fifteen cents, 95 15

Item No. 13. To Charles Scott, for stationery furnished the senate, per order of E. R. Borden, secretary, three hundred and thirty-seven dollars and twenty-five cents, 337 25

Item No. 14. To William T. Nicholson, for stationery furnished house of assembly, as per order of the committee on stationery, eight thousand four hundred and seven dollars and seventy cents, 8,407 70

Item No. 15. To William T. Nicholson, for station-

ery furnished the senate, one hundred and thirty-four dollars, $134 00

Item No. 16. To William T. Nicholson, for Cushing's manuel and stationery for house of assembly, ninety-six dollars and seventy-five cents, 96 75

Item No. 17. To William T. Nicholson, for stationery furnished office of supreme court, per order of Charles P. Smith, clerk, two hundred and fifteen dollars and ninety-five cents, 215 95

Item No. 18. To William T. Nicholson, for stationery furnished engrossing clerk of the senate, two hundred and thirty-eight dollars and fifteen cents, 238 15

Item No. 19. To William T. Nicholson, for stationery furnished engrossing clerk of assembly, two hundred and seventeen dollars and forty-five cents, 217 45

Item No. 20. To A. H. Boden & Company, for stationery furnished house of assembly, ninety-five dollars, 95 00

Item No. 21. To A. H. Boden & Company, for stationery furnished senate, per order of E. R. Borden, secretary, forty-five dollars, 45 00

Item No. 22. To Murphy & Bechtel, for stationery furnished senate, per order of E. R. Borden, secretary, three hundred and sixty-seven dollars and eighty-seven cents, 367 87

Item No. 23. To James & Dunham, for mucilage furnished senate, fourteen dollars and six cents, 14 06

Item No. 24. To A. V. Manning, for office table furnished engrossing clerk of senate, eight dollars, 8 00

Item No. 25. To Murphy & Bechtel, for stationery furnished supreme court office, by order of Charles P. Smith, clerk, one hundred and thirty-four dollars, 134 00

Item No. 26. To Murphy & Bechtel, for stationery furnished house of assembly at the opening of the session, one thousand five hundred dollars, 1,500 00

Item No. 27. To Peter S. Duryea, William Paterson and Amzi Dodd, commissioners to revise the tax law, for travelling expenses, printing and engrossing, two hundred and twenty-seven dollars, 227 00

Item No. 28. To M. Coulgan, for cleaning assembly room, seven dollars, 7 00

Item No. 29. To Hough & Gillespy, for stationery furnished chancery office, thirty dollars, $30 00

Item No. 30. To R. B. Seymour, services as clerk of committee on police commission of Jersey City twenty dollars, 20 00

Item No. 31. To T. J. Corson, for services of officiating clergymen in opening daily sessions of senate and assembly, three hundred dollars, 300 00

Item No. 32. To P. S. Howell, for stationery furnished senate and assembly session eighteen hundred and sixty-seven, sixty-one dollars and fifty-five cents, 61 55

Item No. 33. To the Sussex Record for advertising thanksgiving proclamation, four dollars and twenty cents, 4 20

Item No. 34. To Martin R. Dennis & Co., for stationery furnished to the officers and members of the senate, as per order of committee on stationery, four thousand three hundred dollars and seventy cents, 4,300 70

Item No. 35. To David Ayers, for expenses of committee and others on account of Bay Bridge as per resolution eighteen hundred and sixty-seven, one thousand five hnndred and fourteen dollars and forty-two cents, 1,514 42

Item No. 36. To Taylor's Hotel, for dinners and refreshments of legislative committee and carriage hire, one hundred and eighty-two dollars, 182 00

Item No. 37. To Wm. T. Nicholson, for stationery furnished house of assembly, seventy-four dollars, 74 00

Item No. 38. To John P. Lansing, for services rendered the committee on incidental expenses, thirty dollars, 30 00

Item No. 39. To John C. Disbrow, for coaches furnished committee on state prison accounts, ten dollars, 10 00

Item No. 40. To S. Van Sickell, five dollars, for hanging portrait of Washington in the assembly chamber, 5 00

Item No. 41. To David Clark, for stationery furnished the engrossing clerk of assembly, sixty-one dollars and sixty-five cents, 61 65

Item No. 42. To David Clark, for stationery fur-

nished assembly by order of the clerk, twenty-seven dollars, $27 00

Item No. 43. To A. C. Newman, for drawing plans for enlarging the assembly chamber, one hundred dollars, 100 00

Item No. 44. To Norris Frost, for services as page to speaker of the house of assembly, two hundred dollars, 200 00

Item No. 45. To C. M. Jobson, for extra services as page of house of assembly, fifty dollars, 50 00

Item No. 46. To August Bogart, extra services as page of house of assembly, fifty dollars, 50 00

Item No. 47. To Clarence J. Mulford, state librarian, two hundred and fifty dollars, 250 00

Item No. 48. To Willet Hicks, for brooms, brushes, and so forth, furnished senate chamber, twenty-eight dollars and seventy-cents, 28 70

Item No. 49. To John C. Disbrow, for coaches furnished committee on lunatic asylum, twenty-four dollars, 24 00

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

Passed April 17, 1868.

CHAPTER DXL.

A Supplement to an act entitled "An Act to incorporate the Acquackanonk Water Company," approved April ninth, eighteen hundred and sixty-seven.

Water not to be taken without consent.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for the said company to take or draw any water from the Passaic river or any of its tributaries above the dam of the Dundee Manufacturing Company, without the consent of the said last mentioned company, or to take the waters of said river above the Great Falls, or of any spring or stream, tributary thereto,

or interfere with the rights and privileges of the Society for establishing Useful Manufactures.

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

Approved April 21, 1868.

CHAPTER DXLI.

An Act to authorize the election of overseers of the highways by districts, in the township of Roxbury, in the county of Morris.

Election of overseers of the highways.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of the highways of the several road districts in the township of Roxbury, in the county of Morris, shall be elected by the legal voters of the several districts as they may be arranged from time to time by the township committee in said township; and for the purpose of carrying this provision into effect, it shall be the duty of the township committee of the said township to give public notice of the time and place of holding the first district road meetings under this act; and which meetings shall be held on the Saturday next previous to the annual town meeting in said township, 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 any such meeting, which shall be some convenient place in such district, when and where the legal voters in the township, residing in such road district, shall assemble for the purpose of such election, and at which time and place such legal voters assembled having been called to order by any legal voter of the road 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 the moderator to elect an overseer of the highways in such road district; the moderator of each district meeting shall notify the township committee at their first meeting after such election, in writing, of the election of

such overseer; and in case of the failure of any district to elect an overseer, or of the person so elected to accept of the appointment, the township committee shall fill such vacancy, and shall furnish a list of the names of said overseers of the highways so elected or appointed to the clerk of the township, and it shall be his duty to publish the same with the names of the officers and proceedings of the first town meeting after the election of said overseers.

Overseers to give notice of district road meetings.

2. *And be it enacted*, That all subsequent district road meetings in said township, shall be called by the overseers of the respective road districts, upon notice posted up in some conspicuous place in such road district at least ten days before the time of holding such meeting, and all subsequent district road meetings shall be held on Saturday preceding the annual town meeting in said township, and should the overseer of any district fail to call such meeting, or the individual elected refuse to accept such appointment, or in case of a vacancy arising from any other cause, the township committee shall fill such vacancy, and cause the names of the persons so elected or appointed to be published as aforesaid.

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

Approved April 21, 1868.

CHAPTER DXLII.

An Act to incorporate the Enterprise Foundry and Manufacturing Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Crooks, James Peacock and John V. E. Fredericks, their successors and assigns, and all such persons as may hereafter be associated with them, shall be and they are hereby constituted a body corporate and politic, in fact and in name, by the style and title of "The

Name.

Paterson Enterprise Foundry and Manufacturing Company," for the purpose of manufacturing and selling all kinds of iron and brass castings, stationery and steam engines, woolen,

cotton, linen and silk machinery, and fabrics composed of the same.

2. *And be it enacted*, That the said corporation may purchase, sell, mortgage, hold, use, lease, occupy, possess and enjoy such real or personal property, tools, engines, machinery, fixtures and materials as may be necessary or needful for the proper management and conduct of said business, and may purchase such real estate as may be required for the purpose of said corporation, not exceeding thirty 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 on satisfaction of debts previously contracted in course of dealings, or purchased at sales upon judgments or decrees, which shall be obtained for such debts. General powers.

3. *And be it enacted*, That the said corporation may secure the payment of any debt which may be contracted by it on the business for which it was incorporated, by mortgaging all or any part of the real estate of such corporation, and every mortgage so made shall be as valid to all intents and purposes as if executed by any individual holding such real estate; *provided*, that it be done with the assent of the stockholders owning at least two-thirds of the stock of such corporation. May secure payment of any debt by mortgage. Proviso.

4. *And be it enacted*, That the stock, property and concerns of said corporation shall be managed and conducted by five directors, of whom a majority shall be residents of this state, and being stockholders, one of whom shall be chosen on the second Monday in June in every year, or on such other day as the directors shall appoint, at such time and place as shall be directed by the by-laws of said corporation; and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in a newspaper published in the city of Paterson, in the county of Passaic, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled, either in person or by proxy, or by power of attorney, to as many votes as he or she shall hold shares of the capital stock of said company, and the 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 may appoint such clerks, Directors, how elected.

officers, agents 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 should happen at any time that any vacancy or vacancies occur, by death, resignation or otherwise, 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.

Capital stock.

5. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same at any time, by a vote of a majority of the directors, to any sum not exceeding three hundred thousand dollars; said stock shall be deemed personal property, and shall be divided into shares of one hundred dollars each, to be transferable only on the books of the corporation, and in such manner as shall be prescribed by the by-laws of said corporation.

Commissioners to open books of subscription.

6. *And be it enacted*, That the persons above-named shall be commissioners to receive subscriptions to the capital stock, at such times and places in the city of Paterson as they, or a majority of them shall appoint, giving ten days notice thereof in one or more newspapers printed in said city of Paterson; and when ten thousand dollars of the said capital stock shall have been subscribed and paid, or satisfactorily secured to be paid, it shall and may be lawful for the said company to commence business with that capital, conduct and carry on their operations until the directors of the company deem it expedient to extend the same; and the said commissioners shall then call a meeting of the subscribers to said stock, for the purpose of organizing the company; and when the company is organized, said commissioners shall deliver to the president of the company all moneys, books and papers in their hands as such commissioners.

Powers of directors.

7. *And be it enacted*, That a majority of the board of directors shall have power to transact all the business of the company, to call in all installments on stock subscribed for in such amounts and at such times as they may direct, giving to each subscriber twenty days' notice thereof, personally or by publication in one or more newspapers in the city of Paterson, and also to forfeit to said company all shares upon which default in paying installments shall arise, together with all previous payments thereon.

8. *And be it enacted*, That in case it should at any time

happen that any election should not be made on the day when pursuant to this act the same should be made, the said corporation shall not for that cause be deemed dissolved, but it shall and may be lawful to hold such election on such other day, in manner aforesaid, as shall be prescribed by the by-laws of said corporation. Failure to elect not to work a dissolution.

9. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of accounts, in which shall be entered all the transactions of the said corporation, which shall at all times be open to the inspection of the stockholders of the said corporation, or their legal attorney or attorneys; and further, that no dividends shall be declared except from the net profits of the said company. Books of account shall be kept. Dividends.

10. *And be it enacted*, That the said corporation may be dissolved at any time by a general meeting of the stockholders, specially convened, by order of the directors for that purpose; *provided*, at least three-fourths in value of the stockholders shall be present or represented therein; and upon such dissolution the directors for the time being, or the survivor or survivors of them, or such other person or persons as the board shall appoint for that purpose, shall be trustee or trustees for settling the affairs of the company, and paying its debts and dividing the surplus among the stockholders according to their respective interests therein. How dissolved. Proviso.

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

Approved April 21, 1868.

CHAPTER DXLIII.

An Act to incorporate the Franklin Land Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas Wilson, Charles M. Morris, Sanderson R. Martin, James P. Dunlap and John R. Cann, and such others as they or a majority of them shall associate with them, and their successors, are hereby declared to be a body politic and corporate, under the name Corporators.

Rights and privileges.

of "The Franklin Land Company," and the rights and privileges given to the "West Jersey Cranberry Land and Improvement Company," in an act to incorporate the same, approved February twenty-sixth, eighteen hundred and sixty-six, are hereby extended to the Franklin Land Company.

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

Approved April 21, 1868.

CHAPTER DXLIV.

A Further Supplement to an act entitled "An Act to provide for the drainage of certain low lands lying in the city of Hoboken and the township of Weehawken."

Preamble.

WHEREAS, in carrying out the intention of said act, the board of commissioners are forced to keep an outlet for the water across the lands of the Morris and Essex Railroad Company, and the building of the proper drain boxes can only be done from time to time as the said lands may be filled in by said railroad company, and no contract can be made with any other parties for building the same; and an arrangement having been agreed upon between the said commissioners and the Morris and Essex Railroad Company securing the right of discharge for said water and the building of said drain boxes and maintenance of sluices upon fair and equitable terms; therefore,

Agreement made valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the agreement entered into between the said board of commissioners and the Morris and Essex Railroad Company is hereby validated, and made as effectual to all intents and purposes as if the same had been made under the provisions of the act to which this is a supplement.

Repealer.

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

and this act shall be deemed a public act, and take effect immediately.

Approved April 21, 1868.

CHAPTER DXLV.

A Further Supplement to the charter of the city of Cape Island.

Preamble. WHEREAS, Richard T. Miller was appointed a commissioner of deeds for the city of Cape Island; and whereas, at the time of said appointment the said city was entitled to only two commissioners; therefore,

Legalizing proofs of deeds. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several acknowledgments and proofs of deeds and other instruments of writing taken and certified by the said Richard T. Miller be and the same are hereby confirmed and declared legal and effectual.

Deed commissioners. 2. *And be it enacted*, That after the passage of this act the said city of Cape Island shall be entitled to three commissioners of deeds, and no more.

Approved April 21, 1868.

CHAPTER DXLVI.

An Act to change the name of the Reformed Dutch Church of Clintonville.

Change of corporate name. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the Reformed Dutch Church of Clintonville be and the same is hereby changed to the First Reformed Church of Irvington.

Rights and liabilities. 2. *And be it enacted*, That all the legal rights and liabilities of said corporation shall remain the same as if this act

had not been passed, and that this act shall take effect immediately.

Approved April 21, 1868.

CHAPTER DXLVII.

An Act relative to roads in the Township of Franklin.

School districts to keep highways in repair.

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, each school district of the township of Franklin, in the county of Gloucester in this state, shall have exclusive charge of, and shall make, maintain and keep in repair the roads and highways within their respective limits, in the same manner, to the extent of each district respectively as the said township now has charge of, and is authorized and required to make, maintain and keep in repair the roads and highways within its limits.

Election of overseers of highways.

2. *And be it enacted*, That on the first Wednesday after town meeting in each year, the inhabitants of each school district shall meet at one o'clock in the afternoon at the school house in their respective districts, and shall proceed in the usual manner of election of overseers of the highway and town meetings in said township, to elect overseers of the highways for said school district; and the overseers so elected shall, within the limits of said school district for which they were elected, and in and for the same have the same powers, and shall perform the same duties, and be subject to the same restrictions, obligations and penalties as overseers of the highways of the said township of Franklin now have, perform or are subject to, within, in and for said township; and the means of making, maintaining and keeping in repair the said roads and highways within the said school districts respectively, shall be provided in the same manner within the limits thereof, as such means are now provided in the said township for the making, maintaining and keeping in repair, the roads and highways thereof; and the inhabitants of each district so assembled as aforesaid, on the first Monday after town meeting

shall have the same powers and authority in all respects, in relation to the said roads and highways within such district, and the voting and raising money for the making and maintaining and repairing the same, as the inhabitants of the said township now have in relation to the roads and highways therein when assembled in town meeting; and they and their property shall be in all respects liable for the same in like manner as the inhabitants of the said township and their property are now liable in respect of the roads therein.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act so far as the same conflict with the provisions of this act, be and the same are hereby repealed. Repealer.

Approved April 21, 1868.

CHAPTER DXLVIII.

An Act relating to Overseers of the roads in the township of Belleville, Essex county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of the several road districts in the township of Belleville be required, before they enter on their duties as overseers, to give bonds to the township committee of said township, in such sum as said committee may require, for the faithful performance of their duties, and to account to said committee for all moneys by them received for the making and repairing of said roads. Overseers to give bonds.

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

Approved April 21, 1868.

CHAPTER DXLIX.

An Act to incorporate the New Jersey Plate Glass Insurance Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That G. P. Bergen, A. H. Hager, P. S. Ely, Edward L. Price, Warren N. Trusdell, James Marriott, Andrew A. Smalley, Edwin Hedden, and such other persons as may hereafter be associated with them, their successors and assigns, shall be and they are hereby created and declared to be a body politic and corporate, in fact and in law, by the name, style and title of "The New Jersey Plate Glass Insurance Company," and by that name shall be known and have power to sue and be sued, defend and be defended in all courts of law or equity, and shall be capable of purchasing, leasing, holding and conveying any lands, tenements, goods and chattels necessary or expedient for the purposes of this corporation.

Name.

Capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be fifty thousand dollars, with the liberty to increase the same to two hundred thousand dollars, to be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as the directors shall by their by-laws direct; and as soon as twenty-five thousand dollars of the capital stock shall be subscribed and paid in cash, it shall be lawful for said company to commence business.

Directors, and how elected.

3. *And be it enacted*, That the stock, property and affairs of said company shall be managed and controlled by a board of directors, five in number, a majority of whom shall be residents of this state, who shall be elected annually as directed by the by-laws, and who shall hold office for one year and until others are duly elected, and who shall be stockholders therein in their own right.

Property that may be insured.

4. *And be it enacted*, That it shall be lawful for the said corporation to make insurance against loss or damage by the accidental breaking of plate and other large glass or mirrors, upon such rates and conditions as may be specified in the agreement or policy of insurance between the said corporation and the respective parties obtaining such insurance.

5. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president or such other officer as may be designated for that purpose by the by-laws of said company, and attested by the secretary, and, when so subscribed and attested, the same shall be binding upon the company according to the tenor, intent and meaning of this act, and of such policies or contracts; and all such policies or contracts may be subscribed, attested and executed, and the business of the said company may be otherwise conducted and carried on without the presence of a board of directors, by committee or otherwise, and the same shall be binding and obligatory upon said company. Policies.

6. *And be it enacted*, That the five persons first named in this act shall be the directors of said company for the first year and until others are elected, and shall, within three months after its passage, organize said company by choosing from their own number a president, who shall preside until the next annual meeting for the election of officers, and any vacancy in the office of president or director may be filled by a majority of the remaining directors as the by-laws may provide; and in the absence of the president the directors may appoint a president pro tempore; and the board of directors shall have power to appoint a secretary and such other officers or agents as may be necessary to manage the business of the company, and to allow them respectively such compensation for their services as in their judgment may be deemed proper. Powers of the directors.

7. *And be it enacted*, That it shall and may be lawful for said company to take and hold any real estate or securities, mortgaged or pledged, to the said company, or to secure the payment of any debts which may be contracted with the said company, and to redeem the moneys so pledged or secured, either at law or equity; and also to purchase on sales made under judgments at law or done in equity, or any other legal proceedings, or otherwise to receive and take any real estate in payment or towards satisfaction of any debt previously contracted and due to the said company, and to hold the same until they can conveniently sell or convert the same into money or other personal estate; and for the purpose of investing any part of their capital stock, funds or money, may purchase and hold any public stocks created by the incorporated cities and of the townships and counties of this state, or May hold real estate.

of the states of New York, Ohio and Pennsylvania, or of the United States, as also of the stocks or other securities created by said states or of the United States, or in bonds secured by mortgages on unincumbered real estate within this state, worth double the amount of money invested or loaned.

Principal office, where located.

8. *And be it enacted*, That the principal office of the said corporation shall be located in the city of Newark, and that the board of directors may establish agencies in such other places as they may deem expedient.

Payment of installments.

9. *And be it enacted*, That it shall be lawful for the directors of said company to call and demand from the subscribers to the stock thereof, respectively, such installments not exceeding ten per centum of the same at one time, and at such times and upon such notice as they shall deem proper; and in case of failure by any stockholder to pay his or her installment or installments, as the case may be, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stock and all previous payments made thereon may be forfeited for the use of said company by resolution of the board of directors.

Dividends.

10. *And be it enacted*, That it shall be lawful for the directors of said company to make and declare dividends of so much of the profits arising from the business of said company as shall be deemed advisable, and to pay the same to the stockholders, or to their legal representatives.

Limitation.

11. *And be it enacted*, That this act shall be and remain in force for the term of fifty years, and shall take effect immediately.

Approved April 21, 1868.

CHAPTER DL.

An Act Supplementary to an act entitled "An Act to incorporate the Paterson and Passaic Horse Railroad Company."

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section six of an act entitled "An Act to incorporate the Paterson and Passaic Horse Rail-

road Company," approved March, eighteen hundred and sixty-eight, shall be amended by adding the words "With the privilege of beginning at a point on Market street, at or near the Erie railway, and running thence along said Market street and the Weasel road to the village of Passaic, returning by said Weasel road and Market street, or Market street, Vreeland avenue, Willis and Straight street, or both ways to the point of beginning."

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

Approved April 21, 1868.

CHAPTER DLI.

A Supplement to an act entitled "An Act to incorporate the East New Jersey Baptist Association and to create a fund for the relief of disabled Ministers and Ministers' Widows, belonging to said Association."

Delegates to be members of association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons who may be delegates from the churches belonging to said association shall be members of the same, subject to the rules governing the said association.

Election of officers.

2. *And be it enacted*, That the said board of trustees shall on the second day's session of the annual meeting of the East New Jersey Baptist Association, proceed to elect a president and vice president from among their number, who shall hold their office until others are duly elected in their stead, and the said board shall also elect a secretary and treasurer, and such other officers as they may deem best for the interests of the said fund, who shall hold their offices during the pleasure of the board.

Trustees to be elected annually.

3. *And be it enacted*, That the annual election for members of the board of trustees shall be held on the first day of the meeting of the East New Jersey Baptist Association, each

church belonging to said association being entitled to three votes through the delegates in attendance.

Application for relief to be made in writing.

4. *And be it enacted*, That the said board of trustees shall meet annually during the session of the East New Jersey Baptist Association, and at the same place for the transaction of business, and all applications for relief shall be made to the trustees in writing, stating the name, residence and circumstances of the applicant; and said board shall also receive and keep in charge all moneys appropriated to this fund through collections, legacies or otherwise; receive and examine all applications for relief, and make such allowance of money to the needy as in their opinion the case may require and the state of the funds may warrant; and the said board shall also present to said association at each annual meeting a statement of their funds, collections and disbursements, with whatever else may be combined with this benevolent object and the performance of their duty.

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

Approved April 21, 1868.

CHAPTER DLII.

A Supplement to an act entitled "An Act to incorporate the Board of Education of Gloucester City," approved February twenty-sixth, anno domini eighteen hundred and sixty-eight.

Provision of act requiring annual statement to be published repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of section eight of said act entitled "An Act to incorporate the Board of Education of Gloucester City," which requires said board to publish the annual statement in pamphlet form and with the annual report of the city council of said city, in the newspapers of Camden county, at least two weeks previous to the annual election for city officers, be and the same is hereby repealed.

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

Approved April 21, 1868.

CHAPTER DLIII.

An Act to enable the owners of the swamps and marshy land lying on the Upper Passaic, and its tributaries in the counties of Morris and Somerset, to drain the same.

WHEREAS, It is represented to the legislature that there are large bodies of swampy and marshy land lying on the Upper Passaic, and its tributaries in the counties of Morris and Somerset, in this state, containing, as is supposed, several thousands of acres which are susceptible of being drained, and which, if properly drained and reclaimed, would become valuable meadow and tillable land, and the draining of which would render the surrounding country much more healthy; and whereas, no existing law will enable the owners of said lands to drain and reclaim the same, and part of said owners have by petition asked the aid of the legislature in the premises; therefore— Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the owners of the marshy and swampy lands lying on the Passaic river, and its tributaries in the townships of Passaic and Chatham, in the county of Morris, and in the township of Bernards, in the county of Somerset, to meet at the Pleasant Plains school house, in the township of Passaic aforesaid, on Monday, the first day of June next, at one o'clock in the afternoon, and then and there, by a plurality of the votes of those so assembled, choose three managers, who shall hold their office for one year, and until others are elected in the manner hereinafter provided, whose duty it shall be, as soon as practicable after being notified of their election, and after having taken an oath in writing, faithfully and fairly to discharge the duties imposed on them by this act, to ascertain in such manner as they may judge most effectual and advisable, what quantity of land in said townships, which is now wet and marshy and needs to be drained, can, in their judgment, be effectually drained by the removal of the obstructions, either natural or artificial, which now exist in the Passaic river, between Osborne's mill dam and Davison's bridge, or in the tributaries which empty into said river between the points above mentioned, or by widening, deepening Election of managers, and defining their powers.

or straightening the channel of said river and its said tributaries, and to have a map or maps of said land prepared, showing the names of the different owners thereof, and the quantity owned by each, so far as they can ascertain the same, a copy of which map or maps shall be filed by them as soon as completed, in the office of the clerk of each of said counties of Morris and Somerset, there to remain as a public record, and for this purpose said managers are authorized to employ one or more competent surveyors or engineers, and such other assistants and agents as they may think necessary, and to enter upon all of said lands at their discretion for the purposes aforesaid, doing as little damage as possible; *provided, however*, that said managers shall not be required to incur any expense or pecuniary responsibility in reference to said trust until the owners of said lands, or some of them, shall advance to them such sum of money, not exceeding one thousand dollars, as they may judge necessary to meet the expense and cost of the said surveys and maps, which moneys so advanced said managers are authorized to allow to the persons advancing the same on any assessment thereafter made, or to pay the same out of any such assessment when collected; but said managers shall in no event be personally responsible for the repayment of said money, or any part thereof; *provided*, they shall have expended it for the purposes aforesaid until they shall have received the same from some assessment made in pursuance of the power conferred by this act.

Maps to be prepared.

May employ surveyors, &c.

Proviso.

Proviso.

2. *And be it enacted*, That it shall be the duty of the managers elected in the manner aforesaid, as soon as the aforesaid surveys and maps are made and filed, to make an estimate according to their best judgment, of the cost of removing the obstructions in said river and its tributaries, and of widening, deepening, and straightening the channels thereof, if the same shall in their opinion be required; and having made such estimate, they shall at once and before commencing to remove such obstructions, assess the amount thereof, together with the amount expended in making said surveys and maps, and a sufficient additional amount to pay for their own services, and the actual cost of procuring this law, not to exceed three hundred dollars, upon the owners of said lands included in their said surveys according to their judgment of the benefit which will accrue to each of said owners by the draining of said lands, and shall give to said owners where they can be

Managers to make an estimate of the cost of removing obstructions, &c., and to make assessments.

found in this state, notice thereof in writing, and require payment of the same within one month from the time of giving such notice; copies of such assessment shall also be filed in the offices of the clerks of each of said counties of Morris and Somerset, and from the filing thereof shall be a lien upon said lands until the same is paid or discharged by due process of law.

Duties of the managers.

3. *And be it enacted*, That as soon as one-half of the amount of the aforesaid estimate and assessment shall have been paid to the said managers, it shall be their duty, and they are herebe authorized and empowered to take the necessary measures for the removal of all obstructions in the said Passaic river or its tributaries between the points above designated, and to widen, deepen or straighten the channels thereof, and to form new channels where it may be necessary or expedient so to do, until a sufficient fall shall be obtained, to enable the owners of said lands effectually to drain the same by ditches leading into said river or its tributaries, and for this purpose it shall be lawful for them to use and occupy sufficient land on either bank of said river or tributaries, to deposit rocks, stones, gravel, earth or other substance, which may be removed from said channels, and to have free ingress and egress at all times over all parts of said lands, for themselves, their agents and teams, and also to contract with, and pay the owners of the lands so used for all damages they may sustain thereby, and if said managers shall find it to be necessary in the prosecution of the duties hereby imposed on them, to remove any mill dam or other erection or improvement on said river, between Osborne's mill dam and Davison's bridge, it shall be lawful for them to do so, and agree with the owner or owners upon the amount of damages which they may sustain, and to pay the same when agreed upon or otherwise ascertained as herein provided for; *provided, however*, that no mill dam shall be removed until the damages which the owner or owners may sustain by reason of its removal, shall be agreed on in writing or shall be otherwise ascertained as hereinafter provided, nor until the said managers shall have paid or tendered to such owner or owners, the amount so agreed upon or awarded as herein provided.

Proviso.

Proceedings when managers and owners cannot agree.

4. *And be it enacted*, That if said managers shall be unable to agree with the owner or owners of any lands which may be necessary in their opinion to be used for widening or straightening said river or its said tributaries as aforesaid, or for

depositing gravel, rock or earth thereon, the said managers or a majority of them shall before taking possession of such lands, themselves appraise the value thereof, and the damages, if any, which such owner or owners will sustain by reason of the taking the same, giving to such owner or owners, if they can be found in this state, at least ten days notice of the time and place of making said appraisement, and hearing the owner and his witnesses, if so desired, and in case said managers cannot agree with any mill owner or other claimant for damages by reason of the removal of any mill dam, or the destruction of or injury to any water power or privileges, required for the purposes of this act, said managers or a majority of them, shall and may apply to a justice of the supreme court for the appointment of three disinterested commissioners to examine and appraise the value of such mill site, water power or water privileges and the improvements connected therewith, and the damages which the owner or owners may sustain by reason of their destruction or removal; and the said justice on being satisfied that at least ten days notice in writing has been given to said owner or owners of the time and place of making said application, on which his decision shall be final, shall proceed to appoint the said commissioners in accordance with said application, and the said commissioners so appointed having first taken an oath in writing, faithfully and fairly to discharge the duties required by said appointment, and having given to said owner or owners at least ten days notice in writing of the time and place of their meeting shall proceed to examine the said mill dam, mill site, water power or privilege, and hear the parties and their witnesses, if so desired, and shall make an award in writing of the value of such mill dam and the improvements connected therewith, mill site, water right or water privilege, and all damages which in their judgment the owner or owners thereof will sustain by reason of the removal or destruction thereof or injury thereto, and shall return their said award, oath and appointment to the said justice by whom they were appointed, who shall immediately cause the same to be filed with all papers before him relating to said proceeding in the office of the clerk of the circuit court of the county of Morris or Somerset, in whichever of said counties the said owner or owners may reside, and if such owner or owners does not reside in either of said counties, then the same shall be returned and filed in

such county as said justice may direct, there to remain as a public record.

Proceedings in case of appeal.

5. *And be it enacted*, That if either the said managers or the said owner or owners shall be dissatisfied with the award of the commissioners hereinbefore provided for, or if any of the owners of said lands shall be dissatisfied with the award of said managers for the land used or taken by them as aforesaid, the party aggrieved may appeal from such award by filing in the circuit court in which said award has been returned and filed, at the next term of said court after the making of said award, a petition of appeal, and giving to the opposite party at least ten days' notice in writing of such appeal, if he or they can be found in this state, and if not found in this state, such notice shall be given as may be directed by the said circuit court at the time of filing the petition of appeal; such appeal shall be tried at the regular term of said court, before a jury empanneled in the ordinary way, or before the court if the right of trial by jury shall be waived by the parties; and if a larger amount is awarded to the owner than the amount awarded by the said managers or commissioners, such owner shall also receive his costs on such appeal; but if a less amount shall be awarded, or if the appeal shall be taken by such owner, and he shall not recover a larger amount than the award appealed from, he shall not recover any costs in such appeal.

Proceedings in case of non-residents.

6. *And be it enacted*, That if any owner or owners of any mill, mill site, water power or water privilege, which may be required for the purposes of this act, shall not reside in this state, or cannot be found so as to be served with the notice hereinbefore provided for, such notice of the application for commissioners, and of the proceedings by said commissioners, shall be given and in such manner as the said justice to whom the application shall be made shall direct, and in such case the amount awarded to such owner shall, if he does not appear and receive the same, be paid by said managers into the court of chancery before said lands, mill or mill-site is removed or used.

Managers to make assessments.

7. *And be it enacted*, That whenever said managers shall require any money to pay the expenses incident to the trust hereby committed to them, or to pay any award made in pursuance of this act, and such money shall not be in hand, they shall from time to time, as required, make an assessment upon the owners of the lands embraced in their survey and maps in

proportion to the quantity of land owned by each and the benefit which in their judgment each will receive, and shall give to such owners notice of such assessment in writing, and shall also file in the office of the clerk of both Morris and Somerset counties copies of such assessments, which shall remain a lien on the property of each owner until the same is paid or otherwise discharged by due course of law; and if any such assessment shall remain unpaid for the space of thirty days after such notice, said managers shall by notices signed by them and set up at five public places in the township where said lands may lie, and by publishing the same in a newspaper published in said county, for at least four weeks prior to the day of sale, advertise said lands for sale, at such place as said managers may direct, and at the time and place so appointed, the said managers shall publicly sell the lands of the person so assessed, which may be included in their said survey and maps, for the shortest term of years at which any person will agree to take the same in consideration of the payment of said assessment, with the interest thereon and the cost of such sale; and the said managers shall thereupon give to such purchaser a declaration in writing, under their hands and seals, of such sale; and such purchaser and his executors, administrators and assigns, shall, by virtue thereof and of this act, lawfully enter upon said lands, and have, hold, use and enjoy the same, and the rents, issues and profits thereof, for his own proper use and benefit against the owner or owners thereof, until his said term shall be completely ended.

Obstructions to be removed at the expense of the parties creating the same.

8. *And be it enacted*, That after the removal of the obstructions in said river and its tributaries, as herein provided, it shall not be lawful for any person or persons to restore the same, or any part thereof, or to build any mill dam or any other dam, or to place any other obstruction in said river between the points hereinbefore mentioned; and in case any such dam shall be attempted to be built, or any other obstruction shall be placed in said river or its said tributaries, so as to interfere with the draining of said lands, the same shall be at once removed by said managers for the time being at the expense of the party erecting the same, and said parties shall also be liable for all damages which may be caused thereby.

Notice for the election of managers to be given.

9. *And be it enacted*, That the owners of the lands embraced in the survey and maps hereinbefore provided for

shall meet annually on the first Monday of June, at such place in the township of Chatham, Passaic or Bernards as the managers for the time being, or a majority of them, shall appoint, at two o'clock in the afternoon, to hear the report of the managers for the previous year, and to elect three managers for the ensuing year, of which meetings, the managers for the time being shall give public notice by publishing the same for at least twenty days in one newspaper published in Morris county, and one published in Somerset county, and by five advertisements signed by them, or a majority of them, and set up in five public places in each of the three townships above mentioned for a like space of time; such election shall be by ballot, and shall be conducted by two inspectors appointed by said managers; and that Augustus Moore, Jonathan H. Osborn and Silas Lemond shall be and they are hereby appointed inspectors of the first election to be held under and by virtue of the first section of this act; it shall be the duty of said inspectors to certify the result of said election under their hands, and to give notice immediately to the persons elected of their election, who are required without delay to take an oath faithfully and fairly to discharge their duties as such managers, and enter upon the duties assigned to them by this act; if for any cause the annual meeting shall not be held on the day above named, it shall be called by the managers for the time being on some other day to be designated by them, of which notice shall be given as above provided; the managers elected at such annual meeting shall be clothed with and authorized to exercise all the powers herein conferred on the managers who shall be first elected.

Names of inspectors of first election.

10. *And be it enacted*, That the managers elected under the provisions of this act shall also have power and authority, from time to time, to lay out such ditches in and through said lands included in said survey and maps as they may think necessary effectually to drain the same, and to require the owner or owners of the lands through which said ditches may be laid to open and keep the same open; and if such owners refuse or neglect so to do within such reasonable time as such managers shall appoint, it shall be lawful for the said managers to enter upon said lands, and open, or cause the same to be opened and cleared out, at the cost and expense of the said owners, and the amount of such cost and expense said managers may recover from said owner or owners in an

Powers of the managers.

action for money paid, laid out and expended for his or their use in any court having cognizance of the amount claimed.

Record of proceedings to be kept.

11. *And be it enacted*, That the managers who shall from time [to time] be elected in pursuance of this act, shall keep a record of all their proceedings, and of all moneys received and expended by them, and also of the number of days which they shall be employed in discharge of their duties during each year, and shall submit to the annual meeting a full report of all their proceedings, receipts and expenditures, during the preceding year, and shall deliver over said records and all books, maps, papers and moneys in their hands to their successors as soon as they shall be qualified to act; the managers shall each be entitled to receive the sum of four dollars per day for each and every day which they shall devote to the duties imposed on them by this act.

Managers may negotiate for the purchase of Dennis mill property.

12. *And be it enacted*, That said managers shall be and hereby are authorized to negotiate with the owner or owners of the property known as Dennis' mill property, consisting of about fourteen acres of land and the water power, mills and other buildings thereon, for the purchase thereof; and in case the said managers can agree with the said owner or owners, it shall be lawful for them to purchase the said mill property, and to pay for the same out of moneys raised by assessments as hereinbefore provided, and it shall be lawful for the said managers to sell and convey at public or private sale any of said lands or buildings not wanted for the purpose of this act, and to give good and sufficient deed or deeds of conveyance therefor.

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

Approved April 21, 1868.

CHAPTER DLIV.

A Supplement to the act entitled "An Act to regulate fees," 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 seventh section of the act to which this is a supplement shall be so construed that no forfeiture or penalty shall be incurred by, or recovered against, any clerk under the said act, unless it shall appear that the error or errors made by him, in the taxation of any bill of costs, were wilfully, knowingly and fraudulently allowed; and that no more than one penalty shall be recovered in any case upon one bill of costs, and that this act shall take effect immediately. More than one penalty not to be incurred in bill of costs.

Approved April 21, 1868.

CHAPTER DLV.

A Further Supplement to the act entitled "An Act to incorporate the Union County Building and Improvement Company," approved March thirteenth, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company shall have authority to purchase, hold, sell, lease or mortgage real estate in the township of Woodbridge, in the county of Middlesex. May purchase, lease or mortgage real estate.

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

Approved April 21, 1868.

CHAPTER DLVI.

A Further Supplement to the act entitled "An Act respecting the Orphans' Court and the power and authority of Surrogates."

Executor of an executor not to administer on estate of first testator.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no executor of an executor shall, as such, be authorized to administer on the estate of the first testator, but on the death of the sole or surviving executor of any last will and testament, letters of administration with the will annexed of the assets of the first testator left unadministered shall be issued by the surrogate of the proper county to some proper person, who shall before the issuing thereof, give bond to the ordinary of this state, with sufficient sureties, according to the provisions of the act to which this is a supplement, and the supplement thereto, approved February the twenty-eighth, eighteen hundred and forty-nine, as far as the same are applicable.

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

Approved April 21, 1868.

CHAPTER DLVII.

An Act to incorporate the Middelesex and Somerset Agricultural Railroad Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob Vanderveer, Peter Stoothoff, Daniel D. Stelle, Henry P. Cortelyou, Peter Ayres, William Williamson, E. L. Cushman, John Garrison, Caleb B. Vanderveer, Moore Baker, John C. Van Dorn, Cornelius Hoagland, Garret Van Dorn, Henry Stryker, John Hageman and Abraham Stryker, and such other persons as may be hereafter associated with them, shall be and they are hereby

ordained, constituted and declared to be a body politic and corporate. in fact and in law, by the name of "The Middlesex and Somerset Agricultural 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. Name.

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

3. *And be it enacted*, That the above named persons, or a majority of them, may elect from their own number, three persons, who, or any two of whom, 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' previous notice of the same in all the newspapers published in the county or counties through which said road may pass; and if more than the sum above mentioned shall be subscribed, it shall be the duty of the said commissioners to make such apportionment of the stock among the subscribers as they shall think best calculated to secure the speedy construction of said road. Books of subscription to be opened.

4. *And be it enacted*, That at the time of subscribing for said stock, or as soon thereafter as said commissioners shall demand the same, ten per centum shall be paid upon the amount subscribed for, to the commissioners or one of them, and when ten thousand dollars shall be subscribed for, it shall be lawful for the persons above named, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose five directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed in 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 said above named persons, or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands, the names of those persons duly elected, and after deducting a reasonable compensation for their own ser- Election of directors.

vices, shall deliver over the subscription books and money paid in to the said directors; and the directors so chosen, 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 death, resignation, or incapacity or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which the same may happen, by a majority of said board of directors; and in the absence of said president, a majority of said board may appoint a president pro tempore, who shall have such powers and functions as the by-laws of the said corporation shall provide.

Failure to elect directors not to dissolve

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 be made, 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 offices until their successors shall have been chosen in their places.

Powers of directors.

6. *And be it enacted*, That a majority of the directors of said corporation shall be competent to transact all business of the said corporation, and to call in the remaining capital stock of said company by such installments, and at such times as they may direct, by giving twenty days' previous notice in all the newspapers published in the counties through which said road may pass; *provided*, that no installments shall exceed ten dollars per share, and that no two installments shall be required to be paid within thirty days of each other; and in case of the non-payment of said installments, or any one of them, they shall have power to forfeit the share or shares upon which such default is made to the company; and said directors shall have power to make such by-laws, rules and regulations as to them shall appear useful and proper for the management and regulation of the stock, property, estate, effects and business of said corporation, and shall 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 to the president as the said board shall think proper.

Proviso.

May lay out and construct a railroad and route.

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 a point on

the Camden and Amboy Railroad at or near Martinsville, in the county of Middlesex, to a point at or near the village of Six Mile Run, in the county of Somerset, 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 is necessary to take more land for the slope and protection of the side banks of the said railroad, in which case so much land as may be necessary and no more shall be taken, with one or more sets of tracks and rails, with such turn-outs and switches as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, or employees, 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 the said company, by its officers, agents, engineers, superintendants, contractors, workmen and employees, 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 repair of said road, and to carry into full effect the objects of this act, subject to such compensation and upon such terms as are hereafter provided for.

Proceedings when company and owners of property cannot agree.

8. *And be it enacted*, That if 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 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 by said company in the construction of said railroad, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, also the name or names of the owner or owners, occupant or occupants, if any, and their places of residence if the same are known to one of the justices of the supreme court of this state, who shall cause notice to be given to the persons interested, if known and in this state, or if unknown or out of the state, by publication as he may direct

for any time not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter specified, at which time, upon satisfactory proof of the service or publication of such notice, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents of this state, as commissioners to examine and appraise said land or materials and assess the damages upon notice to the persons interested, as they shall be directed by said judge; 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 a true report thereon to make, according to the best of their judgment), to meet at the time and place appointed, and proceed to examine said land or materials, said commissioners also taking into consideration all benefits to be derived from or in consequence of said road to the owner or owners aforesaid, and to make a just and equitable appraisement of the value of the same, and an assessment of the damages to be paid by said company, such report to 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 description of the lands or materials, and their appointment and oaths or affirmations, in the clerk's office in said county to remain of record therein, and such report (if no appeal be taken), shall be plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy, said lands or materials, or both; and said justice of said court upon notice by either party to the other, shall tax and allow such costs fees and expenses, as he shall deem equitable and just, to be paid to the said justice, clerk, commissioners or other persons performing any of the duties above mentioned, and shall direct and order by whom the same shall be paid.

Further proceedings upon an appeal to circuit court.

9. *And be it enacted*, That either party, if dissatisfied with such report of the commissioners, may appeal therefrom to the circuit court of the county in which such report is filed, by proceeding in the form of petition to said court, which proceeding shall vest in said court full right and power to direct an issue for the trial of said controversy, and to try and adjudicate the same in the same manner and under the same rules as other issues are tried in said court; and should judgment be awarded for a greater sum than allowed by the commissioners in their report, the said judgment shall be

entered and enforced against the company, with costs, in the same manner as other judgments in said court are entered and enforced; and should judgment be awarded for a less sum than that named in said report, judgment shall be entered and enforced in favor of said company and against said owner or owners, in the same manner as other judgments of said court are entered and enforced; and in case there shall be no appeal, or the party entitled to receive the same shall refuse upon tender being made to receive the same, or shall be absent from the state or under any legal disability, or cannot be found after reasonable diligence, then payment of the amount so assessed into said circuit court shall be deemed a legal and valid payment.

Must construct bridges and wagon ways.

10. *And be it enacted*, That it shall be the duty of said company to construct and keep in repair good and sufficient crossings over said railroad, where any public or other road now in use shall cross the same, as that the passage of carriages, horses and cattle on said road shall not be obstructed thereby; and also, when 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 it shall be lawful for this company to contract with any other company for running the trains of this company over their road, or for this company to let and lease this their road to the Camden and Amboy Railroad Company to run and operate the same.

May make contracts with other companies.

Rates of fare and freight

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 road all machinery, engines, cars, wagons, carriages or vehicles for the transportation of persons or freight, or property of any kind or specie, as they may think reasonable, expedient or right, and they are hereby authorized and empowered to demand and receive such sum or sums of money for the transportation of such persons or freight, or any species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than ten cents per mile for each passenger, and twenty-five cents per ton per mile for the transportation of every species of heavy merchandise, goods or property usually weighed by the ton, in the carriages of the company, and for drygoods and packages, such reasonable rates as shall from time to time be fixed by the board of directors,

Proviso.

and that the road authorized by this act shall be and is hereby declared to be a public highway, and free for the passage of any railroad carriage or car thereon, with passengers and property; 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 said company, and their successors, for and during the continuance of this charter;

Proviso. *provided always*, that in case the said company after the road is completed shall abandon or cease to use and keep it in repair for the space of three consecutive years, that then and in that case this charter shall be annulled, and the title to the lands over which the same is located shall be re-vested in the person or persons who would be legally entitled thereto in case said road had not been located; but the superstructures of said railroad and the materials of which the same are composed, and the rolling stock of the company, and the buildings to them belonging, shall in such case be deemed and taken to be personal property of the company, and shall be by them removed and disposed of within twelve months thereafter (or in such further reasonable time as may be allowed by any court in this state having jurisdiction over such property or company), to and for the use and benefit of said company.

Dividends. 12. *And be it enacted*, That the president and directors shall, in one year after said railroad shall have been completed, declare and make such dividends of the net profits thereof among the stockholders as they may deem prudent, and shall thereafter in like manner, semi-annually, declare such dividends, and pay the same to the stockholders or their legal representatives, in proportion to the amount of stock held by them respectively.

May purchase and hold real estate. 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, and at such points on the line of said road, as may be necessary for the convenient transaction of business, not exceeding ten acres in each place, and may build and erect thereon warehouses, depots, and such other buildings as they may deem expedient for the safety of their property and the uses and transaction of their business.

Penalty for injury to road, &c. 14. *And be it enacted*, That if any person shall wilfully or maliciously injure said road, or any buildings, works, machinery or property of said company, such person or persons

shall forfeit and pay therefor to said company three times the amount of the damage sustained by such injury, to be recovered in the name of such company, with costs of suit, in any court having cognizance of the same.

Must file statement of cost, &c., with secretary of state.

15. *And be it enacted*, That within sixty days after said railroad shall be completed, so as to be used, the president or said board of directors, or one or more of them, shall file under oath or affirmation a statement of the amount of cost of said railroad, including all expenses, in the office of the secretary of state; and the company shall pay to the treasurer of this state a tax of one-half of one per centum on the capital stock of said railway, to be paid annually thereafter on the first Monday in January of each year, and such other state tax as may be assessed from time to time by a general law applicable to all railroads over which the legislature has power for that purpose at the time of the passage of such law or laws; and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds, expenses and financial condition of said road.

When road shall be commenced and completed.

16. *And be it enacted*, That if said railroad shall not be commenced within five years, and completed and in use within ten years from the fourth day of July next after the passage of this act, then and in that case this act shall become void by limitation.

Directors may fill vacancy occasioned by legal incapacity.

17. *And be it enacted*, That in case of conviction for crime, or legal incapacity from any cause to act of any officer or director of said company, a majority of said board may declare such office or directorship vacant, and may proceed to fill such vacancy in the manner provided and for the time specified in section four of this act.

State officers to pass free.

18. *And be it enacted*, That the governor, the attorney general, the chancellor, the justices of the supreme court and of the court of errors of this state, and superintendent of public schools of this state, when travelling upon official business, and the members of both houses of the legislature of this state, may pass and repass upon said railroad in the cars of the company free of charge for the year or years for which they were elected.

Limitation.

19. *And be it enacted*, That this act shall continue in force for and during the term of thirty years from the date of its passage.

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

Approved April 22, 1868.

CHAPTER DLVIII.

An Act to incorporate the Jersey City Safe Deposit Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Lamb, A. J. Fitch, Archibald K. Brown, William B. Rankin, and such other persons as may be associated with them, their successors and assigns, shall be and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name, style and title of "The Jersey City Safe Deposit Company," and by that name and style and title shall be capable of purchasing, holding, leasing and conveying any lands, tenements, goods and chattels necessary or proper for the objects of the corporation hereby created, with power to have, use and adopt a common seal, and to alter and change the same at any time; and to sue and be sued, to defend and to be defended, in all courts of law and equity, with the power and privilege to receive and hold on deposit and in trust, moneys, goods and chattels, including the notes, bonds, obligations, bills of exchange, drafts and accounts of estates and individuals, and of companies and corporations, and the same to purchase, collect, adjust and settle, and also to sell and dispose thereof in any market in the United States, or elsewhere, and to receive on deposit for safe keeping, stocks, United States bonds, jewelry, plate, money, and other valuable property of every kind, upon terms to be prescribed by the by-laws of said company, and to pay or deliver the same upon orders or checks drawn by the person or persons in whose name they are deposited or left, and to collect coupons of United States bonds, or interest due upon obligations, when authorized so to do by parties depositing the same, to draw drafts, and to do a general exchange, commission and collecting business.

Name.

Powers and business of the company.

Capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be ten thousand dollars, with power to increase the same by a vote of the board of directors to one hundred thousand dollars, to be divided into shares of one hundred dollars each, which shall be deemed personal property; and the said company may organize and commence business

whenever ten thousand dollars shall have been subscribed, and fifty per centum thereof paid in; all stock subscribed shall be paid at such times and upon such notice as the board of directors of said company may direct.

Business to be managed by a board of directors.

3. *And be it enacted*, That the business of said corporation shall be managed and conducted by a board of directors of not less than three nor more than five in number, who shall be stockholders in said company; and at the first meeting after every election they shall elect one of their number president, and shall have power to appoint such other officers and agents as they may deem necessary; said board of directors shall hold their office for one year, and until others are chosen in their place.

Directors, and how elected.

4. *And be it enacted*, That the directors shall be elected at the annual meeting of the stockholders which shall be held on the fourth Tuesday in December in each and every year, at such hour and place as the by-laws of said company may direct; and until such annual election shall take place, the persons named in this act shall be the directors of said corporation, a majority of whom shall be competent to transact business.

Not dissolved for failure to elect directors

5. *And be it enacted*, That in case an election for directors shall not take place upon the day herein designated for that purpose, the corporation shall not be deemed dissolved, but the stockholders may proceed to hold an election on any other day, ten days previous notice of the time and place of said election having been first given, at which election and all meetings of the company, each stockholder shall be entitled to one vote, in person or by proxy, for each share of stock held; and that the principal office of said company shall be at the city of Jersey City, Hudson county, New Jersey.

Principal office, where located.

Annual statement.

6. *And be it enacted*, That the directors shall, at the annual meeting of the stockholders for the election of officers, exhibit a full and complete statement of the affairs of the company during the preceding year.

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

Approved April 22, 1868.

CHAPTER DLIX.

A Supplement to the act entitled "An Act to incorporate the Toms River and Forked River Turnpike Company," approved March twenty-seventh, eighteen hundred and sixty-seven.

When gates may be erected and toll demanded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Toms River and Forked River Turnpike Company when they shall have completed any two consecutive miles of said road, according to the directions and true intent and meaning of the act to which this is a supplement, for the said company to erect toll gates across the said road, and demand and receive toll for travelling thereon, agreeably to the fourteenth section of the act to which this a supplement.

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

Approved April 22, 1868.

CHAPTER DLX.

A Supplement to an act entitled "An Act to incorporate Gloucester city, Camden county, New Jersey," approved February twenty-fifth, eighteen hundred and sixty-eight.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the proviso of section eight of the act entitled "An Act to incorporate Gloucester city, Camden county, New Jersey," that requires each and every ordinance passed by the city council of said city to be published in the papers of Camden county, be and the same is hereby repealed.

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

Approved April 22, 1868.

CHAPTER DLXI.

An Act to incorporate the Camden Improvement Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jesse Smith, Edward Cohn, Richard S. Humphreys, John Hood, Abraham W. Nash, Charles S. Humphreys, Jesse E. Huston, William B. Scudder, Alden C. Scovel and such other owners of property in the city of Camden as they may associate with them, shall and they are hereby incorporated and made a body politic by the name of "The Camden Improvement Company." Corporators. Name.

2. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, with the privilege of increasing the same to the sum of three 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 installments 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 installments at the place and within thirty days of the time appointed for the payment thereof, such stockholders shall incur a forfeiture of his or her shares, and of all previous payments thereon, for the use of said company. 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. Stock transferable.

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 weeks in the newspapers published in the county of Camden, the said directors shall from time to time, elect a president from their num- Business to be managed by a board of directors.

ber, 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 Jesse Smith, Edward Cohn, Richard S. Humphreys, John Hood, Abraham W. Nash, Charles S. Humphreys, Jesse E. Huston, William B. Scudder and Alden C. Scovel 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.

May pay for land purchased in shares of capital stock.

6. *And be it enacted*, That as soon as the said company shall be organized, it shall be authorized to receive conveyances for any property in the city of Camden, in this state, lying between the south line of Hartman street and the centre line of Pine street, and to purchase and hold such other land adjoining or near the same in said city 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 their par value.

General powers.

7. *And be it enacted*, That the 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 said Pine street; *provided*, that in carrying out the provisions of this section they shall not injure the navigation of the Delaware river, and shall not interfere with 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 or hold along the shore.

Proviso.

May issue bonds and sell and dispose of the same.

8. *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 Camden Improvement Company are authorized to issue their bonds to the amount of two-thirds of their capital paid in, bearing an interest not

exceeding seven per centum per annum, and to sell and dispose of the same at any rate not less than ninety per centum of their 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 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 Camden Improvement Company free from all encumbrances and debts that were not liens on such property prior to the recording or registry of said mortgage.

Approved April 22, 1868.

CHAPTER DLXII.

An Act to incorporate the Hispano-American Telegraph Company.

Preamble. WHEREAS, D. T. Arosemana, Tracy Robinson, J. W. Simonton and W. D. Hennen, have, with their associates, organized a corporation under the general laws of the state of New York, based upon a concession granted by the government of the republic of Peru to their agent, Mariano Arosemana Quesada, on the ninth day of September, eighteen hundred and sixty-seven; and whereas, the corporation organized as above has been named the Hispano-American Intercommunication Company; and whereas, the general law of the state of New York to authorize the formation of companies for various purposes is not of sufficient scope, and does not admit of sufficient freedom of corporate action for the purpose of laying and working a submarine telegraph out of the limits of the United States; now, therefore,

May change title of company, and reorganize.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "The Hispano-American Intercommunication Company," their associates, successors and assigns, organized under the general law of the state of New York, for the purpose of laying and maintaining, working and enjoying a submarine telegraph and accessories thereto on the western coast of South America, under the concession granted to them by the government of Peru, on the ninth day of September, eighteen hundred and sixty-seven, and other concessions that may hereafter be obtained, shall have the right to change the title of their company to that of the Hispano-American Telegraph Company, and to reorganize under the provisions of this act; and the said Hispano-American Telegraph Company, their associates, successors and assigns, so reorganized, and all such persons as they may thereafter associate with them, their associates, successors and assigns, shall be and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Hispano-American Telegraph Company," with the powers and privileges necessary for carrying on the business of telegraphing along the west coast of South America, and for laying a submarine cable, and for operating and using such telegraph line, and also for fitting, purchasing, or chartering, or hiring, or owning steam or other vessels to be used in all lawful commerce connected with the business of said company hereby incorporated, with power to construct, purchase or lease all such real estate or personal property, as may be necessary in conducting the business of the company, and the same to convey and sell as the business of the company may require; and the company hereby incorporated is declared to be the same company as the Hispano-American Intercommunication Company, organized as hereinbefore stated; composed of the same stockholders, with the same capital stock, which shall be represented by the same certificates of stock or by new ones as the directors of the company may determine; with the same officers until their successors are duly elected and qualified, and the same organization assuming all the debts, liabilities and responsibilities of every name and nature of the Hispano-American Intercommunication Company, and also becoming possessed by the act of reorganization under this law of all the powers, privileges, property and franchises theretofore belonging to the said company; and the said corporate name of the Hispano-American

Corporate name under which company may reorganize, and powers and business of the company.

Intercommunication Company is hereby changed to that of the Hispano-American Telegraph Company, and it is hereby incorporated as such with a capital stock of two millions and a half of dollars, with the privilege of increasing the same when the necessity arises, but not to exceed five millions of dollars.

2. *And be it enacted*, That the said corporation hereby incorporated shall be located in Jersey City, in Hudson county, in this state, and the president or vice president of said company shall reside in this state, on whom said company shall authorize process to be served, which said service shall be a service regularly made on said company; and the directors shall cause a certificate, over the corporate seal of the company, of the name of such president or vice president resident in this state on whom they so authorize process to be served, to be filed in the office of the secretary of state. Location to be in Jersey City, where process may be served

3. *And be it enacted*, That it shall be lawful for the directors of the corporation hereby incorporated from time to time, at their discretion, to sell the unissued stock of the company hereby incorporated, as the business of the company may in their judgment seem to require, to such persons, whether stockholders or directors in the company hereby incorporated, or others, who may desire to take stock, as the directors may determine; and to require such payments to be made thereon, and to make such calls for installments to be paid thereon as they, the directors, may determine to be necessary; and it shall be lawful for the directors to declare any share or shares of stock with all previous payments that may have been made thereon, forfeited, on which the owner or owners thereof shall neglect to pay any installment in money which may be called for by the directors at the time the same is payable; *provided*, that ten days' notice, exclusive of Sundays, of the time of any payment of any sum directed to be paid on the said shares of stock, be given by an advertisement thereof in the newspapers published in the city of Jersey City, [county] of Hudson, in this state, also in a daily newspaper published in the city of New York, state of New York, and upon the entry of such forfeiture by the directors in their books such shares or share of stock, and any payments thereon made prior to such call and forfeiture shall be forfeited for the use of the company; and every entry of the forfeiture of the stock so made, shall be sufficient authority for the directors to sell said forfeited stock in any manner and to whom they may direct, and to May sell unissued stock and call in installments, &c. Proviso.

issue certificates thereof to the purchaser; the shares of stock in the company hereby incorporated shall be deemed to be personal property, and to be transferable in such manner as the company in their by-laws may provide; and it shall be lawful for any other corporation, when business is that of transportation or telegraphing, either by directly engaging therein, or by furnishing the property or materials to be used therein, unless prohibited by their charter, to have issued to them and hold stock in the company hereby incorporated, and to transfer the same by any agent or attorney, or act recognized by the company hereby incorporated.

Election of directors, and appointment of officers.

4. *And be it enacted*, That there shall be five directors of said company, who shall be stockholders, and who shall be annually elected on the second Monday of November by the stockholders; such election to be advertised in the newspapers published in Jersey City, county of Hudson, in this state, and in a daily newspaper published in the city and state of New York, at least two weeks before the same is to be held, by a notice setting forth the time and place of such election, and such directors shall hold office until others are duly elected in their place, and shall choose out of their own number a president, vice president and an executive committee; and shall appoint a treasurer and secretary from among the stockholders, and other officers, whose powers and duties may be regulated by said directors; and the present directors of the Hispano-American Intercommunication Company shall remain, continue, and be the directors of the Hispano-American Telegraph Company hereby incorporated, and shall hold such office until the annual election on the second Monday of November as hereinbefore provided, and any vacancy among the directors may be filled by the remaining directors; in case of failure to elect on any day named for an election of directors, such election may be held on such other day as the directors may appoint, notice thereof being given as aforesaid; and in all elections for directors, and on all questions voted on by the stockholders at any meeting, each holder of stock shall be entitled to one vote for each share of stock held by such stockholder, but only one vote shall be given for each share of stock, which vote, whether by ballot or otherwise, shall be given in person or by written proxy.

Powers of directors.

5. *And be it enacted*, That a majority of the directors of said corporation shall constitute a quorum for the transaction of business, and of such quorum a majority shall bind the

others, with power to make such by-laws, ordinances and regulations, not contrary to the constitution of the United States or of this state, as shall seem to them necessary for conducting the affairs of the corporation, and to alter and repeal the same; to change, retain or renew the present corporate seal; to make contracts or engagements with any government or corporation, and with any person or persons, whether stockholders of the corporation hereby incorporated or not, for transmitting any message or messages for said company, or in relation to any other business of the company; and said directors are invested with all the powers of said corporation for the control of the affairs, business and interests of the corporation, with power to appoint all agents necessary, to make their compensation and to remove them; and to make such charges for the transmission of messages and other business done by the said company as may be lawful; and they may also, from time to time, make such dividends out of the net profits of the company as the business of the company may warrant; and they may have meetings out of this state, and when so held, such meetings shall be as valid as if held in this state; but all elections for directors shall be held at the company's office in this state.

May borrow money and deliver bonds therefor.

6. *And be it enacted*, That the Hispano-American Telegraph Company hereby incorporated, shall, by the action of its board of directors, when they may deem it necessary for the purposes of the company, have power to borrow money from time to time, and make and deliver, or cause to be delivered, the bonds or other obligations of the company, executed as the directors may direct, bearing interest as expressed thereon, or in coupons attached, or otherwise, with interest not to exceed seven per centum per annum, the principal and interest payable at such times and places, in or out of this state, and in such manner as they may direct, and may secure the same by a mortgage or mortgages of the company, which shall be and remain a lien or liens for the amount secured thereby on any property, real or personal, or the franchises or other rights of the company thereby mortgaged until the same be paid; and the registry thereof in the office of the clerk of the county of Hudson, in this state, shall be notice to all parties in interest; and the same shall be recorded by said clerk in the record of mortgages in his office; and it shall be lawful for said directors, and they are hereby authorized to negotiate, sell or dispose of any of the

bonds or other obligations of the company at public or private sale, and if disposed of at a rate less than their par value, the same shall not be invalidated thereby, and it shall not be lawful for the company, in any suit at law or in equity, to claim, or be entitled to, or be allowed, any exemption from the payment of the principal named therein and the interest, or any part of either, on the ground of usury; it shall also be lawful for the directors to make any of the bonds of the company convertible into the stock of the company, at the option of the holder of said bonds, at such times and on such terms as shall be specified on the face thereof.

Dividends.

7. *And be it enacted*, That it shall be lawful for the directors of the Hispano-American Telegraph Company to issue the stock of the company, either partially or wholly paid up in the purchase of property or franchises in connection with their business, to any government, or to any company or individual or individuals; and it shall be lawful for them, from time to time, to create of any of the unissued stock of the company a special stock, dividends on which may be preferred out of the net profits, and declared and paid to an amount not exceeding seven per centum per annum on the par value thereof, before dividends are declared and paid on other stock of the company, which special stock may be so issued as to participate with other stock of the same class in dividends after eight per centum per annum on such other has been declared; the directors may declare stock dividends to represent profits used or invested in the works or property of the company.

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

Approved April 22, 1868.

CHAPTER DLXIII.

An Act to incorporate the Finesville Vigilant Society, for apprehending horse and other thieves and other villains, in the county of Warren.

Corporate name and powers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Finesville Vigilant Society for apprehending horse and other thieves in the county of Warren, is hereby erected into a body politic and corporate, in deed and in law by the name, style and title of "The Finesville Vigilant Society, for apprehending horse thieves and other villains," and by the same name shall have perpetual succession, and be able to sue and be sued in all the courts of New Jersey and elsewhere, and shall be able to purchase, receive, have, hold and enjoy to them and to their successors, la ds, tenements, hereditaments, rents, annuities, franchises, goods and chattels of what nature, quality or kind soever, real, personal or mixed or choses in action, and shall have power the same from time to time to sell, grant alien and dispose of, *provided*, that the clear yearly income of lands and tenements, goods and chattels, shall not exceed two thousand dollars; and also to ordain, establish and put in execution such subordinate laws and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution of the United States, or of this state, and generally to do all and singular such matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the proper management of its affairs.

Proviso.

Members.

2. *And be it enacted*, That this society shall consist of all such persons as are now members or shall hereafter be admitted as such, agreeable to the by-laws of said society.

Officers.

3. *And be it enacted*, That the officers of said society shall consist of a president, a secretary and a treasurer, and five directors, to be elected by the members of the society.

Election of officers.

4. *And be it enacted*, That the officers enumerated by this act shall be chosen by ballot, at a general meeting of the said society, on the last Saturday of December annually, to continue in office for one year, or until their successors be elected.

Funds, how appropriated.

5. *And be it enacted*, That the funds of the society shall be

exclusively appropriated to the payment of rewards offered for, and the expenses incurred in detecting horse and other thieves, and recovering stolen horses or vehicles, and defraying the necessary costs attending the meetings of the society.

6. *And be it enacted*, That the legislature reserves the right to alter, amend or annul the charter at any time hereafter.

Approved April 22, 1868.

CHAPTER DLXIV.

Supplement to an act entitled "An Act to regulate elections," approved April sixteenth, eighteen hundred and forty-six.

When election districts shall be divided.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when a township or ward in any city contains more than eight hundred voters, said township or ward shall be divided into election districts so as not to contain more than eight hundred voters in each district; and the mayor and common council in the several cities and the township committees in the several townships are hereby required to set off said districts, on or before the first day of August next, and file a description of the boundaries thereof, one copy in the county clerk's office, and one copy in the city or township clerk's office, as the case may be, and in case it may be necessary hereafter to change the boundaries of said districts, such change shall be effected in the manner above prescribed.

Election of officers.

2. *And be it enacted*, That whenever any election district is created as above it shall be the duty of the power creating the same to appoint a clerk of election and three judges of election in said district, who shall not all belong to the same political party, and who shall hold said office until their successors are elected.

No ballot for election of judges to contain more than two names.

3. *And be it enacted*, That hereafter no ballot for the election of judges of election shall contain more than two names, and in case more than two names therefor are voted

for on the same ballot, the said ballot as to said judges of election shall be null and void; and the three persons who shall receive the highest number of votes at such election shall be deemed and taken to be judges of election; and in case two persons on the same ballot shall receive an equal number of votes, the one first named shall be deemed elected.

Judges and clerk to be elected in each district.

4. *And be it enacted*, That in each of said election districts a clerk and judges of election shall be elected, and perform the same duties and be subject to the same penalties as is provided by law for clerks and judges of election in wards and townships which are not divided into election districts.

Duties of clerk

5. *And be it enacted*, That the clerk of each poll in incorporated cities and towns, in addition to the duties now prescribed by law, shall enter on the poll list the place of residence of each person voting, and every person in said incorporated cities and towns at the time of offering his vote shall truly state the street in which he resides, and, if the house, lodging or tenement in which he resides is numbered, the number thereof, and in case of refusal to make the statement aforesaid, the vote of such person shall not be received.

Former elections declared legal and valid.

6. *And be it enacted*, That all elections heretofore held in which wards and townships were divided into election districts under the act entitled "An Act to ascertain by proper proof the citizens who shall be entitled to the rights of suffrage," approved April fourth, eighteen hundred and sixty-six shall be deemed legal and valid, as if the said act had not been repealed.

Repealer.

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

Approved April 22, 1868.

CHAPTER DLXV.

An Act to incorporate the Dime Savings Institution of Plainfield, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Elston Marsh, William White, William S. Cook, Elias R. Pope, Isaac P. Brown, Joseph B. Coward, James Clark, John C. Sutphen, Rudolph M. Titsworth, Nathan Harper, Lewis E. Clark, Carmon Parse, Levi Hetfield, junior, Stephen O. Horton, Charles H. Stillman, Enos W. Runyon, Clark Rogers, Jacob Thorn, Peter Gorsline, Isaac S. Dunham and Elston M. Dunn, and their successors, shall be and are hereby constituted a body corporate

Name.

and politic, by the name of "The Dime Savings Institution of Plainfield," and by that name shall be capable of purchas-

May purchase and hold real estate, &c.

ing, taking, holding and enjoying to them and their successors any real estate, in fee simple or otherwise, and any goods, chattels or personal estate, which shall be necessary for the purpose herein mentioned, and of selling, leasing or otherwise disposing of the said real and personal estate, or

Proviso.

any part thereof, at their will and pleasure; *provided always*, that the clear annual value of such real and personal estate, exclusive of the profits that may arise from the interest accruing upon investments, or upon the sale of any investments in which the deposits may be made, shall not exceed the sum of twenty-five thousand dollars.

Conducted by a board of managers.

2. *And be it enacted*, That the said institution shall be conducted by fifteen managers, ten of whom at least shall be residents of the township of Plainfield; seven of the managers shall be a quorum to transact business; and the seat of any manager who shall have neglected to attend for six successive meetings may be vacated by the board; the persons named in the first section of this act shall be the first managers of the institution; the managers shall meet annually on the first Monday of May, and choose one of their number as president; they shall have power to appoint a secretary, treasurer, and such other officers as to them shall appear necessary for conducting the business of the institution, which officers so chosen and appointed, shall continue in office one year and until others are chosen; and all officers so chosen shall be

under oath for the faithful performance of the duties of their offices respectively, and shall give security, if required, for the faithful execution of the duties of their office, in such sum or sums, and with such securities as may be directed by the board of managers.

Powers of managers.

3. *And be it enacted*, That the board of managers shall, from time to time, have power to make, ordain and establish such by-laws and regulations as they shall judge proper for the election of their officers, for prescribing their respective duties, for regulating the times and places of meeting of the officers and managers, and for the transaction, managing and directing the affairs of the institution; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this state and the United States of America; and such by-laws and regulations shall be put up in some public and conspicuous place in the room where the business of said institution shall be transacted, and shall not be altered so as to affect injuriously any one who may have been a depositor previous to such alteration.

Proviso.

Deposits.

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

Managers to regulate the rate of interest.

5. *And be it enacted*, That it shall be the duty of the managers to regulate the rate of interest to be allowed to the depositors, so that they shall receive a ratable proportion, as near as may be, of the profits, after deducting therefrom all necessary expenses, and a reasonable surplus or contingent fund; *provided*, that said rates of interest may, at the discretion of the managers, be so regulated as that the interest allowed to depositors having over one thousand dollars deposited shall be at least at the rate of one per centum per annum less than the interest allowed to other depositors, and that no interest or dividend, on account of said surplus fund shall be allowed for money which shall have been withdrawn from deposit.

Proviso.

President or managers not to receive any emolument.

6. *And be it enacted*, That no emolument whatever shall directly or indirectly be received by the president or managers for their services, nor shall the said institution issue any notes or bills, nor shall any officer or agent of the institution be allowed directly or indirectly to borrow any money from the said institution, or to use the same, except to pay necessary expenses, nor shall the institution take or hold any bonds, mortgages or other securities for the payment of money drawn or endorsed by, or existing against any officer or agent of the institution, and no manager or officer shall have any interest in any of the deposits or the profits arising from the same, except such as may be due for deposits made by them as trustees for the benefit of others.

Stocks or bonds in which money may be invested.

7. *And be it enacted*, That the said institution shall invest no money in any public stocks other than such as are created under the laws of the United States, or the states of New Jersey, New York, Ohio, Kentucky, Missouri and Massachusetts, or in the stocks or bonds of the cities of Elizabeth, Rahway, New Brunswick, Newark, Jersey City, or the township of Plainfield, and bonds of the counties of Union, Essex, Bergen, Hudson and Middlesex in this state, or the cities of New York and Brooklyn, in the state of New York, authorized by the laws of the said states respectively, nor on bonds and mortgages, except on unincumbered real estate, worth at least double the amount of the sum invested, nor in the stocks or loans of any incorporated company whatever.

Certificates of deposit.

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

May pay depositors being minors.

9. *And be it enacted*, That it shall be lawful for the said institution at their discretion, to pay any depositor being a minor, such sum as may be due to such depositor, not exceeding five hundred dollars, in cases where no guardian shall have been appointed for such depositor, and that the receipt and acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor duly appointed, provided such deposit shall have been made personally by such minor, and not by any other person for his or her benefit; married women may deposit money in their names and receive their interest and dividend thereon, and receive and withdraw the same, and such deposits shall not be subject to the control of the husband, nor liable for his debts, nor shall

money deposited by single women be subject in case of marriage to the use or control nor liable for the debts of the future husband.

Book to be kept.

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

When interest not to be allowed.

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

Books of deposits and payments.

12. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the institution, and every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made.

Annual report to be made to the legislature

13. *And be it enacted*, That it shall be the duty of the said institution to make an annual report to the legislature of this state, under the oath or affirmation of the treasurer, and a committee appointed for that purpose by the managers, or three or more of their number, of the state of its funds, and such statements shall be published in one or more newspapers published in the village of Plainfield.

Vacancies, how filled.

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

Place of business.

15. *And be it enacted*, That the office or place of business of the said institution shall be in the village of Plainfield, and the books of the institution shall be open at all times to the inspection and examination of such person or persons as the legislature may from time to time appoint for that purpose.

Act to be favorably construed.

16. *And be it enacted*, That this act shall be, and is hereby declared to be, a public act, and the same shall be construed in all courts favorably and benignly for every beneficial purpose therein intended, and that no misnomer of the said institution in any deed, grant, devise, or other instrument of contract or conveyance, shall vitiate or defeat the same; *provided*, the institution shall be sufficiently described so as to

Proviso.

Proviso ascertain the intention of the parties; *and provided also*, that the legislature may at any time hereafter amend or modify this act.

Limitation. 17. *And be it enacted*, That this act shall continue in force thirty years, unless sooner repealed, and shall take effect immediately.

Approved April 22, 1868.

CHAPTER DLXVI.

An Act to incorporate the International Life Insurance and Trust Company.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Garret S. Boice, John Lamb, Blakeley Wilson, William B. Ranken, Thomas Taylor, Joseph M. Brown, Aaron C. Goodman, Stephen L. Fraleigh, Archibald K. Brown, James Cassedy and Hosea F. Clark, and all others who may become associated with them as stockholders as hereinafter provided, their successors and assigns forever, be and they hereby are created and made a body corporate and politic, for the purpose of life insurance and for the other

Name. purposes hereinafter mentioned, by the name of "The International Life Insurance and Trust Company," and by that name shall be and hereby are empowered to purchase, have, hold, possess and enjoy to themselves and their successors such lands, tenements, hereditaments, goods, chattels, and effects of every kind, as may be necessary to the transaction of the business of said company, and the same to grant, alien, sell, invest and dispose of; to sue and be sued, plead and be impleaded in all courts of justice; to have and use a common seal, and the same to renew and change at pleasure, and to ordain and put in execution such by-laws and regulations as they may deem proper for the well-ordering and government of said corporation and the transaction of its business; *always*

Proviso. *provided*, they be not repugnant to the laws of this state or of the United States, or to the provisions of this act of incorporation.

2. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, divided into shares of one hundred dollars each; but when one hundred thousand dollars shall have been actually subscribed and fifty thousand dollars paid in cash, the said company may organize and proceed to business under this act. Amount of capital stock.

3. *And be it enacted*, That the capital stock of said corporation shall be transferable according to the rules and regulations of the company, to be expressed in their by-laws; and if any subscriber of any share or shares of said stock shall, after the payment of his subscription installment as hereinafter provided for, neglect or refuse to pay for, or to secure the payment of the residue of the stock by him subscribed, for the space of sixty days after the same shall become due or required, and after he shall have been notified thereof, the stock of such negligent stockholders shall be sold by the directors at public auction. giving at least twenty days' notice thereof in some newspaper printed in Hudson county, New Jersey, said notice to be printed at least once in each week during said period of twenty days; and the proceeds of such sale be first applied in payment of the installment called for if the whole be not due, and in payment of the expense of such sale, and the balance, if any, shall be refunded to the owner of said stock; and such sale shall in all respects entitle the purchaser to all the rights of a stockholder to the extent of the shares so bought. Payment of installments.

4. *And be it enacted*, That said corporation is authorized and empowered to make insurances, predicated upon the lives of persons, and on such terms and conditions as shall be from time to time ordered and provided for by the by-laws of said corporation; and to make contracts upon any and all conditions appertaining to or connected with life risks, of whatever kind or nature, and policies may be issued, stipulated to be with or without participation in profits by the insured. May insure lives.

5. *And be it enacted*, That policies may be issued by the said company to any married woman in her name, or in the name of a third person as trustee, to cause to be insured the life of her husband for any given period, or for the term of his natural life; and in case of her surviving her husband the sum or net amount of insurance shall be payable to her for her sole use and benefit, free from any claims of either or any of the creditors or representatives of her husband; and in case of the death of the wife before the decease of the hus- Married woman may insure life of her husband.

band, the amount of the insurance may be made payable after her death to her child or children for his, her or their benefit, or their guardian or guardians if under age.

Creditors of husband not to be benefitted.

6. *And be it enacted*, That policies of insurance issued by said company on the life of any person, expressed to be for the benefit of a married woman, whether the same be effected by herself or her husband, or by any other person in her behalf, shall ensure to her separate use and benefit, and that of her or her husbands children, if any, as may be expressed in said policies, independently of her husband and his creditors and representatives, and also independently of any other person effecting the same in her behalf, his creditors and representatives.

Child may insure life of parent.

7. *And be it enacted*, That it shall be lawful for any child by himself or herself, and in his or her name, or in the name of any third person, as his or her trustee or guardian, to cause to be insured for his or her sole use, the life of his or her parent, and the sum or net amount of the insurance becoming due and payable by the terms of the insurance, shall be payable to him or her, and for his, her or their own use, free from the claims of the representatives of his or her parent, or any of his, her or their creditors.

Affairs to be managed by a board of directors.

8. *And be it enacted*, That the office of the company shall be located in the city of Jersey City, and the stock, property, and affairs of said corporation shall be managed and conducted by no less than seven nor more than nine directors, a majority of whom shall reside in this state, and after the first year of the organization of this company, are all to be chosen by ballot from among and by the stockholders, which directors, as also those of the first year, shall hold their offices until the first Tuesday in January next ensuing their election or appointment, and until others are chosen to supply their places; and the annual meeting for the choice of directors shall be holden at the city of Jersey City, on the first Tuesday in January, or on such other day of the month of January as shall be determined by the by-laws of the said corporation; in the choice of directors as aforesaid each stockholder present, or represented by his attorney, shall be allowed one vote for each and every share of stock then held by him, and none but stockholders shall be eligible to the office of director, and a majority of said directors shall constitute a quorum for the transaction of business; dividends of profits to stockholders may be made in January and July of each year.

9. *And be it enacted*, That if it shall so happen that an election of directors of said corporation shall not be held at the time of the annual meeting thereof in any year, said corporation shall not be dissolved thereby, but an election may be had at any time within one year thereafter, the time to be designated, and notice thereof given by the directors; and public notice by order of the directors shall always be given at least ten days previous to any meeting of the stockholders, in a newspaper printed in Hudson county, and in such other way as may be deemed expedient by the directors; and the president shall have power to call special meetings of the stockholders, whenever requested so to do by a majority of the directors. Failure to elect directors not to work a dissolution.

10. *And be it enacted*, That to carry out the provisions of this act, and to organize the said corporation, Aaron C. Goodman, Noah D. Taylor, Stephen L. Fraleigh, be and they hereby are appointed commissioners for the purpose of receiving subscriptions to the capital stock thereof, and the first installment thereon, and as such are hereby authorized to receive such subscriptions, and to close the subscription books of said company when the said capital stock shall be fully subscribed, or in case the capital stock shall be over subscribed, to distribute and apportion the same among subscribers, as the said commissioners shall deem proper, and each subscriber, at the time of his subscribing, shall pay to the aforesaid commissioners, ten per centum of the entire amount of his subscription, and the residue to become due at such times and in such sums or installments as the board of directors shall determine; and the persons first herein named shall constitute the first board of directors, who shall hold their offices, with all the powers given to directors by this act, until others are chosen to supply their places; the directors shall adopt such by-laws, rules and regulations as may be necessary and convenient for commencing and carrying on business under this act. Commissioners to receive subscriptions.

11. *And be it enacted*, That the directors may choose a president, vice president and secretary of their corporation, and appoint such other officers, clerks and agents, and establish such agencies as shall be by them deemed advisable for conducting the business of the company; fix their compensations, and take bonds from any or all of them for the faithful performance of their duties, and make such covenants and agreements as may be deemed necessary; the president and Powers of directors.

vice president shall be chosen from among the directors, and shall hold their appointment for one year and until others are chosen to supply their places, but the other officers, clerks and agents of said company may be displaced and new ones appointed at the pleasure of the directors; in the absence or disability of the president the vice president shall preside, and if both are absent or disabled, the directors may choose a president pro tempore; and in case any vacancy shall occur in the board of directors, the remaining directors may choose a director or directors from among the stockholders to fill such vacancy, who shall hold their appointment until other are chosen to supply their places.

Policies of insurance.

12. *And be it enacted*, That all policies of insurance or other contracts, authorized by this act, may be made with or without the seal of said corporation, and shall be signed by the president and secretary, and being so signed and executed, shall be binding and obligatory upon said corporation according to the true intent and meaning of such policies and contracts, subject at all times to the by-laws of said company.

General powers.

13. *And be it enacted*, That the said company shall have power to guarantee the payment, punctual performance, and collection of promissory notes, bills of exchange, contracts, bonds, accounts, claims, rents, annuities, mortgages, choses in action, evidence of debt, and certificates of property or value, and the titles to property, real or personal, upon such terms as may be established by the board of directors of said company; to receive upon storage, deposit or otherwise, merchandise, bullion, specie, plate, stocks, bonds, promissory notes, certificates and evidences of debt, contracts or other property, except household furniture and wearing apparel, and to take the management, custody and charge of real and personal estate and property, and to advance moneys, securities and credits upon any property, real or personal, on such terms as may be established by the directors of said company; and that the capital stock and funds of said corporation may be invested and reinvested in, and loans made upon, bonds and mortgages on real estate within the state of New Jersey, and the bonds and stocks of said state and of the United States, and upon such other security as the board of directors may see proper; and that said corporation may receive, in addition to the interest upon such loans a commission for the transaction and making said loans.

14. *And be it enacted*, That suits at law may be maintained by any stockholder or person insured by said company against said corporation for losses or damages insured against by said corporation, if payment shall be withheld more than ninety days after the same shall be due and payable by the terms of the policy of insurance, or other contracts, and after said corporation shall have been duly notified of such loss or damage. Suit may be brought for non-payment.

15. *And be it enacted*, That this act may be altered, amended or repealed at the pleasure of the senate and general assembly.

Approved April 22, 1868.

JOINT RESOLUTIONS.

NUMBER I.

Relative to appropriation for procuring statues of Stockton and Kearney.

WHEREAS, by concurrent resolutions of the senate and general assembly of the state of New Jersey, unanimously passed on the thirtieth day of January, one thousand eight hundred and sixty-eight, Richard Stockton, one of the signers of the declaration of independence, and Major General Philip Kearney, late of the United States volunteer army, were designated as the illustrious Jerseymen, eminently worthy of national commemoration, whose statues in bronze or marble shall occupy the places reserved for New Jersey in the National Statuary Hall, at Washington, Preamble.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the state be authorized and directed to pay, under the direction of the committee hereinafter selected, or a majority of them, the sum of ten thousand dollars ($10,000,) or so much thereof as may be required to procure the statues above indicated, the civilian marble, the soldier bronze. Appropriation

2. *And be it resolved*, That a joint committee of three from the senate and five from the house of assembly (to be appointed by the presiding officer of each house) and of which the president of the senate and speaker of the house shall be one, be appointed to carry out the object above contemplated. Joint committee.

3. *And be it resolved*, That the committee or a majority of them shall make report in writing of their proceedings in the premises, at the meeting of the next legislature. Report to be made.

Approved March 18, 1868.

NUMBER II.

Relative to the salary of the late Providence Ludlam, Senator from the county of Cumberland.

Treasurer to pay salary to widow.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the salary of the late Providence Ludlam, who at the time of his decease represented the county of Cumberland in the senate of New Jersey, which would have accrued to him had he filled that position during the legislative session, is hereby ordered to be paid to the widow of the said senator, and that the treasurer of this state be authorized to pay, upon the warrant of the comptroller, the amount of such salary as ascertained and determined by the law governing and regulating the pay of members of the legislature.

Approved March 18, 1868.

NUMBER III.

Relative to the salary of the late Samuel Fowler, member from the county of Sussex.

Treasurer to pay salary to widow.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the salary of the late Samuel Fowler, who, at the time of his decease, represented the county of Sussex in the general assembly of New Jersey, which would have accrued to him had he filled that position during the legislative session, is hereby ordered to be paid to the widow of the said member of the general assembly, and that the treasurer of this state be authorized to pay, upon the warrant of the comptroller, the amount of such salary as ascertained and determined by the law governing and regulating the pay of members of the legislature.

Additional sum to be paid.

2. *And be it resolved*, That in addition to the above salary the treasurer of this state be directed to pay to the widow of

the said Samuel Fowler the sum of ($200) two hundred dollars.

Approved March 25, 1868.

NUMBER IV.

Withdrawing the consent of this State to the proposed Amendment to the Constitution of the United States, entitled article fourteen, and rescinding the joint resolution, approved September eleventh, anno domini eighteen hundred and sixty-six, whereby it was resolved that said proposed Amendment was ratified by the Legislature of this State.

The legislature of the state of New Jersey having seriously and deliberately considered the present situation of the United States, do declare and make known: That the basis of all government is the consent of the governed, and all constitutions are contracts between the parties bound thereby; that until any proposition to alter the fundamental law, to which all the states have consented, has been ratified by such number of the states as by the federal constitution makes it binding upon all, any one that has assented is at liberty to withdraw that assent, and it becomes its duty to do so, when, upon mature consideration, such withdrawal seems to be necessary to the safety and happiness of all; prudence dictates that a consent once given should not be recalled for light and transient causes; but the right is a natural right, the exercise of which is accompanied with no injustice to any of the parties; it has, therefore, been universally recognized as inhering in every party, and has ever been left unimpaired by any positive regulation. Preamble.

The said proposed amendment not having yet received the assent of the three-fourths of the states, which is necessary to make it valid, the natural and constitutional right of this state to withdraw its assent is undeniable.

With these impressions, and with a solemn appeal to the Searcher of all Hearts for the rectitude of our intentions, and under the conviction that the origin and objects of said pro-

posed amendment were unseemly and unjust, and that the necessary result of its adoption must be the disturbance of the harmony, if not the destruction, of our system of self-government, and that it is our duty to ourselves and our sister states to expose the same, do further declare:

That it being necessary by the constitution that every amendment to the same should be proposed by two-thirds of both houses of congress, the authors of said proposition, for the purpose of securing the assent of the requisite majority, determined to, and did, exclude from the said two houses eighty representatives from eleven states of the union, upon the pretence that there were no such states in the Union; but, finding that two-thirds of the remainder of the said houses could not be brought to assent to the said proposition, they deliberately formed and carried out the design of mutilating the integrity of the United States senate, and without any pretext or justification, other than the possession of the power, without the right, and in palpable violation of the constitution, ejected a member of their own body, representing this state, and thus practically denied to New Jersey its equal suffrage in the senate, and thereby nominally secured the vote of two-thirds of the said houses.

The object of dismembering the highest representative assembly in the nation and humiliating a state of the Union, faithful at all times to all its obligations, and the object of said amendment, were one: to place new and unheard of powers in the hands of a faction, that it might absorb to itself all executive, judicial and legislative power, necessary to secure for itself immunity for the unconstitutional acts it had already committed, and those it has since inflicted on a too patient people.

The subsequent usurpations of these once national assemblies, in passing pretended laws for the establishment in ten states of martial law, which is nothing but the will of the military commander, and therefore inconsistent with the very nature of all law, for the purpose of reducing to slavery men of their own race in those states, or compelling them contrary to their own convictions, to exercise the elective franchise in obedience to the dictation of a faction in those assemblies; the attempt to commit to one man, arbitrary and uncontrollable power, which they have found necessary to exercise to force the people of those states, into compliance with their will; the authority given to the secretary of war to use the name of the

president, to countermand the president's orders and to certify military orders to be "by the direction of the president," when they are notoriously known to be contrary to the president's direction, thus keeping up the forms of the constitution to which the people are accustomed, but practically deposing the president from his office of commander-in-chief, and suppressing one of the great departments of the government, that of the executive; the attempt to withdraw from the supreme judicial tribunal of the nation, the jurisdiction to examine and decide upon the conformity of their pretended laws to the constitution, which was the chief function of that august tribunal, as organized by the fathers of the republic; all, are but amplified explanations of the power they hoped to acquire by the adoption of the said amendment.

To conceal from the people the immense alterations of the fundamental law they intended to accomplish by the said amendment, they gilded the same with propositions of justice drawn from the state constitutions; but like all the essays of unlawful power to commend its designs to popular favor, it is marked by the most absurd and incoherent provisions.

It proposes to make it a part of the constitution of the United States, that naturalized citizens of the United States shall be citizens of the United States; as if that were not so without such absurd declaration.

It lodges with the legislative branch of the government the power of pardon, which properly belongs, by our system, to the executive.

It denounces, and inflicts punishment for past offences, by constitutional provision, and thus would make the whole people of this great nation, in their most solemn and sovereign act, guilty of violating a cardinal principal of American liberty: that no punishment can be inflicted for any offence, unless it is provided by law before the commission of the offence.

It usurps the power of punishment, which, in any coherent system of government, belongs to the judiciary, and commits it to the people in their sovereign capacity.

It degrades the nation, by proclaiming to the world that no confidence can be placed in its honesty or morality.

It appeals to the fears of the public creditors by publishing a libel on the American people, and fixing it forever in the national constitution, as a stigma upon the present generation, that there must be constitutional guards against a repudiation

of the public debt; as if it were possible that a people who were so corrupt as to disregard such an obligation would be bound by any contract, constitutional or otherwise.

It imposes new prohibitions upon the power of the state to pass laws, and interdicts the execution of such parts of the common law, as the national judiciary may esteem inconsistent with the vague provisions of the said amendment, made vague for the purpose of facilitating encroachments upon the lives, liberties and property of the people.

It enlarges the judicial power of the United States so as to bring every law passed by the state, and every principal of the common law, relating to life liberty, or property within the jurisdiction of the federal tribunals, and charges those tribunals with duties, to the due performance of which, they, from their nature and organization, and their distance from the people, are unequal.

It makes a new apportionment of representation, in the national councils, for no other reason than thereby to secure to a faction a sufficient number of the votes of a servile and ignorant race to outweigh the intelligent voices of their own.

It sets up a standard of suffrage dependent entirely upon citizenship, majority, inhabitancy and manhood, and any interference whatever by the state, imposing any other reasonable qualifications, as time of inhabitancy, causes a reduction of the state's representation.

But the demand of the supporters of this amendment in this state: that congress should compel the people of New Jersey to adopt what is called "impartial suffrage," makes it apparent that this section was intended to transfer to congress the whole control of the right of suffrage in the state, and to deprive the state of a free representation by destroying the power of regulating suffrage within its own limits, a power which they have never been willing to surrender to the general government, and which was reserved to the states as the fundamental principle on which the constitution itself was constructed, the principle of self-government.

This section, as well as all others of the amendment, is couched in ambiguous, vague and obscure language, the uniform resort of those who seek to encroach upon public liberty; strictly construed it dispenses entirely with a house of representatives, unless the states shall abrogate every qualification, and especially that of time of inhabitancy, without which the right of suffrage is worthless.

This legislature, feeling conscious of the support of the largest majority of the people that has ever given expression to the public will, declare that the said proposed amendment being designed to confer, or to compel the states to confer the sovereign right of the elective franchise upon a race which has never given the slightest evidence, at any time, or in any quarter of the globe, of its capacity for self-government, and erect an impracticable standard of suffrage, which will render the right valueless to any portion of the people, was intended to overthrow the system of self-goverment under which the people of the United States have for eighty years enjoyed their liberties, and is unfit from its origin, its object and its matter to be incorporated with the fundamental law of a free people; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the joint resolution approved September eleventh, anno domini eighteen hundred and sixty-six, relative to amending the constitution of the United States, which is in the following words, to wit:

"Joint Resolution ratifying the Amendment of the Constitu-
"tion of the United States.

"1. BE IT RESOLVED *by the Senate and General Assembly* Resolution ratifying amendment.
"*of the State of New Jersey*, That the amendment to the con-
"stitution of the United States proposed at the first session
"of the thirty-ninth congress, by a resolution of the senate
"and house of representatives of the United States of America
"in congress assembled, to the several state legislatures, be
"and the same is hereby ratified upon the part of this legis-
"lature, and made a part of the constitution of the United
"States of America, said amendment being in following
"words, to wit:

"ARTICLE XIV.

"SECTION 1. All persons born or naturalized in the United Fourteenth amendment.
"States, and subject to the jurisdiction thereof, are citizens
"of the United States, and of the state wherein they reside.
"No state shall make or enforce any law which shall abridge
"the privileges or immunities of citizens of the United States,
"nor shall any state deprive any person of life, liberty or

"property without due process of law, nor deny to any per-
"son within its jurisdiction the equal protection of the laws.

"SECTION 2. Representatives shall be apportioned among
"the several states according to their respective numbers,
"counting the whole number of persons in each state, ex-
"cluding Indians not taxed; but when the right to vote at
"any election for the choice of electors for president and
"vice-president of the United States, representatives in
"congress, the executive and judicial officers of a state, or
"the members of the legislature thereof, is denied to any of
"the male inhabitants of such state, being twenty-one years
"of age and citizens of the United States, or in any way
"abridged, except for participation in rebellion or other
"crime, the basis of representation therein shall be reduced
"in the proportion which the number of such male citizens
"shall bear to the whole number of male citizens twenty-one
"years of age in such state.

"SECTION 3. No person shall be a senator or representa-
"tive in congress, or elector of president or vice president,
"or hold any office, civil or military, under the United
"States, or under any state, who, having previously taken an
"oath as a member of congress, or as an officer of the United
"States, or as a member of any state legislature, or as an
"executive or judicial officer of any state, to support the
"constitution of the United States, shall have engaged in
"insurrection or rebellion against the same, or given aid or
"comfort to the enemies thereof; but congress may, by a
"vote of two-thirds of each house, remove such disability.

"SECTION 4. The validity of the public debt of the United
"States, authorized by law, including debts incurred for the
"payments of pensions and bounties for services in suppress-
"ing insurrection or rebellion, shall not be questioned; but
"neither the United States, nor any state, shall assume or
"pay any debt or obligation incurred in aid of insurrection
"or rebellion against the United States, or any claim for
"the loss or emancipation of any slave; but all such debts,
"obligations and claims shall be held illegal and void.

"SECTION 5. The congress shall have power to enforce, by
"appropriate legislation, the provisions of this article."

Resolution rescinded.

Be and the same is hereby rescinded, and the consent on behalf of the state of New Jersey to ratify the proposed fourteenth amendment to the constitution of the United States, is hereby withdrawn.

2. *And be it resolved*, That copies of the foregoing preamble and resolution, certified to by the president of the senate and speaker of the general assembly, be forwarded to the president of the United States, the secretary of state of the United States, to each of our senators and representatives in congress, and to the governors of the respectively states. Certified copies, to whom sent.

3. *And be it resolved*, That these resolutions shall take effect immediately.

Passed March 27, 1868.

NUMBER V.

Authorizing the State Treasurer to destroy certain blank and cancelled coupon bonds of the state of New Jersey.

WHEREAS, there are lying in the vault of the treasury a large number of blank coupon bonds of this state; and whereas, the said coupon bonds are issued by authority of the "Act authorizing a loan for war purposes, &c.," approved May tenth, eighteen hundred and sixty-one, and the supplement thereto, approved March twenty-fourth, eighteen hundred and sixty-three, and the whole amount authorized by said acts has been issued; and whereas, there are other coupon bonds issued by authority of an act entitled "A Further Supplement to 'An Act authorizing a loan for war purposes, &c.,'" approved April fourteenth, eighteen hundred and sixty-four, which have the signature of the late treasurer engraved on the coupons attached to said bonds; and whereas there are a number of cancelled coupon war bonds of New Jersey which have been substituted by registered bonds; therefore, Preamble.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the state treasurer be and he is hereby authorized to destroy the said blank and cancelled bonds under the supervision of the joint committee on treasurer's accounts, the said committee to give the treasurer a certificate stating the number and description of the bonds destroyed. Treasurer authorized to destroy blank and cancelled bonds.

Approved April 3, 1868.

NUMBER VI.

Directing the payment of Three Hundred Dollars for the Portrait of the late Major General Philip Kearney.

Treasurer to pay on warrant of the comptroller.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be directed to pay, upon the warrant of the comptroller, to William J. Roberts, three hundred dollars, in payment for his portrait of the late Major General Philip Kearney, which has been purchased by order of the house of assembly, and placed in the assembly chamber.

Approved April 3, 1868.

NUMBER VII.

Providing compensation to the Quartermaster-General for actual and unusual service.

Preamble.

WHEREAS, The salary of the quartermaster-general is now by law only one hundred dollars per annum; and whereas, he has been constantly engaged since the termination of the war as military state claim agent, in preparing, adjusting and prosecuting the claim of this state against the United States for advances made on account of recruiting and equipping troops for the United States service; and whereas, in the opinion of this legislature his services have been unusual and arduous, and of great advantage to this state in the successful manner in which the said claim has been prosecuted; therefore—

Additional compensation to quartermaster general.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the compensation provided for in the act entitled "An Act providing compensation to the Adjutant and Quartermaster-General for actual service," approved February twentieth, eighteen hundred and sixty-two, and the supplement thereto, approved March eighteenth, eighteen hundred and sixty-three, be paid to the quarter-

master-general by the treasurer, upon the warrant of the comptroller, from the period when the same was discontinued by law, until the thirtieth day of November, anno domini one thousand eight hundred and sixty-eight.

Passed April 7, 1868.

NUMBER VIII.

For the appointment of Commissioners relative to State Prison Discipline.

Names of commissioners, and their duties.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That Daniel Haines, Samuel Allinson and George F. Fort be and the same are hereby appointed commissioners, whose duty it shall be to examine into the system existing in the state prison, of this state, and similar institutions of other states, and to report to the legislature at its next regular session, by bill or otherwise, an improved plan for the government and discipline of the said prison, which plan shall have special regard to economy and the reformation of criminals; and also to report such suggestions or measures, bearing upon this subject, as to them shall seem fit and proper.

Appropriation for expenses.

2. *And be it resolved*, That a sum not to exceed five hundred dollars, be and the same is hereby appropriated, for the payment of the expenses of said commissioners, and that these joint resolutions shall take effect immediately.

Approved April 9, 1868.

NUMBER IX.

Authorizing the Comptroller and Treasurer to purchase a safe for the state securities.

Authority to purchase safe.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the comptroller and treasurer of this state are hereby authorized to purchase a fire and burglar proof safe, of sufficient capacity for the safe keeping of the bonds, mortgages and other securities belonging to the state, to be placed in the office of the treasurer, and that the expense thereof shall be paid by the treasurer upon a warrant drawn by the comptroller in the usual way.

2. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved April 14, 1868.

NUMBER X.

Authorizing the Comptroller to fit up suitable rooms for the use of the Commissioners of the Sinking Fund.

Preamble.

WHEREAS, the commissioners of the sinking fund have in their possession securities, vouchers, books and papers of great value and to a large amount, and are without a depository for the safe keeping of the same, or any convenient place for the transaction of their business, therefore,

Comptroller directed to procure safe.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the comptroller be directed to procure a proper safe and fit up some suitable room in the state house building, with plain and substantial furniture for the use of said commissioners, and that the expenses be paid by the treasurer, upon warrants drawn by the comptroller.

Approved April 16, 1868.

NUMBER XI.

In regard to the Chambers of the Senate and Supreme Court.

WHEREAS, The ventilation and heating of the chambers of the senate and supreme court are defective and insufficient; therefore, Preamble.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That such repairs and improvements in the ventilation and heating of said chambers be made, under the supervision of the president of the senate and chief justice of the supreme court respectively, as may be necessary to correct the deficiency therein; the bills for labor and materials to be duly audited, and to be paid upon the warrant of the comptroller. Repairs and improvements ordered.

Approved April 17, 1868.

PROCLAMATIONS.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

A Proclamation by Marcus L. Ward, Governor of the State of New Jersey.

WHEREAS, by the twenty-fourth section of the act of the Legislature of New Jersey entitled "An Act to establish and organize the State Reform School for Juvenile Offenders," approved April sixth, eighteen hundred and sixty-five, it is provided as follows, viz.: "That when the buildings and premises of the Reform School, authorized by this act, shall be prepared for the reception of pupils, the trustees shall, by resolution, inform the Governor thereof, upon which, shall issue his proclamation of the fact; and the provisions of this act in relation to commitments shall not go into effect until such proclamation be issued;" and whereas, the said trustees, incorporated by the said act under the name of "The Trustees of the New Jersey State Reform School," have, by resolution, informed me, as the Governor of the State, that the buildings and premises of the said Reform School are now so prepared for the reception of pupils.

Now, therefore, I, Marcus L. Ward, Governor of the State of New Jersey, by virtue of the authority in me vested, and in conformity with the provisions of the act of the Legislature entitled "An Act to establish and organize the State Reform School for Juvenile Offenders," do issue this my proclamation, and hereby proclaim and declare the fact that the buildings and premises of the Reform School, authorized by the said act, are now prepared for the reception of pupils, and that the

provisions of the said act in relation to commitments do go into effect from and after the date hereof.

Given under my hand and the great seal of the State of New Jersey, at Trenton, this twenty-eighth day of June, A. D. eighteen hundred and sixty-seven.

[L. S.]

MARCUS L. WARD.

By the Governor,
H. N. CONGAR, *Secretary of State.*

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

A Proclamation by Marcus L. Ward, Governor of the State of New Jersey.

WHEREAS, information has been communicated to me that on the sixteenth day of May last, in the township of North Brunswick, county of Middlesex and state of New Jersey, was found, murdered by some person or persons unknown, a stranger answering the following description: "black hair, short side whiskers, one front tooth broken, about five feet eight or ten inches in height; dress black cloth hat, made in sections, button at the top, black cloth sack coat, ribbed plain black cloth vest, black ribbed cloth pants, pink neck tie, drab woolen undershirt, grey mixed drawers,"

Now, therefore, I, Marcus L. Ward, governor of the state of New Jersey, by virtue of the authority in me vested by law, do issue this my proclamation, and hereby offer a reward of two hundred dollars, to be paid out of the treasury of this state, for the apprehension and conviction of each of the persons who committed the said crime.

Given under my hand and the great seal of the state of New Jersey, at Trenton, this nineteenth day of July, A. D. eighteen hundred and sixty-seven.

[L. S.]

MARCUS L. WARD.

By the Governor,
H. N. CONGAR, *Secretary of State.*

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

A Proclamation by the Governor of the State of New Jersey.

The past year has been filled with God's richest blessings upon us as a people and as a State. He has crowned it with His goodness, bounteous harvests, commercial and industrial prosperity; peace and health have prevailed throughout the land. For His great mercies our hearts should go forth in thanksgiving and praise to the Giver of all Good.

And while humbly acknowledging our dependence upon Him, let us implore His protection in the years that are to come; that the poor and the afflicted may be cared for; that the suffering and the bereaved may be comforted; that our people may become united in a spirit of loyalty, and that our State and country may be blessed with the freedom, intelligence and virtue, which alone can make them truly great and prosperous.

Now, therefore, I, Marcus L. Ward, Governor of the State of New Jersey, do hereby recommend that Thursday, the 28th day of November, instant, be observed by all the people of this State as a day of Thanksgiving and Praise; that, abstaining from all worldly employments, they assemble on that day in their usual places of public worship, to acknowledge their gratitude for the manifold blessings of our Heavenly Father, and humbly to ask a continuance of His divine favor.

Given under my hand and privy seal this fifth day
[L. S.] of November, A. D. eighteen hundred and sixty-seven.

MARCUS L. WARD.

Attest: WILLIAM L. DAYTON, Private Secretary.

Proclamation by the Governor.

WHEREAS, information has been communicated to me in due form of law that James Darling, of West New York, in the

township of Union, county of Hudson and state of New Jersey, was, on the twenty-first day of September last, at his own residence, murdered by some person or persons unknown,

Now, therefore, I, Marcus L. Ward, governor of the state of New Jersey, by virtue of authority vested in me by law, do issue this my proclamation, and hereby offer a reward of two hundred and fifty dollars, to be paid out of the treasury of this state, for the apprehension and conviction of each of the persons who committed the said crime.

Given under my hand and the great seal of the state of New Jersey, at Trenton, this thirty-first [L. S.] day of March, A. D. eighteen hundred and sixty-eight.

MARCUS L. WARD.

By the Governor,
H. N. CONGAR, *Secretary of State.*

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NOTE.

For the act to incorporate the Mercer Gold and Silver Mining Company, Chapter CCCXXVII½, see pages 848*a* and 848*b*, the copy not having been furnished the printer until the whole volume was in type, and too late to be properly indexed.