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ACTS

OF THE

SEVENTY-NINTH LEGISLATURE

ACCESSION NO. 33015

OF THE

RECEIVED

CATALOGUED

STATE OF NEW JERSEY,

AND

ELEVENTH UNDER THE NEW CONSTITUTION.



TRENTON:

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1855.

Miss Emily

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

CHAPTER I.

A further supplement to the act entitled, "An act to incorporate the Newark Mutual Fire Assurance Company," passed the fourth day of November, in the year of our Lord one thousand eight hundred and eleven.

1. BE IT ENACTED *by the Senate and General Assembly* Directors' may declare dividends. of the State of New Jersey, That it shall and may be lawful for the directors of the company, to whose charter this is a supplement, hereafter to declare dividends on the stock thereof, to any amount not exceeding ten (10) per cent. per annum; *provided*, that no dividends shall be declared which may reduce the capital below the sum of one hundred thousand dollars, any thing in the said act, or the supplements thereto, to the contrary notwithstanding.

WILLIAM C. ALEXANDER,
President of the Senate.

WILLIAM PARRY,
Speaker of the House of Assembly.

Approved January 25, 1855.

RODMAN M. PRICE.

CHAPTER II.

AN ACT to authorize the erection of a bridge over Coopers creek.

Board of
freeholders
authorized
to construct
bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of the county of Camden, and they are hereby required, as soon as conveniently may be after the passage of this act, to construct a good and sufficient bridge over Coopers creek, in said county, at the place where the new road, recently laid out from the Camden and Moorestown turnpike road, in the township of Delaware, to the Haddonfield and Camden turnpike road, in the township of Newton, crosses said creek; and that the under surface of said bridge shall be elevated, at least, nine feet above ordinary high water in said creek; and it shall, in other respects, be so constructed as to impair as little as practicable the navigation of said creek.

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

Approved January 25, 1855.

CHAPTER III.

A supplement to an act entitled, "An act to incorporate the Jersey Shore Improvement Company," approved March the third, eighteen hundred and fifty-four.

Capital stock
may be in-
creased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Jersey Shore Improvement Company are hereby authorized and empowered to increase their capital stock to any sum not exceed-

ing two millions of dollars, upon the same conditions, and subject to the same rules, regulations, provisions, and restrictions, as are provided in the act incorporating said company.

2. *And be it enacted*, That, for the purpose of improving their property, and carrying into effect the objects contemplated by their act of incorporation, the said Jersey Shore Improvement Company are hereby authorized and empowered to issue their bonds for a sum not to exceed three hundred thousand dollars, one half of which bonds, so issued, may be convertible into the capital stock of said company, at the election of the holder, at any time before the principal of said bonds shall become due; said bonds to bear any rate of interest not exceeding seven per cent. per annum; and the same may be disposed of, or sold by the said company, at any rate not less than ninety per cent. of their par value; and the same shall not be invalidated for usury, nor any person held to any penalty therefor; and, for securing the payment of said bonds, full power and authority is hereby granted to the said company to pledge or hypothecate, by way of mortgage, trust, or otherwise, the whole or any part of the property, franchises, and chartered rights of said company, and such pledge, hypothecation, mortgage, and trust shall be valid in law for securing the payment of the sums of money made payable by said bonds, with the interest accruing on the same; and in case default shall be made in the payment of the money so secured, or the interest accruing for the space of thirty days beyond the day whereon the same shall be due, the person or persons, body politic or corporate, their legal representatives, successors, or assigns, claiming under such pledge, hypothecation, bond, mortgage, or trust, may, by due process of law, acquire the title to, and have, hold, use, occupy, and enjoy all the property of said company, and the franchises and chartered rights of said company, and take and receive the rents, issues, profits, and advantages thereof, during the whole residue of the term for which the said company is chartered or incorporated, in as full and ample a manner as the stockholders of said company could or might

Company
authorized
to issue
bonds.

have used and enjoyed the same, subject, nevertheless, to all the restrictions, limitations, and conditions contained in the said act and in this supplement; and any deed by which any pledge, hypothecation, mortgage, or trust shall be created by virtue of this act shall be entered on record in the office of the clerk of the county of Hudson, the same having been first acknowledged or proved according to law.

Part of former act repealed.

3. *And be it enacted*, That so much of the seventh section of the act to which this is a supplement as is contained in the second proviso of said section, and which prohibits the said company, or their assigns, from improving, filling up, occupying, using, or enjoying "any lands lying under water, in the Hudson river, south of the northerly line of the tract of land claimed by the grantees of Nathaniel Budd, in said river," be and the same is hereby repealed, provided the consent, in writing, of the said grantees be first obtained.

Approved January 30, 1855.

CHAPTER IV.

AN ACT to incorporate the Stockton Land Association.

Preamble.

WHEREAS it is represented that Martin E. Harmsted, William D. Hicks, John S. Read, Isaac W. Mickle, Thomas M. K. Lee, Jacob H. Sides, John B. Mickle, Benjamin M. Braker, Datus Drury, James M. Cassady, Edmund E. Read, William H. Yeaton, Benjamin D. Cooley, Benjamin Browning, John Ross, Matthew Miller, junior, Grundy Hindle, Isaac McGonegal, P. J. Mahan, Joseph C. Delacour, Henry Keeler, Joseph Wagner, Rachel B. Hill, Elias H. Hicks, John Cooper, Benjamin A. Hamell, Richard T. Ackley, George Weldon, Thomas V. More-

land, Peter A. Bleyler, Nathan Davis, junior, William G. Low, Othniel H. Taylor, Sylvester Birdsell, George W. Watson, William R. Kaighn, William Pinyard, E. H. Hayhurst, John Cummings, Cornelius P. Vanderveer, Robert Hatrick, Thomas H. Colhower, Z. V. Colhower, Cyrus W. Voss, Samuel Briggs, James McDonald, Jonah Harpel, Joseph Trimble, Edward T. Miller, William B. Watkins, Thomas R. Searle, Robert M. Patterson, John F. Norcross, John A. J. Sheets, B. Sprague, Alfred W. Test, Cooper P. Knight, Isaac Lloyd, and Leander N. Ott are the owners of a tract of land, containing about twenty-five acres, situate in the vicinity of the town of Stockton, in the township of Newton, in the county of Camden, and state of New Jersey, and have laid out the same into building lots and streets, with the view of extending said town, and of improving said premises, and selling the same; and whereas it is indispensable that no obstacle should exist to the making of good and sufficient titles for said lots, by reason of death or other causes affecting the individuals owning or who may own said land—therefore,

1. BE IT ENACTED *by the Senate and General Assembly* ^{Names of} *of the State of New Jersey*, That Martin E. Harmsted, ^{corporators.} William D. Hicks, John S. Read, Isaac W. Mickle, Thomas M. K. Lee, Jacob H. Sides, John B. Mickle, Benjamin M. Braker, Datus Drury, James M. Cassady, Edmund E. Read, William H. Yeaton, Benjamin D. Cooley, Benjamin Browning, John Ross, Matthew Miller, junior, Grundy Hindle, Isaac McGonegal, P. J. Mahan, Joseph C. Delacour, Henry Keeler, Joseph Wagner, Rachel B. Hill, Elias H. Hicks, John Cooper, Benjamin A. Hamell, Richard T. Ackley, George Weldon, Thomas V. Moreland, Peter A. Bleyler, Nathan Davis, junior, William G. Low, Othniel H. Taylor, Sylvester Birdsell, George W. Watson, William R. Kaighn, William Pinyard, E. H. Hayhurst, John Cummings, Cornelius P. Vanderveer, Robert Hetrick, Thomas Colhower, Z. V. Colhower, Cyrus W. Voss, Samuel Briggs, James McDonald, Jonah Harpel, Joseph Trimble, Edward T. Miller, William B. Watkins, Thomas R. Searle, Robert

M. Patterson, John F. Norcross, John A. J. Sheets, B. Sprague, Alfred W. Test, Cooper P. Knight, Isaac Lloyd, and Leander N. Ott, and their successors, shall be and they are hereby incorporated and made a body politic and corporate, in fact and in law, by the name of "the Stockton Land Association."

Amount of
capital stock.

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

Annual elec-
tion of di-
rectors.

3. *And be it enacted*, That the affairs of said company shall be managed by thirteen directors, to be chosen by the stockholders of said company, annually, on the second Monday in June, in such manner as by the by-laws of said company may be directed, who shall serve for one year and until others shall be chosen in their stead, notice of which said election shall be previously given for two weeks, at least, in some newspaper published in the city of Camden; the said directors shall from time to time elect a president from their body, and shall also elect and appoint such other officers as may be convenient and necessary; and shall have power to fill any vacancy that may occur in their own body until the next annual election.

First direct-
ors.

4. *And be it enacted*, That Martin E. Harmsted, William D. Hicks, John S. Read, Isaac W. Mickle, Thomas M. K. Lee, Jacob H. Sides, John B. Mickle, Benjamin M. Braker, Datus Drury, James M. Cassady, Edmund E. Read, William H. Yeaton, and Benjamin D. Cooley 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 herein before directed, shall be chosen in their stead.

5. *And be it enacted*, That as soon as the said company shall be organized, Benjamin Browning and John Ross, ^{Trustees to convey property.} who now hold the same in trust for the owners, shall convey to the said company, by their corporate name, the said tract of land and premises as aforesaid; and the said company are hereby further authorized to purchase and hold any other lands, adjoining or near to the said land mentioned in said preamble as aforesaid, which the said company may deem suitable and proper for the objects of said company.

6. *And be it enacted*, That the said company shall be, ^{Lands may be laid out into streets, &c.} and they hereby are authorized to improve all or any portion of the said lands, to be held or purchased by them as aforesaid, by erecting buildings, and laying out said lands into lots, streets, squares, blocks, lanes, alleys, or other divisions, and levelling, raising, and grading said streets, lanes, and alleys, and from time to time to sell and convey the said premises, or any part thereof, so divided and improved, to such purchasers as may respectively desire to purchase the same, upon such terms and conditions, and under such restrictions and limitations, as may be agreed upon.

7. *And be it enacted*, That the proceeds of the sales of ^{Proceeds of sales, how to be applied.} the lands of said company, or other funds that may arise, may be applied to the payment and discharge of any encumbrances or liens that may be on the lands of the company, or to the payment and discharge of any debts of the said company, or to the improvement of the said lands, or may be invested in bonds and mortgages, or other securities, for the benefit of the said company, or may be divided among the stockholders; *provided*, that no such division of ^{Proviso.} said assets shall be made until the debts of the company shall be paid.

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

Limitation.

9. *And be it enacted*, That this act shall go into effect immediately, and shall not continue in force longer than twenty years; and the legislature may alter, modify, and repeal the same, whenever, in their opinion, the public good requires it.

Approved February 6, 1855.

CHAPTER V.

AN ACT to authorize the construction of a draw or swing bridge over the Elizabethtown creek.

Freeholders
authorized
to build
bridge.

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 Essex to build and maintain, or permit to be built and maintained, a good and sufficient bridge over Elizabethtown creek, with a suitable draw or swing therein, of not less than fifty feet in width, which bridge shall be located at or near the foot of South street, at Elizabethport.

Penalty
for injuring
works.

2. *And be it enacted*, That if any person shall open the draw or swing of said bridge, and leave the same open for more than fifteen minutes, when the same is not absolutely necessary for the passage of a vessel or boat through the same, or if any person shall cut, remove, or destroy any piece of timber, draw, swing, post, or pile, or shall remove any iron or stone work belonging to said bridge, or abutment thereof, or otherwise wilfully damage, or cause to be damaged, the said bridge, or any part thereof, he or she so offending shall, for every offence, forfeit and pay the sum of twenty dollars, over and above the damage done to the said bridge, or any part thereof, to be recovered in an action of debt, before any court of competent jurisdiction, with costs of suit, by any person who shall sue for the

same, one half of said sum for the use of the prosecutor, and the other half to the collector of the county of Essex, for the use of the said county.

3. *And be it enacted*, That in case it shall become necessary for the protection of the said bridge, and the accommodation of persons and vehicles passing over, or of vessels or boats passing through the same, to have the said bridge put in the special care of some suitable person or corporation for that purpose, then and in that case it shall be lawful for the said board of chosen freeholders for the time being to make such contract and regulations as they shall deem necessary for the better protection and accommodation of the same, provided they be in accordance with the preceding sections of this act.

Freeholders authorized to make regulations for protection of bridge.

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

Approved February 6, 1855.

CHAPTER VI.

A supplement to an act entitled, "An act to authorize the trustees of the Woodbury Methodist Episcopal Church to sell a part of their church lot," approved March second, eighteen hundred and fifty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Woodbury Methodist Episcopal Church, in the township of Deptford, in the county of Gloucester, and state of New Jersey, be and they are hereby authorized to sell such portion of the easterly end of their lot in Woodbury, as may not be needed for the purposes of the society, and to make and execute a good and sufficient conveyance in the law for the same.

Trustees authorized to sell part of church lot.

Record of
proceedings
to be made.

2. *And be it enacted*, That the said trustees shall cause to be entered on their book of minutes a correct statement of all their proceedings under this act, of the moneys received for the sale of said lot, and of the expenses attending the same.

Approved February 6, 1855.

CHAPTER VII.

AN ACT to incorporate the Bordentown Reservoir and Water Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Mahlon Hutchinson, George B. Raymond, Daniel S. Mershon, junior, Samuel C. Taylor, Whitall Stokes, John F. R. Combs, Jacob Ford, and William Steele, and their associates, and all other persons who shall become subscribers to the capital stock hereby created, and their successors, shall be and they are hereby incorporated and made a body politic and corporate, in fact and in law, by the name of "the Bordentown Reservoir and Water Company."

Amount of
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 fifty thousand dollars, which shall be divided into shares of twenty-five dollars each, and paid in by the stockholders at such times, in such manner, in such instalments, and upon such notice as the directors of said company, by their by-laws or otherwise, may direct and appoint; and in case of the failure by any stockholder to pay his or her instalments at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and of all previous payments thereon, for the use

of the company; and such shares shall be deemed personal property, and be transferable in such manner as the said company, by their by-laws, may appoint; *provided*, that Proviso. notice in writing shall be given to each of the stockholders of the time when the shares are required to be paid in.

3. *And be it enacted*, That the above named persons, 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, in the borough of Bordentown, as they, or a majority of them, may think proper; giving notice thereof, at least ten days prior to the time for receiving subscriptions, by publishing the same, for ten days, in some newspaper published in the county of Burlington, and circulating in said borough, and also by setting up notices for said period in at least five public places in said borough; and that the said commissioners, or a majority of them, shall be authorized to declare what amount shall be paid on each share at the time of subscribing, and to appoint some suitable person from among them, as treasurer, to receive the same; and as soon as one hundred shares of said stock shall be subscribed, shall give like publication for a meeting of the stockholders to choose five directors, a majority of whom shall reside within the limits of the borough of Bordentown, and who shall hold their offices for one year and until others shall be elected. Commissioners to open books of subscription. Election of directors.

4. *And be it enacted*, That the said election shall be certified by the said commissioners, or a majority of them, who shall thereupon deliver over to said directors the subscription books and moneys paid in, first deducting the expenses of the said commissioners, 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. Commissioners to deliver over moneys &c.

5. *And be it enacted*, That the affairs of the company shall be managed by five directors, to be chosen by the stockholders annually, at such time and place in said borough, in such manner, and upon such notice, as by the by-laws of said company may be directed, who shall serve for Directors to be chosen.

one year and until others are chosen in their stead; and the said directors shall, from time to time, elect a president from their body, and shall also elect and employ such other officers as they may deem convenient and necessary, and make all such by-laws, rules, and regulations as they may think proper, not inconsistent with the constitution or laws of this state or of the United States.

Company
may hold real
estate.

6. *And be it enacted*, That the said company shall have power to purchase and hold such real estate, and to construct, keep, and maintain such wells, reservoirs, aqueducts, pipes, water works, fixtures, and apparatus as may be necessary or useful to supply the borough of Bordentown with good and wholesome water, in quantities sufficient for all the purposes which may conduce to the safety of the borough of Bordentown, and to the health and comfort of the citizens.

Company
authorized
to lay down
pipes.

7. *And be it enacted*, That the company be and they hereby are authorized and empowered to lay pipes for conducting the water beneath the public streets, lanes, and alleys of said borough free of all charge, and to place such hydrants and fire plugs as may be necessary, subject to such regulations as the said company and the borough council of said borough may from time to time agree upon and adopt, the tapping of the mains and the insertion and placing of all branch pipes to be under the sole control of the said company, by such persons as they may employ and appoint.

Penalty
for injuring
works.

8. *And be it enacted*, That if any person shall wilfully and maliciously injure any of the said works of the said company, such person or persons shall forfeit and pay therefor, to the said company, double the amount of damages, to be recovered in an action of trespass on the case, in any court having cognisance thereof.

Company
authorized
to dispose
of water.

9. *And be it enacted*, That the said company may sell and dispose of the water to be conveyed by the pipes under such regulations, and upon such terms and conditions, as they may, by their by-laws, from time to time regulate and adopt.

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

immediately after the passage thereof, and that the legislature may alter or repeal the same, whenever, in their opinion, the public good shall require the same. Act may be amended.

Approved February 6, 1855.

CHAPTER VIII.

AN ACT to incorporate the Merchants Transportation Company
of the City of Trenton.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas J. Stryker, William G. Cook, Jonathan S. Fish, and their associates, proprietors of the lines of vessels plying through the Delaware and Raritan canal, between the city of Trenton and the cities of New York and Philadelphia, be and they are hereby made and created a body politic and corporate in law, by the name of "the Merchants Transportation Company," for the purpose of transportation by land and water, to, from, and between the places above named and intermediate places. Names of corporators.

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

3. *And be it enacted*, That, for carrying out the purpose mentioned in the first section, the said company may use the vessels and other property they now have, and may, from time to time, procure and use such additional vessels, Company may purchase property.

and such vehicles, motive power, and other personal property, as may be needed for carrying on the transportation business aforesaid; they may also purchase, hold, and convey so much real estate as may be necessary for the proper transaction of their business.

Election of
officers.

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

Books of ac-
counts to be
kept.

5. *And be it enacted*, That the office and records of the company shall be kept at the city of Trenton; that the directors shall at all times keep, or cause to be kept, at their office, proper books of account, in which shall be entered the transactions of said corporation, which books shall at all times be subject to the inspection of the stockholders of the company; and the president and a majority of the directors thereof shall at all times be residents of this state.

Restrictions
and condi-
tions.

6. *And be it enacted*, That the company created by this act shall have all the powers, and be subject to the restrictions and conditions, contained in the act entitled, "An act concerning corporations," approved February fourteenth, Anno Domini eighteen hundred and forty-six.

Approved February 6, 1855.

CHAPTER IX.

AN ACT to reorganize the courts of law.

1. BE IT ENACTED *by the Senate and General Assembly* Organization of supreme court. of the State of New Jersey, That the supreme court shall consist of a chief justice and six associate justices.

2. *And be it enacted*, That the state shall be divided into Districts. seven judicial districts: the first district shall include the counties of Cape May, Cumberland, Salem, and Atlantic; the second, the counties of Gloucester, Camden, and Burlington; the third, the counties of Mercer and Hunterdon; the fourth, the counties of Ocean, Monmouth, and Middlesex; the fifth, the counties of Morris, Sussex, and Warren; the sixth, the counties of Passaic, Bergen, and Hudson; the seventh, the counties of Essex and Somerset.

3. *And be it enacted*, That the justices of the supreme Districts to be assigned to judges. court shall, on or before the fourth day of July next, assign to each of their number one of the said districts; and thereafter the circuit court in each of the counties of the several districts shall be held by the justice to whom such district may be so assigned; *provided*, that if, from sickness or any Proviso. other cause, he should be prevented from holding any of said courts in his district, the same may be held by any other of said justices; *and provided further*, that a new Proviso. assignment may be made whenever the business of the courts may render it necessary.

4. *And be it enacted*, That the justices of the supreme Judges of supreme court to be judges of common pleas. court shall be ex officio judges of the inferior court of common pleas, and orphans court, and court of general quarter sessions of the peace, of the several counties; and the justice holding the circuit court in any county shall be the president judge of the court of common pleas, and court of general quarter sessions of the peace, and orphans court of said county.

5. *And be it enacted*, That after the fourth day of July Number of judges of common pleas. next, there shall be no more than three judges of the inferior court of common pleas in each county, exclusive of the

justice of the supreme court; and any two of the said judges may hold the orphans court and court of general quarter sessions of the peace; *provided*, that the judges of said court that may be in office on the first day of April next shall continue until their terms of office shall expire.

Terms of the courts.

6. *And be it enacted*, That after the fourth day of July next, the several regular terms of the respective courts, in and for the several counties, shall be held at the times following, and not otherwise, that is to say:

Cape May. CAPE MAY. In the county of Cape May, on the first Tuesday of April, September, and December, respectively.

Atlantic. ATLANTIC. In the county of Atlantic, on the second Tuesday of April, September, and December, respectively.

Salem. SALEM. In the county of Salem, on the fourth Tuesday of April, September, and December, respectively.

Cumberland. CUMBERLAND. In the county of Cumberland, on the second Tuesday of May, October, and January, respectively.

Gloucester. GLOUCESTER. In the county of Gloucester, on the first Tuesday of April, September, and December, respectively.

Burlington. BURLINGTON. In the county of Burlington, on the third Tuesday of April, September, and December, respectively.

Camden. CAMDEN. In the county of Camden, on the first Tuesday of May, October, and the second Tuesday of January, respectively.

Hunterdon. HUNTERDON. In the county of Hunterdon, on the second Tuesday of April, September, and December, respectively.

Mercer. MERCER. In the county of Mercer, on the fourth Tuesday of April and September, and the first Tuesday of January, respectively.

Monmouth. MONMOUTH. In the county of Monmouth, on the first Tuesday of April, September, and December, respectively.

Middlesex. MIDDLESEX. In the county of Middlesex, on the third Tuesday of April and September, and the fourth Tuesday of December, respectively.

Ocean. OCEAN. In the county of Ocean, on the first Tuesday of May and October, and the second Tuesday of January, respectively.

Sussex. SUSSEX. In the county of Sussex, on the first Tuesday of April, September, and December, respectively.

WARREN. In the county of Warren, on the third Tuesday ^{Warren.} of April and September, and the fourth Tuesday of December, respectively.

MORRIS. In the county of Morris, on the first Tuesday ^{Morris.} of May and October, and the third Tuesday of January, respectively.

BERGEN. In the county of Bergen, on the first Tuesday ^{Bergen.} of April, September, and December, respectively.

PASSAIC. In the county of Passaic, on the second Tues- ^{Passaic.} day of April and September, and the third Tuesday of December, respectively.

HUDSON. In the county of Hudson, on the first Tuesday ^{Hudson.} of May and October, and the second Tuesday of January, respectively.

SOMERSET. In the county of Somerset, on the first Tues- ^{Somerset.} day of April, September, and December, respectively.

ESSEX. In the county of Essex, on the fourth Tuesday ^{Essex.} of April and September, and the first Tuesday of January, respectively.

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

Approved February 9, 1855.

CHAPTER X.

AN ACT to confirm certain conveyances of lands lying in the township of Freehold, in the county of Monmouth.

WHEREAS a large number of lots and tracts of land lying ^{Preamble.} in the township of Freehold, in the county of Monmouth, have been sold, and the conveyances effected by the owners thereof, allotting the same amongst purchasers by lot or ballot, or by the purchasers making partition thereof amongst themselves by lot or ballot, and that it

Deeds, &c.,
made valid.

is desirable that the validity of titles made in that manner be established—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no grant, sale, or conveyance, heretofore bona fide made and executed for lands lying and being in the said township of Freehold, under and by virtue of or pursuant to an allotment in manner aforesaid, shall be deemed, held, or adjudged invalid and defective or insufficient in law, or avoided or prejudiced by reason that the same has or have been made in manner aforesaid; but all and every such grant, sale, deed of conveyance, and assurance, so made and executed as aforesaid, shall be as good, valid, and effectual in law for transferring, passing, and conveying the estate, right, title, and interest of such grantor or grantors of, in, and to the lands mentioned in the same, as if such sales and conveyances had been effected without such allotment as aforesaid.

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

Approved February 9, 1855.

CHAPTER XI.

AN ACT to authorize the subscription on the part of the state to a new edition of Elmer's Digest of the Laws.

Secretary of
state author-
ized to sub-
scribe for
work.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the secretary of state be authorized to subscribe for one thousand copies of the new edition of Elmer's Digest of the Laws of New Jersey, as proposed to be published by John T. Nixon, esquire; *provided*, that the work shall, in all respects, correspond with the proposals laid before the legislature; *and provided*, he can obtain the same at the rate of five dollars per copy.

Proviso.

2. *And be it enacted*, That the sum of five thousand dollars is hereby appropriated to pay for the said copies, when the same shall be delivered complete. Amount of 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 clerks, surrogates, and boards 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 of the present legislature, each, one copy of the said digest. Distribution of copies.

Approved February 9, 1855.

CHAPTER XII.

AN ACT to authorize William Bailey, senior, to sell certain real estate, late of Jedediah Ewell, deceased.

WHEREAS Jedediah Ewell, late of Deptford township, in the county of Gloucester, died leaving a last will and testament, which was duly proved and recorded in the surrogate's office of Gloucester aforesaid, in which, among other things, he devised the use and profits of a certain farm, whereon he then dwelt, and also two lots of meadow, near Delaware river, and adjoining Woodbury creek, to his wife, Ann Ewell, during her natural life, and after her death to be sold, and the moneys arising from the sale to be divided among the relations of the said testator; but if the said Ann Ewell should be delivered of a child within lawful time after his death, then and in that case the said child was to be considered as his heir in fee simple of all his lands and real estate, whatsoever and wheresoever; and whereas the said Ann Ewell having departed this life without leaving issue, and being sole executrix of said will, and no provision Preamble.

being made in said last will and testament, or authority given to any person or persons to carry into effect the said last will and testament, by selling and disposing of the lands so as aforesaid devised to be sold, and Leven Denstan and John Denstan, the former the husband, and the latter the son of Pamela Denstan, and William Hayes and Peter L. Kerns, in behalf of their wives, Mary Ann Hayes and Pamela Kerns, children and heirs of the said Pamela Denstan, one of the legatees named in the said will, and now deceased, having petitioned the legislature for a law authorizing and appointing William Bailey, senior, trustee to carry into effect the said last will and testament—therefore,

Trustee authorized to sell farm.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Bailey, senior, be and he is hereby appointed a trustee, with full power to sell and convey the said farm or plantation and two lots of meadow land and real estate of the said Jedediah Ewell, deceased, as was, in and by the last will and testament of said deceased, directed to be sold for the highest sum or sums of money the same will bring, and for the same to execute and deliver, in due form of law, in his own name as trustee aforesaid, a good and sufficient deed of conveyance, according to the estate, right, title, and interest which the said Jedediah Ewell had in the same at the time of his death, and which sale, so made and confirmed by deed, shall entitle the purchaser to all the estate, right, title, claim, interest, and demand which the said Jedediah Ewell, deceased, had in the premises at the time of his death, and which the heirs of the said Jedediah Ewell, deceased, now have in and to the same.

Trustee to pay over balance of proceeds of sale.

2. *And be it enacted*, That the said trustee shall keep a fair account of the sale so made by him under this act, and, after deducting all legal costs and expenses, to be allowed by the orphans court of the county of Gloucester, to pay over the whole amount of the balance arising from such sale to the respective legatees, agreeably to the direction and according to the true intent and meaning of the testament and last will of the said Jedediah Ewell, deceased.

3. *And be it enacted*, That before the said William Bailey, senior, engage in the trust assigned him by this act, he shall enter into bond to the governor of this state, in such sum and with such security as the judges of the orphans court for the county of Gloucester shall approve, conditioned for the faithful performance of the said trust, which bond shall be deposited in the surrogate's office of the county of Gloucester. Trustee to give bond.

4. *And be it enacted*, That the said William Bailey, senior, shall, within six months after the sale of said land and real estate, make, subscribe, and exhibit, under oath or affirmation, to the surrogate of the county of Gloucester a true statement of the amount of such sale, to be by him recorded and filed; and the said William Bailey, senior, his executors and administrators, shall be accountable for all moneys received by him, them, or either of them, by virtue of this act; *provided always*, that no sale or conveyance of the lands or tenements of the said deceased, made under this act, shall affect the rights of any person or persons, other than the heirs and devisees of the said Jedediah Ewell, deceased, and their legal representatives. Amount of sale to be filed and recorded. Proviso.

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

Approved February 9, 1855.

CHAPTER XIII.

AN ACT increasing and defining the powers of the Rifton Manufacturing Company, in certain particulars.

WHEREAS "the Rifton Manufacturing Company," a corporation under the laws of this state, are authorized to manufacture, at Rifton, in the county of Warren, any article of wool, cotton, hemp, flax, and other materials, Preamble.

among which is iron; and whereas it may be found necessary and convenient, in extending the raceway of said company, and in carrying on to advantage their business in the manufacture of the articles as aforesaid, to enter and encroach upon certain lands not already belonging to said company, and also to acquire certain mines and other real estate proper and convenient for the carrying on of their business as aforesaid—therefore,

Company
authorized
to extend
raceway.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Rifton Manufacturing Company, in addition to the powers already vested in them, to extend their present raceway from the eddy above the rift, known as Little Rift, to some convenient point between said eddy and the foot of the eddy below the rift, known as Foul Rift, using the water where deemed expedient; and if it shall be deemed expedient by the said company, in extending the said raceway, with its embankments, or in repairing the same, to encroach upon or use any land or materials, not already belonging to them, they may proceed to acquire such land and materials, by purchase from the owner or owners thereof, and to hold the same in fee.

Company
may purchase
and hold real
estate.

2. *And be it enacted*, That it shall be lawful for the said the Rifton Manufacturing Company to purchase, work, and improve any mines, mineral rights, and other real estate necessary or convenient for the carrying on to advantage of the business of the said company, and to hold the same in fee, and to issue stock to the necessary amount, for the full or part payment for the same, with the improvements; and, with the consent of a majority in interest of the stockholders, to borrow money, from time to time, for the uses and objects of said company, and secure the payment of the same by bond and mortgage on the lands, privileges, franchises, and appurtenances of said company, or otherwise, with interest at a rate not exceeding seven per centum per annum.

Approved February 9, 1855.

CHAPTER XIV.

AN ACT to establish a state normal school.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That there shall be established, as herein after provided, a normal school, or seminary, for the training and education of teachers in the art of instructing and governing the common schools of this state; the object of which normal school, or seminary, shall be the training and education of such teachers, as shall be received in the manner herein after provided, in such branches of knowledge, and the best methods of teaching and governing, as will qualify them for teachers of our common schools. Establishment of normal school authorized.

2. *And be it enacted*, That there shall be nominated by the governor, and appointed by him, with the advice and consent of the senate, ten trustees of said normal school, two from each congressional district in the state, who shall hold their offices, respectively, for two years, except that, at the first meeting of said board of trustees, it shall be determined by lot, or otherwise, which of the members from each district shall hold for one year, and which for two years; and annually thereafter, five trustees shall be appointed, in the manner aforesaid, to supply the vacancies so occurring, and the state superintendent of public schools, ex officio, shall be a member of the said board. Appointment of trustees.

3. *And be it enacted*, That the expenses, necessarily incurred by the said trustees, in the discharge of their duties, shall be defrayed out of the funds herein after appropriated for the support of said schools, and they shall receive no compensation for their services. Expenses, how defrayed.

4. *And be it enacted*, That to the said board of trustees shall be committed the location of said school, the application of the funds for the support thereof, the appointment of teachers, and the power of removing the same, the power to prescribe the studies and exercises of the school, rules for its management, and granting diplomas; and they shall report, annually, to the legislature their own doings Duties and powers of trustees.

and the progress and condition of the school; and the said trustees are hereby authorized to change the location of said normal school, from time to time, as they deem best for the interests of said school and the accommodation of the pupils in the different parts of the state, provided suitable buildings and fixtures are furnished without expense to the state.

Location of
school.

5. *And it be enacted*, That if no suitable buildings and fixtures are offered for the location of said school without expense to the state, then the said board of trustees are authorized and empowered to hire, at a reasonable expense, and to cause to be fitted up in some convenient location, easy of access to all parts of the state, a building or buildings which shall afford the necessary accommodation for the exercises of said school; the engagement of such building or buildings shall be for five years, at the expiration of which time the said normal school shall cease, unless its continuance shall be provided for by a succeeding legislature.

Number of
pupils.

6. *And be it enacted*, That the number of pupils shall not exceed two hundred and forty, or in the proportion of three for each member of the senate and general assembly; and each county shall be entitled to fill three times as many seats in the school as it has representatives in the legislature; the town superintendents, school committees, or boards of education of each township or city, shall be requested to forward to the board of trustees of the normal school, annually, the names of four persons, two male and two female applicants, for admission to said school, whom the said superintendents or school committees, or boards of education, shall certify as persons in good health, and of proper moral qualifications as teachers, which applicants shall have given to the said town superintendents, school committees, or boards of education, a written declaration, signed with their own hands, that their object in seeking admission to the school is to qualify themselves for the employment of common school teachers, and that it is their intention to engage in that employment in this state, for at least two years; and the said applicants shall be recom-

mended to the trustees by the town superintendents, school committees, or board of education, as suitable persons, by their age, character, talents, and attainments, to be received as pupils of the normal school.

7. *And be it enacted*, That before the opening of each term of the normal school, of which time due notice shall be given, the board of trustees shall proceed to examine such applicants, and to give certificates of admission to the school to such as appear to be possessed of the proper qualifications, to such number as each county may be entitled to, and certificates of admission, numbered in such way as the board of trustees may agree upon, which shall entitle the holder thereof to occupy seats which are not occupied as herein after named.

8. *And be it enacted*, That if, at the time appointed for the examination of said applicants, there should not be as many applicants as the county may be entitled to have members of the school, who in the judgment of the trustees have the proper qualifications of moral character, good health, and talents, then the trustees shall give notice to the town superintendent, school committees, or boards of education, aforesaid, to appoint one or more persons, as may be necessary, in place of the persons rejected by said trustees; and in case of failure so to do for one month after such notice, then the said trustees may select, by lot or otherwise, from the applicants from other counties such as have the certificates of admission; and if at any time in the term the seat of any pupil shall become vacated under such rules and regulations as the board of trustees may adopt, then an appointment to such vacant seat may be sent to some applicant not hitherto accommodated.

9. *And be it enacted*, That the board of trustees shall appoint and procure the number of teachers which may be necessary to carry out, in the best and highest sense, the purposes and designs of this act, and shall furnish, for the use of the pupils, the necessary apparatus and text books, so far as the funds, hereafter to be named and appropriated for the support of the school, will allow; and the tuition and all the privileges of the normal school shall be gratuitous.

Trustees to
make provi-
sion for a
model school

10. *And be it enacted*, That the board of trustees are authorized to make provisions for a model public school, under a permanent teacher approved by them, in which the pupils of the normal school shall have opportunity to practise the modes of instruction and discipline inculcated in the normal school.

Annual ap-
propriation.

11. *And be it enacted*, That, for the support of the normal school, and to carry out the purposes and designs of this act, in a manner worthy of the state of New Jersey, there is appropriated hereby the annual sum of ten thousand dollars, for five successive years, to be paid out of the treasury of this state, upon the warrant of the governor.

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

Approved February 9, 1855.

CHAPTER XV.

A supplement to the act entitled, "An act to renew and reëstablish an act to incorporate the Passaic Water Company," approved February thirteenth, eighteen hundred and forty-nine, and supplemental thereto, approved February ninth, eighteen hundred and fifty-four.

Company
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 said Passaic Water Company, from time to time, to borrow such sums of money as may be necessary to construct and complete the works of the said company, with the appendages thereto, authorized by the act to which this is a supplement, and to issue their bonds, at such rates of interest as may be stipulated, and to sell the same on the best procurable terms, without invalidation thereof by virtue of any statute against usury; and for securing the payment of the

same, full power and authority is hereby granted to the said company to pledge or hypothecate, by way of mortgage, trust, or otherwise, the whole or any part of the works of said company, now or hereafter to be owned by said company, together with all the privileges, appendages, and appurtenances of said water company, and also all the franchises and chartered rights of said company; and such pledge, hypothecation, trust, and bond and mortgage shall be valid in law for securing the payment of any sum or sums of money borrowed, with the interest thereon accruing, which the same may be given to secure; and in case default shall be made in the payment of any moneys so borrowed and secured, the person or persons, body politic or corporate, their legal representatives, successors, or assigns, claiming under such pledge, hypothecation, bond, mortgage, or trust, may, by due process of law, acquire the title to have, hold, use, occupy, and enjoy the said water works and appendages, with the privileges, appendages, and appurtenances to the same belonging, and all the property of said company and the franchises and chartered rights aforesaid, and take and receive the tolls, rents, issues, and profits and advantages thereof, during the whole residue of the term for which the said company is chartered or incorporated, in as full and ample a manner as the stockholders of said company could or might have had, used, and enjoyed the same; subject, nevertheless, to all the restrictions, limitations, and conditions contained in the act incorporating said company, and the supplement thereto; and any deed, by which any pledge, hypothecation, mortgage, or trust shall be created by virtue of this act, shall be entered on record in the office of the clerk of the county of Passaic, the same first having been acknowledged or proved according to law.

Approved February 9, 1855:

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CHAPTER XVI.

A further supplement to the act entitled, "An act to incorporate the Sussex and Warren Railroad Company," approved February twenty-first, eighteen hundred and fifty-one.

Notices to be published.

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

Corporation may subscribe for stock.

2. *And be it enacted*, That it shall and may be lawful for any corporation, except banks and savings institutions duly organized by virtue of any law of this state, to subscribe for, purchase, and hold the stock and bonds of the said railroad company.

Quorum.

3. *And be it enacted*, That a majority of the directors of said company shall be a quorum, and competent to transact any business of said company.

Approved February 9, 1855.

CHAPTER XVII.

AN ACT to incorporate the Fairmount Cemetery Association of the City of Newark.

Names of corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Joseph A. Halsey, Preserved H. Porter, Alfred L. Dennis, Jesse Baldwin, Samuel H. Pennington, John Annin, Elihu Day, David A. Hayes, James G. Barnet, Lyndon A. Smith, Peter Jacobus, Joseph N. Tuttle, Roswell Van Buskirk, Cornelius J. Jacobus, George Lewis, Benjamin Olds, Charles A. DeHart, James

Tucker, William Garthwaite, William A. Myer, George F. Tuttle, Frederick H. Smith, John Taylor, William Shugard, Aaron Carter, junior, Charles S. Macknet, Moses Bigelow, Demas Colton, junior, Robert Nichols, William M. Lewis, Stephen R. Haines, and Gabriel Grant, be and are hereby constituted a body politic and corporate in law, by the name of "the Fairmount Cemetery Association of the City of Newark," 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, to hold and convey real and personal estate, as herein after mentioned, and to do all such other things as are incident to a corporation and necessary for the purposes of this act.

2. *And be it enacted*, That the said corporation shall have power to take and hold in fee the whole, or such part as may be deemed necessary, of a tract of land, containing about seventy-three acres, situate in the sixth ward of said city, on the northerly side of South Orange avenue, and adjoining lands of John Fountain, Joseph Nichols, and others, and now contemplated by the parties aforesaid for such cemetery, together with such other adjacent lands, which the said corporation may add thereto for the purpose, but not exceeding in the whole one hundred acres, and that the said corporation shall hold such lands for the purposes herein after mentioned, viz: to survey such parts of said land as may from time to time be needed; and subdivide the same into lots or plats, with suitable avenues, paths, alleys, and walks, and to file in the clerk's office of the county of Essex a map or maps of such surveys; and also to improve or embellish such lands, and erect thereon and preserve any buildings, structures, fences, or walks erected; or to be erected; upon the lands of such cemetery association, or upon the lots or plats of any of the proprietors; and to repair, preserve, erect, or renew any tomb, monument, gravestone, fence, railing, or other erection in or around any cemetery lot or plat, and to plant and cultivate trees, shrubs, and flowers in or around any such lot or plat; and improve or embellish such cemetery, or any of the lots or plats, in any other manner or form consistent with the design and purposes of the association.

Managers of
association.

3. *And be it enacted*, That the management of the affairs and property of the said corporation shall be confided to Joseph A. Halsey, Samuel H. Pennington, John Annin, Elihu Day, James G. Barnet, Gabriel Grant, Joseph N. Tuttle, Roswell Van Buskirk, David A. Hayes, George Lewis, James Tucker, Aaron Carter, junior, and Charles S. Macknet, of whom seven shall be a quorum for the transaction of the business of the association; that the first meeting of the managers shall be held at the directors' room of the Newark Library Association, in said city, on the second Wednesday in February next, at three o'clock in the afternoon; and that the said managers and their successors, to be appointed as herein after provided for, shall have power to fill any vacancy that may occur in their number, by the reason of the death, resignation, neglect, or refusal to act of any such manager; and the said managers shall annually appoint a president, secretary, and treasurer, to hold their places during the pleasure of the board.

Corporation
authorized
to sell lots.

4. *And be it enacted*, That the said corporation may execute and deliver certificates to the vendors of the land herein before particularly described for their respective proportions of the consideration or purchase money which they may severally be entitled to receive for said lands; and that the said corporation may sell and convey lots in fee in said cemetery, but only for the purposes contemplated in this act, and on such suitable terms and restrictions as may be provided in the by-laws of the association, and inserted in the conveyances; and that three-fourths of the proceeds of all such sales shall be first appropriated to the payment of the purchase money of the lands acquired by the corporation, until the whole be paid, with the interest on the same; and the residue thereof for preserving, improving, and embellishing the said cemetery grounds and for defraying the necessary expenses of the association; and after the payments aforesaid, and the debts contracted for surveying and laying out the land, the proceeds of all future sales shall be applied to the improvement, embellishment, and preservation of such cemetery, and for the ne-

cessary expenses of managing the said corporation, and to no other purpose or object.

5. *And be it enacted*, That on the first Monday in March, after the debt incurred by the corporation for the purchase of the lands, herein before more particularly mentioned, shall be extinguished, or otherwise satisfactorily secured, and on the first Monday in March in every year thereafter, an election of nine managers shall be held, at such hour and place as the association shall appoint, which election shall be by ballot; and every person of full age, who shall be proprietor of a lot or plat in the cemetery of the association; or if there be more than one proprietor of any such lot or plat, then such one of the proprietors as the majority of the joint proprietors shall designate to represent such lot or plat, may, either in person or by proxy, give one vote for each plat or lot; and the persons receiving the largest number of the votes at such election shall be managers to succeed those whose term of office shall then expire; but, in all the elections after the first, the managers shall be chosen from among the proprietors of lots in said cemetery; and the managers shall have power to fill any vacancy in their number occurring during the period for which they hold their office; that public notice of the annual elections shall be given in such manner as the by-laws of the corporation shall prescribe; that, at the first election, nine managers shall be chosen, and the chairman and secretary shall, immediately after such election, divide the managers, by lot, into three classes, viz: those of the first class to hold their office one year, those of the second class two years, and those of the third class three years; but the managers of each class may be reelected, if they shall possess the qualifications herein before mentioned.

Annual election of managers.

6. *And be it enacted*, That whenever the said land shall be laid off into lots or plats, and such lots or plats, or any of them, shall be transferred to individual holders, and after there shall have been an interment in a lot or plat so transferred, such lot or plat, from the time of such interment, shall be for ever thereafter inalienable, and shall, upon the death of the holder or proprietor thereof, descend

Lots or plats inalienable.

Proviso.

or go to the heirs-at-law or devisee of such holder or proprietor; *provided nevertheless*, that any one or more of such heirs-at-law may release to any other of the heirs-at-law his or their interest in the same, on such conditions as shall be agreed on and specified in such release, a copy of which release shall be recorded in the clerk's office of the county within which the said cemetery shall be situate.

Cemetery lands, &c., exempt from taxes.

7. *And be it enacted*, That the cemetery lands and property of said association shall be exempt from all public taxes, rates, and assessments, and shall not be liable to be sold by execution or other legal proceeding; but the proprietors of lots or plats in such cemeteries, their heirs or devisees, may hold the same exempt therefrom; and that no street, road, avenue, or thoroughfare shall be laid through such cemetery or any part of the lands held by such association for the purposes aforesaid.

Proceedings in case annual election is not held on proper day.

8. *And be it enacted*, That the managers, at each annual election, shall make reports to the lot proprietors of their doings, and of the management and condition of the property and concerns of the association; and if the annual election shall fail to be held on the proper day, or if, from any cause, the managers shall not be then elected, the previous board shall have power to appoint another day, not more than thirty days thereafter, and shall give public notice of the time and place, at which time and place the election may be held, with like effect as if holden on the proper day; the office of the managers then chosen to expire at the same time as if they had been chosen at the regular time or election.

Penalty for injuring works.

9. *And be it enacted*, That any person who shall wilfully destroy, mutilate, deface, injure, or remove any tomb, monument, gravestone, building, or other structure placed in said cemetery, or any fence, railing, or other work for the protection or ornament thereof, or of any lot or plat within such cemetery, or shall wilfully destroy, cut, break, or injure any tree, shrub, or plant within the limits of such cemetery, shall be deemed guilty of a misdemeanor; and such offender shall also be liable in an action of trespass, to be brought in all such cases in the name of the corpora-

tion, and to pay all such damages as shall have been occasioned by his unlawful act or acts; such money, when recovered, shall be applied, by the managers, to the reparation or restoration of the property so destroyed or injured.

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

Approved February 9, 1855.

CHAPTER XVIII.

AN ACT to incorporate the Hackettstown Mining and Manufacturing Company.

1. *BE IT ENACTED by the Senate and General Assembly* Names of corporators. *of the State of New Jersey*, That Caleb H. Valentine, Alexander Dickerson, David V. C. Crate, John B. Titus, A. H. Stanburrough, Joseph Dalrimple, and William Rea, and such other persons as now are or may hereafter be associated with them, and their successors, be and they are hereby constituted a body politic and corporate, by the name and style of "the Hackettstown Mining and Manufacturing Company," for the purpose of mining, smelting, manufacturing, and vending ores, iron, minerals, earth, and metallic substances of every description in the most advantageous manner; and by that name they and their successors shall have all the powers which by the laws of this state are now incident and belong to every corporation; *provided*, that the lands and mining and mineral rights held Provide. in this state by the said corporation shall not exceed ten thousand acres, and shall be situate in the counties of Warren, Sussex, and Morris.

2. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be Amount of capital stock.

deemed personal property, and shall be 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 persons named in the first section, or any five of them, shall open books to receive subscriptions to the capital stock of said corporation, at such time or times, place or places, in the county of Warren, as they may think proper, giving notice thereof for at least two weeks previous to the opening of said books, by publishing the same in one of the newspapers printed at Belvidere; and the said books shall be kept open for three days, at least; and five dollars shall be paid upon each share of the stock subscribed at the time of subscription, and if more than five hundred thousand dollars shall be so subscribed, the said persons in the first section named, or a majority of them, shall make an equitable distribution of the said stock among the said-subscribers; and it shall and may be lawful for the said company to commence their business, and carry it on, after the sum of twenty-five thousand dollars shall be subscribed, and the sum of five thousand dollars paid; and when they find it necessary, the directors of said company may call and demand of the stockholders all sums of money by them subscribed, by instalments of not more than five dollars on each share, and at intervals of not less than thirty days between each payment, under penalty of forfeiture of all previous payments, if any such instalments be not paid within thirty days after notice has been given in writing through the post office, addressed to the usual place of residence of each stockholder.

Payment of instalments.

Annual election of directors.

4. *And be it enacted,* That the business and concerns of said company shall be managed by seven directors, being stockholders, one of whom shall be president, and a majority of whom shall be residents in this state; and the said directors shall be elected on the first Saturday in May, in every year, in the county of Warren, and notice of such election shall be given, at least two weeks previously, in a newspaper published at Belvidere, in said county of Warren, which elections shall be held and conducted in conformity to the act entitled, "An act to prevent fraudulent

elections by incorporated companies, and to facilitate proceedings against them," approved April fifteenth, eighteen hundred and forty-six, and the supplements thereto; and the persons, being stockholders, having the greatest number of votes shall be the directors; and said directors shall proceed, by ballot, to elect one of their number president; and in case any vacancy or vacancies shall happen in the office of director, by death, resignation, or otherwise, such vacancy or vacancies may be filled, for the remainder of the year wherein it may happen, by the said board of directors, or a majority of them; *provided however*, that when any such vacancy or vacancies may happen, the said board of directors, or a majority of them, upon the request in writing of two or more stockholders for a special election, shall, immediately upon the service of such request, order a special election to fill such vacancy or vacancies by the stockholders, which special election shall be held within twenty-five days after service of said request upon said board of directors, at the same place, upon the like notice, and be conducted in the same manner, as the regular annual election, and the person or persons, being stockholders, or a stockholder, having the greatest number of legal votes at such special election shall be the director or directors to fill the vacancy or vacancies aforesaid.

Vacancies,
how supplied.

Proviso.

5. *And be it enacted*, That in case it shall happen that an annual election should not take place on the day mentioned for holding the same, the said corporation shall not for that cause be deemed to be dissolved, but such election shall be held at any time thereafter upon notice as aforesaid, or upon like notice given by any five stockholders; and the directors for the time being shall continue to hold their offices until new ones shall have been chosen in their places.

Corporation
not dissolved
for failure to
elect on day
prescribed.

6. *And be it enacted*, That a majority of the directors shall form a board for the transaction of any business which the said corporation or its directors may lawfully do under the provisions of this act of incorporation.

7. *And be it enacted*, That this act shall take effect immediately, and shall continue in force for the term of thirty

Limitation.

years; and the legislature reserve the right, at any time hereafter, to alter, amend, or repeal the same, whenever, in their opinion, the public good requires it.

Approved February 12, 1855.

CHAPTER XIX.

AN ACT to incorporate the Weymouth Farm and Agricultural Company.

Preamble.

WHEREAS it has been represented to the legislature, that Clayton Allen, Ellwood Matlack, Charles K. Landis, Robert M. Foust, John Stewart, R. G. Porter, Jacob Wireman, Marshall Henszey, Edmund Allen, F. Gunner, M. D., Ridgway Gibbs, H. G. Leisenring, J. Clark Porter, George Hutton, James V. McLean, Thomas M. Stellwaggon, Josiah Bassett, P. Slattery, John Ramsbottom, James Graham, Charles Maggee, Charles Cox, R. Cunningham, George P. Gillis, Gilbert Roycroft, Thomas Touse, Thomas A. McCullen, James Cotter, Henry J. Brown, A. C. Dillon, Henry Hovey, Simeon Leamy, Charles Welsh, John Foster, W. W. Jenkins, Peter May, Jos. Dumsford, Sarah Lane Eldridge, Wilson & Harris, Edward Dowling, E. J. Hirst, Eli Hyde, John L. Thomas, G. H. Tatum, G. G. Miller, E. Hoppel, John Flanery, Josiah Bassett, jr., Samuel Marot, Morgan Ash, P. H. O'Hara, John L. Stout, E. Lake, E. A. Pease, E. J. D. Pepper, John Springfield, Levi Brink, Charles Carley, Thomas Gardam, William Simpson, George Walker, George Sewell, John Lane, G. Faerber, Charles H. Marot, William Marot, John Hutton, Moses M. Chase, J. Farley Smith, John Jenkins, Abm. B. Wood, Thomas Daly, John Shaffer, jr., Lewis B. Thomas, Stephen G. Chase, Andrew Wright, John H. Russell, John B. Bryson, B. F.

Pidgeon, Thomas J. Whitmore, Edwin Town, Samuel L. Coleman, George White, Thomas M'Clintock, Edward Parker, Robert M'Curdy, Thomas Bennett, S. Dexter Grant, Thomas Allibone, E. Jacobs, A. M'Clure, James W. Grant, J. N. Levick, S. S. Houston, George Keller, David Phillips, Charles S. Bishop, Robert M'Adams, H. G. O. Ramborger, Edward S. Mathews, Conrad Weigand, F. J. Dressler, Edward P. Ireland, Alex. Houston, M. W. Lane, Ann Barton, R. C. Bates, James Docman, John Naysmith, J. & W. Baker, William Graham, Alfred Galleno, John Galleno, Raphael Galleno, M. A. Galleno, Robert Turner, C. Nason, Andrew Fenton, A. J. Fenton, William Buzard, Junia H. Fairbanks, Joshua Boulton, Charles M'Cuen, Charles Hallowell, Seth Griffin, Charles Clendenning, P. Loughran, John Lippincott, P. Mullin, P. M'Quade, Thomas Sinclair, Charles Dito, Wm. Jamison, Samuel T. Cord, William G. Sinclair, Joseph S. Thomas, Charles Fullaway, Orson H. Osborn, Jos. M'Corckle, Wm. Christie, H. S. Smith, John M. Grier-son, Robert Thompson, Richard Jesson, Thomas Donahue, W. Hackett, Jos. Enochs, John Enochs, Abm. B. Eastwood, Washington Mervine, William Perrins, Thomas Perrins, Sarah Perrins, J. G. Webb, David Jessup, Alonzo Davis, J. D. Naisby, J. D. Appleton, G. F. Weeks, J. R. Smith, George Hirst, H. E. Elwell, Mark Reeves, Jacob Witsell, Charles Currie, John Briggerman, George Preston, Isaac Dearnally, Jos. O. Rishell, Wm. Crooks, Thomas Shearer, R. Shearer, Samuel Neal, E. Dowling, James Watson, W. Fitzgerald, F. D. Campbell, Thomas Philips, James Gilmer, W. L. Fabot, Jonathan Coggins, Ellen Parr, William Prywell, George Leacock, P. Tracy, Solomon Dickerson, James Greenman, Henry Elliott, Wm. Greenman, Joseph Elliott, Henry A. Gildea, Solomon A. Alexander, Jas. F. Staùts, Wm. R. Staùts, Wm. Sessamine, Stephen T. Dozier, David Mayhew, William Wireman, Herman Fischer, Hueza Greis, John Morley, James Flanagan, Phœbe Tyndalle, Mary A. Pepper, J. G. Holby, Rich'd B. Spencer, Adolph Ziebenskie, C. H. Toland, John Fravel, Rich'd D. Clem-

ent, Wm. Blank, J. H. Clark, Sam'l Aucott, Jas. Aucott, Geo. E. Harris, Jacob Dickerson, Mary Freil, S. Reper, Wm. D. Garwood, John Fidell, Wm. G. Dears, Hugh Martin, Wm. Smith, Jas. Broadbent, Edward Frith, P. McKye, Jas. Smith, Lewis Krauss, John B. Dick, Wm. B. Dick, Hugh Brady, Jos. E. Winner, Wm. C. Johnston, John Johnston, John Perr, H. A. Gibson, J. Russell, J. E. Williams, Wm. Woodrow, E. M. Woodrow, Peter P. Sill, B. L. Severns, Ellis Severns, S. Rawlings, Geo. Sturgis, G. Bassett, Theodore Waller, Saml. S. Lippincott, John M. Goodknecht, Joseph Wall, M. A. Shaw, P. F. Sweet, Thos. Davis, Chas. Manley, Luke Scutt, Jos. Edeline, James Farnsworth, Vincent Perry, Peter Vautier, Isaac H. Rocap, Thos. Robinson, Wm. McDowell, Geo. M. Mason, Jacob Hossefros, Henry Ulrich, Owen Seery, Reuben Booth, John Garwood, jr., Stephen Hamilton, Chas. McAllister, P. Ragan, Jas. Burke, John Claar, Jacob Himeback, Wm. Himeback, Mary G. Bowers, Wm. Bockinger, W. H. Gallagher, C. J. Gallagher, John Schofield, Arthur Threw, E. W. Masson, A. W. Harbinger, Francis Derbyshire, Susan M. Amies, John S. Turner, Richard Mott, Thomas Skinner, Samuel Dayton, Abm. Dayton, Thomas M. Subers, William Reed, B. Swain, William C. Morton, William H. Krim, James W. Higham, John Bley, Edmund Bockius, Ann W. Bockius, Mary Fenton, Michael Conway, Wm. G. Steel, John McAlister, Henry D. Esher, Oliver Benner, D. Fairbanks, Absalom Benner, Wm. A. Nestor, Amos Brooks, Elizabeth Somerville, John Hope, Jas. Marshall, Stephen D. Shipps, John W. Shipps, John J. McLaughlin, Jos. Carter, Wm. Walker Wright, Lemuel Y. Singleton, John S. Smith, John McClearn, P. B. Hasson, Bernard Fee, Wm. Richardson, John Chambers, John A. Walker, Wm. Wood, Robert Bowers, Jas. Drummond, G. H. Lott, John Morris, Wm. Somers, Dennis Finney, J. J. Criswell, Wm. Brown, John Barford, Sam'l Ward, Richard Beaumont, Jas. Beaumont, Jacob U. Esher, John A. Owens, Timothy Cusack, Peter E. Abel, Jos. Aucott, C. E. Abel, Hy. H. Greenman, Wm. Mullin, John Holland, Wm. Meram,

Gilbert Pryor, W. H. Jackson, G. Clampitt, Jane McQueen, Jos. Henshaw, Chas. Keisel, Chas. Hinkle, Peter Schurch, Geo. Todd, Hugh Clugston, Gustav Schulzs, C. J. Kemmiff, David Hoy, E. P. Harvey, Jas. Moore, G. L. Parker, Sam. App, Peter Thomson, H. Lumner, Lewis Williamson, Jane Jolley, A. F. Hoppell, G. Boggs, George C. Boggs, N. Rickards, Martha Guy, Jos. J. Kite, John Marshall, John W. Roach, J. L. Bartlett, M. D., Crawford Black, Jas. Macklin, Augustus F. Kerk, Wm. McDonald, Jas. Baily, Jas. H. B. Bland, F. X. McCauly, Wm. Kennedy, Henry Matthews, Benjamin Bland, Margaret W. Atkinson, Maria M. Bland, Chas. Welding, August Lumner, Robt. W. Jackson, M. H. Haggerty, Wm. Welsh, John Reynolds, Albert T. Jones, John Hardt, Joseph Baker, Catharine McCormick, Jas. R. Smith, Wm. Ballinger, John B. Robinson, John Norris, Jos. S. Crawley, Seth Matlack, John Green, Samuel Green, sr., Thomas Green, Comly S. Robinson, Fred. A. Freund, Rebecca Prickett, Robert C. Kennedy, Robert Campbell, Henry Bristow, Samuel Cox, Walter Mudford, Young & Joice, Michael Loughlin, Samuel Milligan, E. W. Faddis, Jos. Bradshaw, Robt. McNeil, C. Mullin, Samuel Lees, John Lees, Josiah Hubbard, Sarah A. J. Irwin, Theodore Gilbert, Andrew E. Smith, Eugene C. Benyward, Jas. Snyder, James Fitzgibbons, Charles J. Warner, Jos. S. Kite, jr., John P. Kite, David Wack, John Patton, William T. Hill, John Kennan, Jeannette Gibbs, Samuel Ellis, William Sleter, Embrie Rogers, Jos. B. Murphy, John Shingle, Jas. Rocap, James S. Loughry, John Carrol, Mary Buzard, Henry J. Hunter, Jas. Gunner, sr., Jane Gunner, Mary Ann Gunner, Emma L. Gunner, Maria Gunner, Sarah B. Litch, B. Scott, John Gunner, James Lonsdale, Eliza Ann Hough, Oliver Gilbert, Wm. Bantom, S. Granbourny, Albert Walton, Wm. C. Zane, Henry Taylor, Wm. Cook, F. S. Thompson, Rebecca S. Morgan, M. A. Groff, Robert Burns, M. D., Charles Kelly, George Cleeton, C. B. Fullerton, Wm. D. Marley, Lewis Wex, Henry Thompson, Robert Ottinger, Joseph Foy, James H. Thomas, David Gourich,

Chas. L. Hickson, Wm. Marshall, Greenwood Smith, C. R. Doran, David Montgomery, Henry Thomas Lambe, Edward M'Closkey, J. S. Ashton, John Thornbury, Wm. M. Kite, M. L. Shoemaker, Thomas Mackel, Patrick Gogen, S. W. Mifflin, John Hill, J. B. R. Kern, Samuel Bell, P. R. Jordan, P. Cavanaugh, Robert Dougherty, G. W. Fairlamb, Theodore Eddy, Edward Frith, Edward Behl, T. T. Moore, D. Rosenthal, A. M'Murtrie, James Kane, Thomas Wood, John W. Esher, Daniel S. Klinelbrug, David Watson, David Hamilton, Hugh Haughey, William Street, M. & J. L. Fulton, Mary A. M'Cauliff, Ellen M'Cauliff, Daniel Flinn, Elizabeth Kirkham, And. J. Bossert, Ab'm R. Horter, Manuel Trial, John Hill, Jos. G. Stevens, Thomas R. Wood, Ab'm B. Wood, Robert Gunning, Edward E. Randolph, Wm. H. Paul, Edward T. Righter, Henry Oliver, John Eastwood, John O'Flaherty, Edward Hunter, jr., Thos. Penniston, Thos. Boustead, J. Van Court, Margaret Neall, Washington Lancaster, D. R. Plumley, Chas. Ashbecker, Gottleib Praith, Louis Manthe, John Mayer, Albert West, John Neill, Wm. Kind, Alfred Marland, Moses Garner, Jacob K. Ewing, William M'Nichol, A. H. Theinhardt, Sarah Buckley, Richard T. Wellington, William H. Grove, William Limeburner, Henry E. Smith, Wm. Smitherman, John A. Brown, Edwin Kerk, Jos. R. Gardner, Wm. Barnes, Benjamin Culseý, Geo. Chislett, James Hebeard, James Bristow, M. K. R. Baker, Z. S. Thompkins, William Thompson, John Shaw, George Torode, George Illman, Margaret M'Murtrie, Adam Kelly, John Price, Peter V. Opp, Benjamin Huckel, John Elvidge, Jos. Lewis, John Park, John Clampitt, Lewis Ambler, William M'Curdy, George B. Hammitton, Hugh Mooney, George Bragens, P. Augustus Grum, Samuel M'Ganey, John Lake, William H. Stewart, Ebenezer Mayer, Patrick Curran, William B. Hanly, Elmira E. Hanly, Sarah A. Hanly, Henry W. Robinson, Richard Allen, Jas. G. Gibson, Thomas Duchal, Alexander Will, Ann Will, Tho. Harker, George Morris, Charles Brown, Wm. Stephens, Jos. White, Wm. Henson, Thomas Hart, Berry

Bridge, John Schofield, jr., Richard Greenwood, John Thornbur, Charles Dentler, Jos. Strother, Charles J. Williams, John Downing, Frances C. M'Makin, Jonas C. Knox, William Knox, William Lallemand, George Knorr, David Dwyer, Thomas Clark, Charles H. Pigeon, James M'Cabe, Frederick Kramer, E. Paul, Sarah Perrins, Paul Kelso, Wm. Paxson, F. Blyth, A. Ormiston, Chas. Stratton, John Moore, Saml. O'Neill, John Why, Wm. Sharman, Edward Stone, Geo. Aucott, John Butler, C. F. England, S. T. Thomas, Jas. Hogan, Geo. Aucott, jr., Henry W. Harberger, A. James Harberger, Caleb Charman, John H. Ritchie, Robert M'Fetters, Wm. G. Jones, W. & J. Freed, Hugh McNamee, Geo. Finley, Mary Ann Keller, Christian Nessler, Wm. Greenman, Charles Evans, Wm. Henry Dilks, A. Eastwood, Wm. Fowler, A. H. Supplee, jr., A. G. Supplee, Chas. Currie, Amanda Tomer, Jos. Cressman, Jos. Sloan, G. W. Jackson, Isaac Pedrick, A. Q. Brand, D. B. Bullock, Thos. Clark, Geo. F. Miller, Wm. H. Linck, Wm. Flake, Robert M'Nally, H. Gates Huckel, Geo. Young, Jas. Dunan, Peter Redifer, Matilda Wilson, Joel E. James, Thos. James, jr., Wm. B. Davis, Hannah A. Davis, B. L. Heppard, Mary Edwards, Maria Murr, Ann Murr, Emma Murr, Jos. Murr, Frederick Fluener, Wm. S. Bullock, John B. Gould, Harman Howard, Thos. Kelly, M. Snyder, Julia Beck, E. Jared Megonegal, John V. Wright, Saml. Burgoyne, Robert Hemphill, Michael O'Neill, Abraham Sutton, Wm. Bartlett, J. Charman, H. Charman, A. Charman, John Little, Jas. F. Waterhouse, Wm. Kellum, Ann Worland, Eliza Hollenbek, Ellen Hutchinson, Michael Redding, Jos. Fenton, Chas. P. Wack, Julius Theinhardt, Berhard Flues, John C. Engleman, Jas. K. Thomas, John M'Coy, Adam Schofield, D. Williams, Jos. Black, Martha M'Allister, John D. Walton, jr., Jas. Goldsmith, Jos. P. M'Sirley, Chas. A. Morris, Mary Linck, Jas. M. Cooper, Leonard Nutz, Wm. H. Clough, Christian Hess, Mathias Bartolomy, Jas. P. M'Quade, Jas. M'Croy, Samuel Shisler, Robert Sergerson, John R. Davidson, Wm. B. Bonner, David Hirst, Peter M'Ewen, Richard

Stringer, Solomon Haines, Saml. G. Cholerton, Wm. Rice, Andrew Tunis, Jas. M. Dilks, Wm. Hacket, John Enochs, Jos. Enochs, Luke Brookes, Wm. Neal, John Fitzpatrick, Hans Thompson, Edmund Phalin, Chas. Hoffman, Jas. Earl, John Earl, Jas. Earl, jr., Jos. Crouse, Benjn. B. Eyre, Jonathan Fisher, David Fell, Geo. Atkinson, J. E. Wood, Wm. S. Wood, jr., John Spear, Henry Schafer, Philip Daer, Philip Kelly, Jos. Reddington, Abm. Lees, David Lees, Sidney Orne, Chas. House, Geo. House, J. K. Bullock, John B. Jones, John Foster, Harrison Allen, Geo. C. Mench, Philip Ulrich, Elizabeth Harberger, Anna M. Godwin, Sheldon C. Smith, John Chamberlin, jr., John A. Harris, Chas. R. Dunenhower, Job W. Rickards, Ellwood Allen, Wm. Hearn, Wm. Conner, Edward Raymon, Jas. M. Moore, Geo. A. M'Cord, Wm. James, Chas. W. Waterhouse, Geo. Waterhouse, Henry H. Waterhouse, John Waterhouse, Henry Libe, B. T. Milligan, Henry U. Sands, Louis Jolivet, Hugh Harkins, Arthur Cassaday, Daniel Redding, Wm. A. Fowler, Frederick Fries, Antram T. Haws, D. T. Hawkins, Wm. Trueman, Thos. G. Derry, Thos. A. Hampton, Beulah W. Hampton, Fredk. W. Tarr, Daniel H. Tarr, Martha C. Frambes, Wm. Bennett, Robert Bennett, Wm. Capewell, F. Flanigan, Daniel Dyer, Henry Roletta, R. E. Shultz, P. M. Shultz, Chas. Achoff, Jas. S. Kally, Thos. Weeler, Wm. R. Hartley, Charles Hartley, Robert Lloyd, Richard R. Lewis, Chas. Hahn, Thos. M'Crosson, Chas. Curtis, Thos. Will, John Thorp, Jas. Gillan, John Dowling, Michael Lamb, Jas. Cheetham, Abm. C. Funston, Jas. C. Haines, John Wimer, Charles Hieronimus, Anson Rood, Robert M'Bride, Thomas Campbell, Laurence Campbell, James Gay, jr., Francis Quinn, Edward Quinn, J. Henry Fenton, Thomas Fox, John Livesey, William S. Caruthers, Jas. Morgan, Jas. Quinn, Sarah A. Ricards, Edward L. Pearson, Jackson Young, John Dunlap, Rody Cleary, John Anderson, Geo. Money, Chas. Armstrong, Wm. Laycock, Chas. Oliver, Jos. Gresty, Andrew Shields, John F. Walker, Wm. Winters, Alfred Lay, Jos. H. Reneker, D. H. Rockhill, F. S.

Wilson, Jos. Rockhill, N. S. Dare, Sarah E. Hastings, David Wentling, Henry R. Newman, John Kilpatrick, James K. Drew, Mary Bley, Thomas Duke, Francis Dardis, Francis Morris, Jos. Kilpatrick, Sylvester M. Koons, R. F. Buckwater, George H. Bechtel, Thomas Corner, E. J. Wendall, Chas. Keisell, James Sturges, John Sturges, jr., Samuel K. Hopkins, Edward Vert, George S. M'Sourin, Samuel H. Morely, Wm. E. Bechtel, Livingston Eldrige, N. G. Mattison, Daniel Miller, Ellen Mahan, Wm. Flinn, Philip J. Harding, George M'Peck, Peter Broadnax, Lewis Knightlinger, Patrick Faahan, John Wall, Wm. Twiss, John Twiss, Thos. M'Connel, John Rosalee, Bernard Tohar, Mich'l Lawlor, Chs. Cummings, Jos. Rimby, Jas. Tatlow, N. S. Lawrence, D. Y. Smith, John A. Anderson, Sarah A. Anderson, Thos. M. Finley, Fred. Nagle, Mich'l Goldin, Jas. Welsh, Lawrence M'Namee, Chas. Baker, Lem. Griffith, John Augney, C. C. Schiefferdecker, John Muselman, Wm. H. Uray, Geo. M'Avoy, Wm. H. Jackson, Jas. Walker, H. W. Harberger, John F. Betterton, Francis Develin, Jas. M'Namee, John M'Namee, D. H. M'Coy, Wm. Stocks, John C. Sims, John Hunter, Moses Wadlow, John P. Chew, Rev. Geo. Hood, Wm. Hamilton, James Hamilton, John P. Burt, Jos. Warburton, Wm. Groice, James Coleman, Mary Scanlan, Bernard Schone, Samuel P. Mervine, Mary Ann Kirby, H. F. Kirlin, Joel Sellers, George L. Evans, sr., John Langham, Patrick M'Brearty, D. Maguire, Andrew Scott, Benj'n Bamsford, Andrew Anderson, Henry Ewing, John Wood, Peter Devine, Michael Maguire, J. R. Smith, Richard M'Cann, Eliza B. Field, Thomas Chadwick, J. S. Ritchie, Alex. Mepherston, Henry B. Conner, Michael Garson, Ab'm Dehart, Emanuel Lamm, John Read, Wm. Marot, jr., Wm. H. Merrill, Thomas Greenwood, W. M. Worrell, B. B. Bailey, J. B. Goldey, Joseph Haigh, M. Hemphill, John Jefferd, A. M'Bean, E. S. Redstreak, R. Rubicam, John Schofield, Samuel Thauworth, sr., James Morrow, James Buckley, Edw. G. Lee, Peter Lang, Thos. Hope Palmer, Wm. Bonser, C. S. Kates, Horace N. Kates, Sarah A. Kates,

Sarah Vandegrift, D. Mason Godwin, Jacob H. Smith, Emil Herwig, E. Mitchiner, A. Miller, Wm. Watt, John A. Besseliever, Charles S. Fisher, Esther S. Logan, George Shaffer, Albert Derr, Thos. E. Longshore, Orlando Weikel, M. Huener, Wm. J. Mehavy, P. J. Creedon, James W. Lutz, W. Hotchkiss, B. B. Schultze, James Kelly, Jacob Achenback, Jesse Kershaw, Jos. Horner, John Clark, Peter Legrasse, George T. Haswell, Wm. John Miller, Mathew Donnelly, Jeremiah Clare, James Miller, Michael Owens, Peter R. Aubie, Elizabeth Nixon, George W. White, Samuel R. Barger, W. Mitchell, Thos. Singerly, Charles Lincoln, Jos. Antill, Charles Girling, Charles Elliott, Robert Elliott, Elias Elliott, Charles Winfield, John Gorman, Samuel S. Kendrick, Henry Greve, Saml. Dalzell, Wm. V. Bosworth, Edw. W. Fenton, Thos. Buchanan, James Flanagan, Jonathan Cole, Lewis Miller, Philip Worn, Matilda J. Scott, L. L. Bates, Henry Murchert, Wm. M. Schafer, William Meredith, Andrew Roats, Solomon L. Zingler, C. Vangunder, W. H. Wilson are the owners of two tracts of land, containing, in the whole, about twenty-two thousand acres of land, be the same more or less, being parts of the Weymouth tract and Hamonton Glass Works tracts, situate in the county of Atlantic, and now held in trust for them by Clayton Allen, Elwood Matlack, and Charles K. Landis, which they have purchased with a view to improve and run out into small farms, in such manner that each member can become the owner of one or more, if he desires so to do, by paying a weekly instalment to said company; and whereas, for the purpose of making the improvement upon the land so purchased, and to make the payments light upon the members, they have organized themselves into a company, and, on the fourth Thursday of October last, elected Robert M. Foust, Charles K. Landis, Elwood Matlack, Clayton Allen, Reuben G. Porter, F. Gunner, Ridgway Gibbs, H. G. Leisenring, John Stewart, Joseph Clark Porter, Edmund Allen, Jacob Wireman, and Marshall Henszey officers and directors of said company, for the term of one year, to

manage and take charge of the affairs of said company ; and it being represented that great difficulty may occur in making titles to the land by reason of the death of the members, and that the improvement to the land and its affairs can be much better managed by a company, and they having desired an act to incorporate them—therefore,

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Clayton Allen, Charles K. Landis, and their associates, mentioned in the preamble to this act, and such other persons as they may associate with them, and their successors, shall be and they are hereby incorporated and made a body politic and corporate, in fact and in law, by the name of “the Weymouth Farm and Agricultural Company,” with power to purchase, hold, and improve real estate, and power to sell and convey the same, and with all the powers, rights, and incidents of a corporation. Company incorporated.

2. *And be it enacted*, That Robert M. Foust, Charles K. Landis, Elwood Matlack, Clayton Allen, Reuben G. Porter, F. Gunner, Ridgway Gibbs, H. G. Leisenring, John Stewart, Joseph Clark Porter, Edmund Allen, Jacob Wireman, and Marshall Henszey shall be the first directors of said company, and shall hold their offices until the fourth Thursday of October next and until others shall be elected in their place; and that the stockholders of said company shall meet annually, on the fourth Thursday of October, each year, at Colville, on the premises, two weeks' previous notice of the time and place of meeting having been given in a newspaper published in the county of Camden, and shall then and there proceed to elect, by ballot, thirteen directors, to serve for the term of one year and until others are legally chosen in their places; and such election shall be made by such stockholders of said company as shall attend for that purpose, each stockholder to be entitled to one vote; the directors shall elect one of their number to be president of the board of directors of said company; and in case any vacancy shall occur in the board of directors, or any of the offices created under this act, the same Annual election of directors.

may be filled by such person or persons as the directors, or the remainder of said directors, or a majority thereof, may appoint; and if an election for directors shall not be held at the time so appointed, the said corporation for that cause shall not be considered as dissolved, but said election may take place at any future time, upon notice given as aforesaid.

Duties and powers of directors.

3. *And be it enacted*, That the directors shall have full power to make by-laws, to appoint such officers and agents as they shall deem expedient and proper, and remove the same at pleasure, and generally to conduct and manage the affairs and superintend the business of said company; *provided*, that such by-laws shall not be repugnant to the constitution and laws of this state or of the United States.

Proviso.

Trustees to convey lands to company.

4. *And be it enacted*, That as soon as the said company shall be organized, it shall be the duty of Clayton Allen, Elwood Matlack, and Charles K. Landis to convey unto said company, by their corporate name, all the lands which they now hold in trust for said company.

Amount of capital stock.

5. *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 any sum not exceeding the sum of one million of dollars, and shall be divided into shares of two hundred dollars each; and such shares shall be deemed personal property, and transferable only on the books of the company, in such manner as the by-laws shall direct.

Approved February 12, 1855.

CHAPTER XX.

A further supplement to an act entitled, "An act for the more easy partition of lands held by coparceners, joint tenants, and tenants in common," approved April sixteenth, eighteen hundred and forty-six.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in all proceedings for the partition of lands, in any court of this state now having authority for that purpose, whenever the estate of any tenant in dower, or by curtesy, in the whole or any part or share of the premises in question shall have been admitted by the parties, or ascertained by the court to be existing at the time of making the order for the sale of such premises, and the person entitled to such estate has been made a party to the proceedings, it shall be lawful for the court to consider and determine, under all the circumstances of the case, having regard to the interests of all the parties, whether such estate ought to be excepted from such sale, or whether the same should be sold, and to order and decree accordingly.

Proceedings in case of partition of lands.

2. *And be it enacted*, That if a sale of the premises, including such estate, shall be ordered, the estate and interest of every such tenant or person shall pass thereby, and the purchaser, his heirs and assigns, shall hold such premises free and discharged from all claims by virtue thereof.

Effect of sale on interest of tenant.

3. *And be it enacted*, That upon such sale being made of any such estate, the court shall direct the payment of such sum in gross out of the proceeds of the sale of the premises to the person entitled to such estate in dower, or by the curtesy, as shall be deemed a just and reasonable satisfaction for such estate or interest, and which the person, so entitled, shall consent in writing to accept in lieu thereof; but in case no such consent be given before the making of the order for distribution of the proceeds of such sale, then the court shall ascertain and determine what proportion of such proceeds will be a just

Court may order payment of dower, &c., out of proceeds of sale.

and reasonable sum to be invested for the benefit of the person entitled to such estate in dower or by the curtesy, and shall order the same to be invested and disposed of in the manner directed in and by the twenty-third section of the act, to which this is a supplement.

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

Approved February 12, 1855.

CHAPTER XXI.

AN ACT to incorporate the Rockaway Manufacturing Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Freeman Wood, George Hand Smith, Lyman A. Chandler, Theodore T. Wood, and Nathaniel Mott, or the survivors or survivor of them, and all such persons as may hereafter be associated with them or the said survivors, their successors and assigns, shall be and they are hereby constituted and declared a body politic and corporate, in fact and in law, by the name of "the Rockaway Manufacturing Company," for the purpose of smelting and forging iron ores and other metallic ores, and for the purpose of manufacturing iron and steel, in all their branches, at Rockaway, in the county of Morris, in this state, and carrying on the business incident thereto; and that they and their successors, by the same name, shall be able and capable, in law, to acquire, purchase, receive, have, hold, and enjoy any lands, tenements, and hereditaments within the county of Morris, and goods and chattels, of whatever kind and quality whatsoever; and the said lands, tenements, and hereditaments, goods and chattels, or any part thereof, to sell, grant, demise, alien, and dispose of; also, to sue and to be sued, plead and be impleaded, in

General
powers.

courts of justice or in any other place whatever ; to make and use a common seal, and the same to alter and renew at their pleasure.

2. *And be it enacted*, That the capital stock of said company shall be two hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each ; and it shall be lawful for said company, when one hundred thousand dollars capital stock shall have been subscribed, paid, or satisfactorily secured to be paid, to commence their said business, and with that capital conduct and carry it on, until they shall find it expedient to extend their capital, which they are hereby authorized to do from time to time, to the amount herein before mentioned ; and it shall be lawful for the directors of the said company to call and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under penalty of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not be made within sixty days after notice shall have been published, for at least thirty days, in one or more newspapers published in said county of Morris.

Amount of capital stock.

3. *And be it enacted*, That the subscription of the said stock shall be open at the United States hotel in Morristown, in the county of Morris aforesaid, for any time not exceeding sixty days, under the direction of the board of directors, or of such of them as shall be designated by the said board for that purpose.

Directors to open books of subscription.

4. *And be it enacted*, That the stock, property, and concerns of said company shall be managed and conducted by five directors, being stockholders, one of whom to be president, who shall hold their offices for one year from the first Tuesday in June, in every year, and that the said directors shall be chosen on the last Tuesday in May, in every year, at such time and place as shall be directed by the by-laws of the said company, (and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in two or more newspapers, printed in this state, nearest the place where such

Annual election of directors.

elections shall be made,) by such stockholders as shall attend for that purpose, either in person or by proxy; and these elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall have shares of the capital stock of the said company, and the persons having the greatest number of votes, being stockholders, shall be directors; and if it should happen, at any election for directors, that two or more persons shall have an equal number of votes, in such manner that a less number than five shall, by a plurality of votes, appear to be chosen as directors, then the said stockholders, herein before authorized to vote at such elections, shall proceed to ballot a second time, and by a plurality of votes determine which of the persons having an equal number of votes shall be director or directors, so as to complete the whole number of five; and the said directors, so chosen, shall elect one out of their number to be president, and shall also appoint such and so many clerks and superintendents, and assign such compensation as they shall see fit, not less than a majority of the whole number of directors being present when such election and appointments take place; and if it shall happen that any vacancy or vacancies occur, by death, resignation, or otherwise, among the directors named in this act, or those hereafter to be chosen, such vacancy or vacancies shall be filled by such person or persons as the directors for the time being, or the majority of them, shall appoint; and until other directors are chosen from the stockholders, the first directors shall be Freeman Wood, George Hand Smith, Lyman A. Chandler, Nathaniel Mott, and Theodore T. Wood, and the survivors or survivor of them, who shall hold their offices until the first Tuesday in June, eighteen hundred and fifty-six, and until others are legally chosen.

First directors.

Stock transferable.

Proviso.

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

6. *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 deemed to be dissolved; but it shall and may be lawful to hold such election on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation. Corporation not dissolved for failure to elect on day prescribed.

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

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

10. *And be it enacted*, That this act shall continue in force for a period of thirty years, and shall take effect immediately; but it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, amend, or repeal this act, or any part thereof, whenever they shall see proper. Limitation.

11. *And be it enacted*, That the said corporation shall possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act Restrictions and liabilities.

concerning corporations," approved February fourteenth, eighteen-hundred and forty-six, so far as the same are applicable.

Approved February 12, 1855.

CHAPTER XXII.

AN ACT to confirm and amend the charter of the Gloucester Savings Fund and Building Association.

Preamble. WHEREAS Moses G. Boston, Westcott Lovell, Stephen Crocker, William S. Doughten, George Nicholls, Charles S. Barnard, William C. Mulford, Jeremiah H. Banks, William H. Emery, James Wilson, Joseph Craner, and others, more than ten in number, residents in the town of Gloucester, in the county of Camden, and state of New Jersey, associated together for the purpose of assisting the members of said association to purchase lots and erect dwelling houses thereon, and to pay for houses and lots already purchased, by furnishing them with loans out of the funds of said association, to be repaid in some easy and convenient mode, to be agreed upon, and adopted the name of "the Gloucester Savings Fund and Building Association," as the name of the association, and for the purpose of becoming incorporated by that name, under and in pursuance of the provisions of an act entitled, "An act to encourage the establishment of mutual loan and building associations," (approved February 28, 1849,) the said persons so associated, being more than ten in number, signed a certificate, setting forth that they had formed such association, the name adopted, and the purpose for which the same was formed, which certificate, bearing date the eighteenth day of April, A. D. 1849, was delivered for record, on the

twenty-third day of the same month of April, to the clerk of the court of common pleas of the said county of Camden, who immediately filed and recorded the said certificate, as required by law; and whereas the said association, so organized and incorporated, have proceeded to collect funds, and make loans for the purposes aforesaid, according to the provisions of the said act of legislature, but doubts having arisen whether the said certificate, so filed, is in all respects in due form—now, therefore,

1. BE IT ENACTED *by the Senate and General Assembly* Names of corporators.
of the State of New Jersey, That the said Moses G. Boston, Westcott Lovell, Stephen Crocker, William S. Dough-
 ten, George Nicholls, Charles S. Barnard, William C. Mul-
 ford, Jeremiah H. Banks, William H. Emery, James Wilson,
 Joseph Craner, and others, named in said certificate so de-
 livered to the said clerk of the court of common pleas of
 the said county of Camden, and their successors, be de-
 clared to be and deemed a corporation and body politic and
 corporate from the time of delivering and filing said certi-
 ficate as aforesaid by the said name of “the Gloucester
 Savings Fund and Building Association, with all the pow-
 ers mentioned in the first section of an act entitled, “An
 act concerning corporations,” approved the fourteenth day
 of February, A. D. one thousand eight hundred and forty-
 six, and with all the powers mentioned and given in the
 said act entitled, “An act to encourage the establishment
 of mutual loan and building associations,” which last men-
 tioned act was approved on the twenty-eighth day of Fe-
 bruary, A. D. one thousand eight hundred and forty-nine,
 in the same manner as if the said certificate, so delivered
 as aforesaid, was in all respects conformable to the provi-
 sions of the said last mentioned act. General powers.

2. *And be it enacted*, That the investments of said as- Investments and loans of association to be valid.
 sociation and loans, by the same heretofore made or here-
 after to be made, and the bonds and other securities given
 to the said association to secure the repayment of the same,
 in conformity to the provisions of the said act of the legis-
 lature entitled, “An act to encourage the establishment of

mutual loan and building associations," shall be valid and good in law, and that no premium heretofore given or to be given for priority of loan, or acquisition of a building, or discount given on redemption of shares, shall be deemed usurious.

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

Approved February 12, 1855.

CHAPTER XXIII.

Supplement to an act entitled, "An act to incorporate the Bergen County Railroad Company."

Time of commencement of work extended.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the seventeenth section of the act, to which this is a supplement, be and the same is hereby so amended, that the time for the commencement of said railroad be extended to the fourth of July, eighteen hundred and fifty-seven, and that the time for the completion of said railroad be extended to the fourth day of July, eighteen hundred and sixty.

Approved February 12, 1855.

CHAPTER XXIV.

A supplement to the act entitled, "An act to incorporate the Raritan and Delaware Bay Railroad Company."

When company may be incorporated

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That whenever books of subscription to the capital stock of the said corporation are

opened, according to the provisions of said act, five per cent. shall be paid upon each share of stock subscribed for; and whenever three thousand shares are subscribed for, the persons holding the same shall be and they are hereby incorporated, as in said act is provided.

2. *And be it enacted*, That the sixth section of said act is hereby altered, so as to permit the said corporation to construct a branch or branches from the main line of said railroad toward the eastern coast or shore of this state, subject to the same regulations and restrictions as are in said act contained and provided for the said main line of railroad.

3. *And be it enacted*, That the president and directors of the said corporation are hereby authorized and empowered to unite with such companies as are or may be incorporated by the states of Delaware, Maryland, and Virginia, respectively, for the purpose of extending the said railroad through the said respective states upon the eastern shore of the Chesapeake bay, from, at, or near Cape Henlopen, in the state of Delaware, to or near Cape Charles, in the state of Virginia, so that the capital stock of the said united companies shall constitute one company, with all the rights and privileges, and subject to all the restrictions and provisions, contained in the act to which this is a supplement; which companies, when so united, shall be a body corporate and politic, in fact and in name, by the name of "the New York and Norfolk Air Line Railroad Company," the business and affairs of which shall be managed by a board of twenty-one directors, seven of whom shall be residents of the state of New Jersey, to be annually chosen from among the stockholders of the said company; and the first meeting of the directors of the said company shall be held at such time and place as a majority of the commissioners of the said united companies shall determine and appoint.

4. *And be it enacted*, That the said corporation shall have power to straighten the line of the said railroad, wherever it may be deemed necessary; *provided*, that said line shall pass through the villages of Squancum, in Monmouth county, of Mays Landing, in Atlantic county, and of Tuckahoe, in Cape May county.

Part of former act repealed.

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

Approved February 12, 1855.

CHAPTER XXV.

A supplement to the act entitled, "An act to secure to creditors an equal and just division of the estate of debtors, who convey to assignees for the benefit of creditors."

List of creditors to be filed with surrogate.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the list of creditors, and the statement of their respective claims, directed by the fifth section of the act, to which this is a supplement, to be filed by the assignee or assignees of any debtor or debtors, at the expiration of three months from the date of the assignment, with the clerk of the court of common pleas, shall, in case of all assignments made after the passage of this act, be filed with the surrogate of the county wherein the debtor or debtors resided at the time of making such assignment.

Exceptions may be filed.

2. *And be it enacted*, That it shall be lawful for the assignee or assignees, or any creditor or other person interested, by himself or attorney, to appear at the next term of the orphans court of the county wherein such proceedings have been had, and to file exceptions to the claim or demand of any creditor exhibited as aforesaid; and said court shall cause a notice to be served on said creditor, said notice to be served in such mode as the said court may direct, and shall then proceed to hear the proofs and allegations of the parties, at the same or any subsequent term, subject to an appeal by any party interested, as in other cases of appeal from any order of the orphans court, if an

appeal be demanded within thirty days after decree made; and in case of such hearing before the orphans court, the evidence and proceedings before the orphans court, upon the application of either party, shall be reduced to writing by the register of the court.

3. *And be it enacted*, That it shall and may be lawful for the assignee or assignees, or any creditor or other person interested in any account to which exceptions have been filed as aforesaid, who may desire a trial by jury, to ask for and demand such trial, whereupon the orphans court in which such exceptions shall be filed shall certify said exceptions, and the account excepted to, into the circuit court of the county, to be tried in a summary way by the jury before said court, under such rules as the said court may from time to time prescribe, and the verdict, unless set aside by a new trial granted by said circuit court, shall be returned to the said orphans court, with the certificate of said circuit court, to be there proceeded on according to law.

Persons interested in account may have trial by jury.

4. *And be it enacted*, That in case of any assignment heretofore made, and whereon exceptions have been filed in the court of common pleas, the assignee or assignees or any creditor or other person interested, shall desire a trial by jury before the circuit court as aforesaid, it shall and may be lawful for the assignee or assignees, creditor, or other person interested, to remove the exceptions filed in such case and the account excepted to into the circuit court by rule entered in the court of common pleas; and the said rule, exceptions, and account, being certified into the circuit court, shall give the circuit court jurisdiction; and it shall be its duty to proceed and try the validity of the account and exceptions, as herein before provided, to be returned to the said orphans court, as also herein before provided.

Exceptions may be removed into circuit court.

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

Approved February 12, 1855.

CHAPTER XXVI.

A supplement to the act entitled, "An act to incorporate the Hudson County Mutual Insurance Company," passed February eleventh, eighteen hundred and forty-two.

Members to
deposit note.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person who shall become a member of the Hudson County Mutual Insurance Company, by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such a sum of money, and pay such sum in cash, as shall be determined by the directors to be the premium for said insurance.

Part of former act repealed.

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

Approved February 12, 1855.

CHAPTER XXVII.

A supplement to an act entitled, "An act to incorporate the Northern Railroad Company of New Jersey."

Part of former act amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourth section of the act, to which this is a supplement, be and the same is hereby so amended, that it shall be the duty of the persons named in the first section of said act, or a majority of them, to call a meeting of the stockholders, upon the notice in said section prescribed, to choose directors in the manner therein mentioned, as soon as one hundred and fifty thousand dollars of the capital stock shall have been subscribed for.

2. *And be it enacted*, That whenever the net proceeds of the road authorized to be built by the act, to which this is a supplement, shall amount to six per centum per annum upon its cost, the said company shall pay to the treasurer of this state, to be applied to the school fund, a tax of one half of one per centum on the cost of said road, to be paid annually, on the first Monday in January; *provided*, that no other tax or impost shall be levied or raised from said corporation by virtue of any law of this state; and that so much of the fifteenth section of the act, to which this is a supplement, as is contrary to the provisions of this act, be and the same is hereby repealed. Tax to be paid to the school fund. Proviso.

3. *And be it enacted*, That the ninth section of the act, to which this is a supplement, be and the same is hereby repealed. Part of former act repealed.

Approved February 12, 1855.

CHAPTER XXVIII.

A further supplement to the act entitled, "An act to incorporate the Paterson and New York Plank Road Company," approved March eighteenth, A. D. eighteen hundred and fifty-one.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the Paterson and New York Plank Road Company may construct and face so much and such parts of their road, as they may deem expedient, with stone, gravel, or other hard substance, in lieu of plank or timber, as directed in the act to which this is a supplement; *provided*, the same be kept in good repair, so as to present a firm, smooth, and even surface at all seasons of the year. Road may be faced with stone, gravel, &c. Proviso.

2. *And be it enacted*, That all that portion of said plank road lying within the city of Paterson, be and the same is

hereby vacated, and dedicated to the public use ; and that portion shall hereafter be under the control of the municipal authorities of said city, full to all intents and purposes as other streets of said city.

Approved February 12, 1855.

CHAPTER XXIX.

A further supplement to an act entitled, "An act to incorporate the Moorestown and Camden Turnpike Company," approved February twenty-eighth, eighteen hundred and forty-nine.

Company
authorized
to construct
branch road.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the Moorestown and Camden Turnpike Company are hereby authorized and empowered to construct a branch turnpike road, from near the upper toll gate, on said road, on and along the Fellowship road, to the junction of the said Fellowship and Church roads, in the county of Burlington, with the same rights and privileges, and under the same restrictions, as are provided in the act to which this is a supplement.

Toll may be
collected on
main road
when branch
road is out
of repair.

2. *And be it enacted*, That if, at any time, the said branch road should not be in good travelling condition, according to the requirements of the charter, the said Moorestown and Camden Turnpike Company shall have full privilege to collect toll on the main road, (it being in good travelling condition) without collecting toll for travelling on the said branch road.

Acceptance
of act to be
filed.

3. *And be it enacted*, That before this act shall take effect, it shall be accepted by a majority in value of the stockholders, who shall attend a meeting thereof, to be held at the village of Moorestown, upon at least twenty days' notice of such meeting, published in two of the newspapers printed in this state; and, at such meeting, each stock-

holder shall be entitled to one vote for every share of stock that he or she may hold, to be given in person or by proxy; and a certificate of such acceptance, signed by the president of said company, shall be filed in the office of the secretary of this state, within one month after the same shall be accepted.

Approved February 12, 1855.

CHAPTER XXX.

AN ACT to incorporate the Passaic Quarry Company.

1. BE IT ENACTED *by the Senate and General Assembly* ^{Names of} *of the State of New Jersey,* ^{corporators.} That William A. Butler, Samuel Pope, Silas D. Canfield, Edmund H. Miller, William R. Travers, Augustus Canfield, and such other persons as now are or may hereafter be associated with them, and their successors, be and they are hereby constituted a body politic and corporate, by the name and style of "the Passaic Quarry Company," for the purpose of quarrying, sawing, and dressing stone of every description in the most advantageous manner; and, by that name, they and their successors shall have all the general powers which, by the laws of this state, are now incident and belong to every corporation; *provided,* that the lands and quarry rights held in this state ^{Proviso.} by the said corporation shall not exceed one hundred acres, and shall be situate in the counties of Essex and Passaic.
2. *And be it enacted,* That the capital stock of said com- ^{Amount of} ^{capital stock} pany shall be two hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferable in such manner as the said corporation shall by their by-laws direct.
3. *And be it enacted,* That the persons first above

Commission-
ers to receive
subscriptions.

named, or any five of them, shall open books to receive subscriptions to the capital stock of the said corporation, at such time or times, place or places, in the county of Passaic, as they may think proper, giving notice thereof for at least two weeks previous to the opening of said books, by publishing the same in one of the newspapers printed in Paterson; and the said books shall be kept open for three days at least, and five dollars shall be paid upon each share of the stock subscribed at the time of subscription; and if more than two hundred and fifty thousand dollars shall be subscribed, the said persons in the first section named, or a majority of them, shall make an equitable distribution of the said stock among the said subscribers; and it shall and may be lawful for the said company to commence their business, and carry it on, after the sum of twenty thousand dollars shall be subscribed, and the sum of twelve thousand dollars paid; and when they find it necessary, the directors of said company may call and demand of the stockholders all sums of money by them subscribed, by instalments of not more than five dollars on each share, and at intervals of not less than thirty days between each payment, under penalty of forfeiture of all previous payments, if any such instalments be not paid within thirty days after notice has been given in writing through the post office, addressed to the usual place of residence of each stockholder.

Annual elec-
tion of direc-
tors.

4. *And be it enacted*, That the business and concerns of said company shall be managed by five directors, being stockholders, one of whom shall be president, and a majority of whom shall be residents in this state; and the said directors shall be elected on the first Saturday in April, in every year, in the county of Passaic, and notice of such election shall be given, at least two weeks previous, in a newspaper published at Paterson, in said county of Passaic, which elections shall be held and conducted in conformity to the act entitled, "An act to prevent fraudulent elections by incorporated companies, and to facilitate proceedings against them," approved April fifteenth, eighteen hundred and forty-six, and the supplements thereto; and

the persons, being stockholders, having the greatest number of votes shall be directors; and said directors shall proceed, by ballot, to elect one of their number president; and in case any vacancy or vacancies shall happen in the office of directors, by death, resignation, or otherwise, such vacancy or vacancies may be filled, for the remainder of the year wherein it or they may happen, by the said board of directors, or a majority of them; *provided however*, that when Previso. any such vacancy or vacancies may happen, the said board of directors, or a majority of them, upon the request in writing of two or more stockholders for a special election, shall, immediately upon the service of such request, order a special election to fill such vacancy or vacancies by the stockholders; which special election shall be held within twenty-five days after the service of said request upon said board of directors, at the same place, upon the like notice, and be conducted in the same manner, as the regular annual election, and the person or persons, being stockholders, or a stockholder, having the greatest number of legal votes at such special election shall be the director or directors to fill the vacancy or vacancies aforesaid.

5. *And be it enacted*, That in case it shall happen that an annual election should not take place on the day mentioned for holding the same, the said corporation shall not Corporation not dissolved for failure to elect on day prescribed. for that cause be deemed to be dissolved, but such election shall be held at any time thereafter upon notice as aforesaid, or upon like notice given by any five stockholders; and the directors for the time being shall continue to hold their offices until new ones shall be chosen in their places.

6. *And be it enacted*, That a majority of the directors Quorum. shall form a board for the transaction of any business which the said corporation or its directors may lawfully do under the provisions of this act of incorporation.

7. *And be it enacted*, That this act shall take effect immediately, and shall continue in force for the term of thirty years; and the legislature reserve the right, at any time hereafter, to alter, amend, or repeal the same, whenever, in their opinion, the public good requires it. Limitation.

Approved February 12, 1855.

CHAPTER XXXI.

A supplement to an act entitled, "An act to incorporate the Mount Holly and Moorestown Turnpike Company," approved March twenty-fifth, one thousand eight hundred and fifty-two.

Company
authorized
to vacate
part of road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Mount Holly and Moorestown Turnpike Company be hereby authorized to abandon that portion of their road lying between the present Lumberton and Hainesport road and the Evesham and Green Tree road, upon a majority of the stockholders in said company, who shall also hold a majority in interest of said stock, signing an acceptance of this act, and filing the same with the clerk of the county of Burlington, and that from and after said acceptance shall be so filed, that portion of said turnpike road so abandoned shall become and be a public highway.

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

Approved February 15, 1855.

CHAPTER XXXII.

A supplement to an act entitled, "An act to incorporate the Freehold and Howell Plank Road Company," approved March first, eighteen hundred and fifty-three.

Company
authorized
to extend
road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Freehold and Howell Plank Road Company are hereby authorized and invested with all the rights and powers necessary and expedient to extend their road from their track, in South street, Freehold, through Throckmorton avenue, across

Main street, and through Church street, to the station of the Freehold and Jamesburg railroad, and the same may be constructed as soon as the stock necessary for the purpose shall be subscribed, and toll demanded and received thereon, when completed, as on other parts of said plank road.

2. *And be it enacted*, That the said company may construct all or any part of their road, including the extension authorized in the preceding section, either of plank, stone, gravel, shells, or other material, to make a solid, firm, and even road. Description
of road.

3. *And be it enacted*, That it shall be lawful for the said company to demand and receive toll on fractions of said road of a quarter of a mile or less, at one half the rates for a mile, and on fractions over a quarter of a mile, at the same rates as for a mile, but no toll to be required of a person passing from one part of his farm to another; and the proviso in the fifteenth section of the act, to which this is a supplement, restricting the rates of toll on the parts of the said road constructed on a public highway, is hereby repealed. Rates of toll.

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

Approved February 16, 1855.

CHAPTER XXXIII.

AN ACT to revive, continue in force, and amend an act entitled, "An act to enable the owners and possessors of the meadows and marsh lands, adjoining the creek commonly called Cromkill, in the county of Hudson, to erect and maintain banks, dykes, dams, and water works sufficient to prevent the tide from overflowing the same," passed March eleventh, eighteen hundred and forty-two.

WHEREAS the dam across the Cromkill, and banks and dykes erected by the Cromkill company, pursuant to the Preamble.

provisions of the act hereby revived and amended, have been carried away, and in part destroyed, so as to render necessary the erection of a new dam across the Cromkill, or extensive repairs and additions to the remains of the old dam; and whereas doubts exist whether, under the provisions of the said act, new dams and dykes could be erected, and assessments imposed and collected therefor, and whether the provisions of said act are not, by their terms, restricted to the erection of the dam and dykes originally made pursuant thereto—

Company
authorized
to erect new
dams.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the act above mentioned, in the title hereof, be and the same is hereby revived, and that when and as often as the said Cromkill company shall find it necessary to erect and maintain new dams across the Cromkill, or new dykes or other works for the purpose of preventing the tide from overflowing the meadows, in this and the said act described, it shall be lawful for the said Cromkill company to proceed in the same manner, and with the like powers as are mentioned and given in the aforesaid act hereby revived; and they may, from time to time, as occasion may require, elect commissioners and managers, and clerks, and impose and collect assessments for the cost of such new works, and for the repairing thereof, in the manner in said act prescribed; and the provisions of said act shall be construed as applicable to the erection, repair, and maintenance of all such dams, dykes, and other works, as the said Cromkill company shall from time to time find it necessary or expedient to erect, in order to prevent the tide from overflowing the meadows, in this and the said act described.

Owners of
certain mea-
dows to form
part of com-
pany.

2. *And be it enacted*, That the owners and possessors of the meadows and marsh lands lying east of the shortest distance line from the northerly point of the cedar swamp, on the island of Seacaucus to Pawnepeck creek, and between that line and New Durham, and bounded northwardly by the line of the present bank along Pawnepeck creek and a line running from the eastwardly termination of the present bank to the landing and landing road, and

thence continuing eastwardly along the southerly line of said road from said landing to the upland, and southwardly by the meadows, in the aforesaid act described, shall, together with the owners and possessors of the meadows, in said act described, form part of the said Cromkill company, in respect to such portions of the meadows owned by them as are protected by the dams and dykes erected, or to be erected, by the said Cromkill company from the overflow of the tide.

3. *And be it enacted*, That a new map and survey of ^{New map and survey to be made.} the meadows described in this act, and the act hereby amended, shall be made by and under the directions of the commissioners, who may be elected or appointed in pursuance of the provisions hereof.

Approved February 16, 1855.

CHAPTER XXXIV.

AN ACT for the relief of Margaret Swachamer, of Washington, in the county of Morris.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby authorized and directed to pay to Margaret Swachamer, widow of Samuel Swachamer, a soldier of the Revolutionary war, or her order, fifty dollars per annum during her natural life, in semi-annual payments of twenty-five dollars each, the first payment to be made on the fourth day of March, eighteen hundred and fifty-five.

Treasurer authorized to pay M. Swachamer \$50 per annum.

Approved February 16, 1855.

CHAPTER XXXV.

A further supplement to the act entitled, "An act to establish and regulate pilots for the ports of Jersey City, Newark, and Perth Amboy, by way of Sandy Hook," approved February eighth, eighteen hundred and thirty-seven.

Compensation to pilots carried to sea.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a pilot who is carried to sea, when a boat is attending to receive him, shall receive at the rate of one hundred dollars per month, and his reasonable expenses, during his necessary absence.

Rates of pilotage on inward bound vessels.

2. *And be it enacted*, That the fees for pilotage are hereby established, as follows: for every merchant vessel, inward bound, and not exempted from pilotage by virtue of the act to which this is a supplement, drawing less than fourteen feet of water, two dollars and forty-four cents per foot; for every vessel drawing fourteen feet, and less than eighteen feet of water, three dollars and six and one quarter cents per foot; for every vessel drawing eighteen feet, and under twenty-one feet of water, three dollars and sixty-nine cents per foot; for every vessel drawing twenty-one feet of water, and upwards, four dollars and thirty-one and a quarter cents per foot; and for pilotage between any point within the Narrows, and any point in Staten Island sound, Newark bay, the Passaic, Hackensack, or Raritan rivers, for every vessel, either inward or outward bound, drawing less than six feet of water, not to exceed seventy-five cents per foot; and for every vessel drawing six feet or more of water, not to exceed one dollar per foot; and for every day's detention or loss engaged in piloting a vessel between any point within the Narrows, and any point in the sound, bay, or rivers aforesaid, two dollars per day: if the masters or owners of any vessel shall request the pilot to moor said vessel at any place within Sandy Hook, and not to be taken to the wharf or harbors of Jersey City, Newark, Perth Amboy, or New York, or the vessel to be detained at quarantine, the same pilotage shall be allowed,

and the pilot entitled to his discharge; for piloting national vessels of the United States, and also those of foreign nations, five dollars per foot; when any ship or vessel bound to the ports aforesaid, and boarded, by any pilot appointed by the said commissioners of pilotage, at such distance to the southward or eastward of Sandy Hook light house, as that said light house could not be seen from the deck of such ship or vessel in the day time, and in fair weather, the addition of one-fourth to the rates of pilotage herein before mentioned shall be allowed to such pilot: *and be it further enacted*, that if changes take place in the rates of pilotage of the New York pilots, that then the rates of pilotage for New Jersey pilots shall be made to conform to such changes, by the commissioners of pilotage for New Jersey, on their being made duly cognizant thereof.

3. *And be it enacted*, That the pilotage on merchant vessels outward shall be as follows: for every vessel drawing less than fourteen feet of water, one dollar and eighty-one cents per foot; for every vessel drawing fourteen feet, and less than eighteen feet of water, two dollars and twelve and a half cents per foot; for every vessel drawing eighteen feet, and less than twenty-one feet of water, two dollars and seventy-five cents per foot; for every vessel drawing twenty-one feet, and upwards, three dollars and eighteen and three-fourth cents per foot.

Rates of pilotage on outward bound vessels.

4. *And be it enacted*, That the rates of pilotage for any intermediate distance shall be determined by the board of commissioners, and promulgated in their rules and regulations for the government of pilots.

Rates of pilotage for intermediate distances.

5. *And be it enacted*, That for every day of detention at the wharf, or in the harbor, beyond the time notified to the pilot, for him to attend the vessel, or beyond the usual time of getting vessels from sea to the wharf, and from the wharf to the sea, and for every day of detention of an inward bound vessel, by ice, longer than two days for the passage from sea to the wharf, three dollars shall be added to the pilotage; if any pilot shall be detained at quarantine, by the health officer, for having been on board a sickly vessel as pilot, the master, owner, agent, or consignee of

Fees in cases of detention.

said vessel shall pay to such pilot all necessary expenses of living, and three dollars per day for each and every day of such detention.

Pilotage, how
paid.

6. *And be it enacted*, That the pilotage shall be payable by the master, owner, agent, or consignee entering or clearing the vessel, at either of the ports aforesaid, who shall be jointly and severally liable therefor.

Masters to
give account
of draught of
vessels.

7. *And be it enacted*, That masters of vessels shall give an account to the pilot, when boarding, of the draught of such vessels; and in case the draught given is less than the actual draught, he shall forfeit the sum of twenty-five dollars, which may be sued for and recovered by the New Jersey pilots, under the certified order of the commissioners of pilotage for New Jersey, and applied as is directed in the twenty-third section of the act to which this is a supplement.

Rates for
moving or
transporting
vessels.

8. *And be it enacted*, That for services rendered by pilots moving or transporting vessels in the harbor of New York, the following shall be the rates: for moving from North to East river, or vice versa, if a seventy-four gun ship, twenty dollars; if a frigate, fifteen dollars; if a sloop of war, ten dollars; if a merchant vessel, five dollars; for moving any vessel from quarantine to the city of New York or Jersey City, one quarter of the sum that would be due for the inward pilotage of such vessel, exclusive of the offshore pilotage; for hauling any vessel from the river to wharf, or from a wharf into the river, three dollars.

Additional
rates in cer-
tain seasons.

9. *And be it enacted*, That between the first day of November and the first day of April, inclusive, four dollars shall be added to the full pilotage of every vessel coming into or going out of the ports of Jersey City, Newark, Perth Amboy, or New York.

Penalty for
acting with-
out license.

10. *And be it enacted*, That any person not holding a license, as pilot, under this act, or under the laws of the state of New York, who shall pilot, or offer to pilot, any ship or vessel not exempted by virtue of the act, to which this is a supplement, from pilotage, to or from the ports of Jersey City, Newark, or Perth Amboy, by the way of Sandy Hook and Kill Van Kull, shall be deemed guilty of

a misdemeanor, and, on conviction, shall be punished by a fine, not exceeding one hundred dollars, or imprisonment, not exceeding sixty days; and all persons employing a person to act as pilot not holding a license as aforesaid shall forfeit and pay to the pilots suing therefor, in behalf of themselves and the commissioners of pilotage for New Jersey, the sum of one hundred dollars, to be collected by decision of the courts authorized to act in such cases.

11. *And be it enacted*, That the president of the board of New Jersey pilot commissioners is hereby authorized to administer an oath to any person or persons preferring or rebutting a complaint before the board of said commissioners.

Commissioners authorized to administer oaths.

12. *And be it enacted*, That if any pilot or deputy pilot shall see a vessel on the coast, having a signal for a pilot, or shall hear a gun or guns fired off the coast, and shall refuse or neglect to go to the assistance of such vessel, when it is practicable for him to do so, such pilot, on conviction before the commissioners, shall forfeit and pay the sum of fifty dollars, for each and every offence, and may be rendered incapable of acting as pilot or deputy pilot.

Penalty for refusing to go to assistance of vessel.

13. *And be it enacted*, That if any pilot or deputy pilot shall negligently or carelessly lose, or run any vessel on shore, he shall not be entitled to any pilotage; and such pilot, on conviction before the commissioners, shall forfeit and pay the sum, not to exceed two hundred and fifty dollars, for each and every offence, and may be rendered incapable of acting as pilot or deputy pilot.

Penalty for running vessel on shore.

14. *And be it enacted*, That all laws, or sections of laws, now in force, which are inconsistent with the provisions of this supplementary act, are hereby repealed.

Parts of former acts repealed.

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

Approved February 16, 1855.

CHAPTER XXXVI.

AN ACT to incorporate the Morristown Gas Light Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John F. Voorhees, William N. Wood, Albert H. Stanburrough, Augustus W. Cutter, and George T. Cobb, and all and every person or persons who may become subscribers according to the mode herein after prescribed, and their successors, are hereby created a body politic and corporate, in fact, by the name of "the Morristown Gas Light Company;" and, by the same name, the said corporation shall have power and authority to manufacture, make, and sell gas, to be made of bituminous coal or other materials, for the purpose of lighting the streets, buildings, manufactories, and other places, situated in Morristown and its vicinity, and to enter into and execute contracts, agreements, or covenants in relation to the objects of this corporation, and of enforcing the same, and be capable of purchasing, taking, and holding any estate, real and personal, necessary to give effect to the specified purposes of this corporation, for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold for the purpose of securing debts which have become due to them in the regular business of the said corporation; *provided*, that the said real estate shall not exceed what may be necessary for the purposes mentioned: and no private lands shall be in any way injured or defaced, without permission fully obtained in writing from the owner or owners thereof.

General
powers.

Proviso.

Corporation
authorized
to lay down
pipes.

2. *And be it enacted*, That the said corporation shall be empowered to lay down their gas pipes, and to erect gas posts, burners, and reflectors in the streets, alleys, lanes, avenues, and public grounds of Morristown and its vicinity, and the dwellings, stores, and other places situated therein; *provided*, that the public travel shall at no time be affected or impeded by the laying of the said pipes or the erection of the said posts; and the streets, side and cross walks,

Proviso.

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

3. *And be it enacted*, That William N. Wood, John F. Voorhees, and Augustus W. Cutter are hereby appointed commissioners for receiving subscriptions for the sum of seventy-five thousand dollars, to constitute the capital stock of the said corporation, in shares of fifty dollars each; and the said commissioners, or a majority of them, shall open books for that purpose, at such times and in such place or places, within the state, as they shall designate by a public advertisement, to be previously inserted, for at least three weeks, in two public newspapers printed at Morristown, 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; the sum of ten per centum on each share so subscribed shall be paid in specie, or in the bills of banks which redeem their bills with specie, by each subscriber at the time of subscription to the said commissioners, or a majority of them; and each subscriber shall be entitled to receive a certificate for such stock from said commissioners; and the amount so received by said commissioners at the time of subscription shall by them, or a majority of them, be paid over to the directors of the said company, to be appointed as herein after directed; and all the powers of the said commissioners shall cease and determine on the appointment of such board of directors; and the said board, when so appointed, shall have power, and they are hereby authorized, from time to time, under the foregoing regulations, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the sum of seventy-five thousand dollars, and are also authorized to call upon the said subscribers for the payment of further instalments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures, as they may deem expedient, until the whole amount of said shares so subscribed shall have been fully paid.

Commissioners to open books of subscription.

Annual election of directors.

4. *And be it enacted*, That the management of the concerns of the said company shall be vested in five directors, to be selected from the stockholders, three of whom shall be residents of the county of Morris; and the said directors shall choose, by a plurality of votes, a president from among themselves; and as soon as conveniently may be, after fifteen thousand dollars shall have been subscribed, the before named commissioners, or a majority of them, shall convene the said stockholders by public notice, to be given as aforesaid, and at such time and place as they shall designate in such notice, to choose the first board of directors, who shall hold their offices until the first Monday in May, eighteen hundred and fifty-six; and the said directors and president shall hold their offices from the first Monday of May, in every year, for one year, and shall be elected on the first Monday of May, in each year, at such time and place as a majority of the directors shall appoint; and public notice shall be given of the time and place of holding such election for ten days, in a newspaper published in Morristown; and any vacancy in the said board of directors may be supplied by appointment, to be made by the board of directors, until the next election; and all elections shall be by ballot of the stockholders, or their proxies, allowing one vote for each share which they shall have held in his, her, or their name or names at least fourteen days before the time of voting.

Vacancies.

Corporation not dissolved for failure to elect on day prescribed.

5. *And be it enacted*, That if at any time an election is not held on the day herein appointed, the corporation shall not be dissolved for that cause, but an election shall be held in such manner as is directed by the by-laws, at any time within one year.

Quorum.

6. *And be it enacted*, That the directors for the time being shall form a board, and they, or a majority of them, shall be a quorum for transacting business.

Stock transferable.

7. *And be it enacted*, That the stock of the corporation shall be transferable, according to the by-laws and regulations of the corporation, and shall be considered personal property; and the stock and transfer books shall be opened at all times to the inspection of the stockholders.

8. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act or acts whatsoever, thereby to injure any conduit, pipe, cocks, machine, or structure whatsoever, or any thing appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed, or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and, being thereof convicted, shall be punished by fine, not exceeding three hundred dollars, or imprisonment at hard 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 as aforesaid, by and in the name of the said corporation, in any court of this state having cognisance of the same. Penalty for injuring works. Proviso.

9. *And be it enacted*, That the said company shall cause to be kept, at their office, proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be open at all times for the inspection of the stockholders. Books of accounts to be kept.

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

Approved February 19, 1855.

CHAPTER XXXVII.

AN ACT to incorporate the Great and Little Eggharbor Turnpike Road Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of Commissioners to open books of subscription.

the capital stock of the Great and Little Eggharbor Turnpike Road Company shall be opened by Daniel Reed, Benjamin Doughty, Charles Ridgway, Samuel Kimball, Thomas H. Richards, Josephus Sooy, junior, Timothy Henderson, Robert Stewart, Samuel Crowley, William Woolston, Nicholas Van Zandt, Isaiah Adams, William French, Archelaus R. Pharo, and Joseph Sapp, or any four of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be twenty-five thousand dollars, with liberty for the said company to increase the same to fifty thousand dollars, and shall be divided into shares of ten 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 Great and Little Eggharbor Turnpike Company," and, by that name, shall have, hold, enjoy, and exercise all the rights, powers, and privileges appertaining to corporate bodies, and necessary to carry the objects of this act into effect.

Payment of
instalments.

3. *And be it enacted*, That, at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed for to the commissioners, or any of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and that the residue of the subscriptions shall be paid in such instalments, at such times and places, and to such persons, as the president and directors of the company shall from time to time direct and give public notice thereof; and upon failure of the payment thereof within thirty days after such notice, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments.

Money to be
returned if
subscription
be not filled.

4. *And be it enacted*, That if the number of shares, herein before made necessary for the incorporation of the

said company, be not subscribed for within three years from the time of opening 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.

5. *And be it enacted*, That when six hundred shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as herein before directed with regard to the opening of the said books; at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, seven directors, the 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, the said stockholders shall elect, by ballot, the said number of directors; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share, by the holder or holders thereof, either in person or by proxy.

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

7. *And be it enacted*, That the said directors, or a ma-

Duties and powers of directors.

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

Proviso.

Annual statements to be made.

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

Special meetings.

9. *And be it enacted*, That special meetings of the stockholders may be called, by the order of the said president, or a majority of the directors, at the written request of stockholders holding one-fourth of the stock of the said company, by giving notice, as herein before directed with regard to annual meetings; but no business of the company shall be transacted at such special meetings, unless a majority in value of all the stockholders attend, and concur therein.

Charter not defeated for failure to elect on day prescribed.

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

Company authorized to construct road.

11. *And be it enacted*, That it shall be lawful for the said company to construct a turnpike road, two rods wide, from some point within one mile from the station-house at

Weymouth station, on the Camden and Atlantic railroad, in the county of Atlantic, to Batsto, or to some point or place within one and a half miles thereof, on the Little Egg harbor river, and from thence to the village of Tuckerton, in the county of Burlington, which turnpike road shall be made on the most direct and convenient route for the purpose of constructing said road; and it shall be lawful for the said company, by their officers, agents, or persons in their employ, to enter, at all times, upon all lands, for the purpose of searching for stone, gravel, and other materials for the purpose of constructing said road, doing thereto no unnecessary damage; *provided*, that before the company shall construct the turnpike road aforesaid, they shall pay to the owners of land over which the road shall pass all damages which the owners shall sustain by reason of the construction of said road; and in case the company and any such owners cannot agree upon the amount of damages, then the said damages shall be ascertained and determined, as nearly as may be, in the manner herein after directed; and in case it is deemed expedient by the said company to construct said road along any public highways between Weymouth station and the village of Tuckerton aforesaid, it shall be lawful for the said company to construct the said turnpike of the width of said public highways on and upon the same, provided the same are vacated and abandoned by the township authorities, who are legally authorized to vacate and abandon the same; and in case the construction or repairs of any bridge or bridges which may be required to complete the road aforesaid shall be deemed too costly for the capital and receipts of said company, it shall be lawful for the board of chosen freeholders of the counties of Atlantic and Burlington to make such agreements and contracts with said company, and such appropriations of money towards the construction and repairs of said bridge, as may be deemed equitable and advantageous to the company and public.

12. *And be it enacted*, That the said turnpike road shall be constructed along the middle of the said highways, and shall be sufficiently arched and drained to make the same

Description
of road.

dry, and shall be sufficiently bedded and faced with stone or gravel to make a firm road at all seasons of the year, and shall be so graded that no part of said road shall rise above an angle of four degrees with the plane of the horizon; and said company shall make and maintain good and sufficient bridges along the line of the said road.

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

13. *And be it enacted*, That it shall be lawful for the said company, their officers, agents, and workmen, with carts and other carriages, beasts of burthen, materials, and implements, to enter upon all lands near the route of said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosures thereof, to make ditches and underdrains through such lands as may be necessary for draining said lands, and to take and carry away any stone, gravel, earth, or any other materials suitable for making or repairing said road, the said owners or occupants of such lands being entitled to a fair remuneration for their materials and damage done; and in case of disagreement, as to the amount of such damage sustained, or value of such materials taken away, then it shall be lawful for either party to apply to one of the judges of the courts of common pleas of the counties of Atlantic or Burlington, or to one of the justices of the supreme court, not being a stockholder, whose duty it shall be, upon such application, to appoint three disinterested freeholders of this state as appraisers; and thereupon the said appraisers, having given at least five days' notice of the time and place of their meeting to each party to meet at such time and place, and having taken an oath or affirmation fairly and impartially to inquire into and report the value of the said materials, and the amount of the said damages which may be submitted to their judgment, shall proceed to view and examine the premises, and make a valuation and appraisement, under their hands and seals, or the hands and seals of any two of them, and deliver the same to the clerk of the county in which the lands and materials lie, to be filed and remain of record in his office, which said valuation and appraisement shall be conclusive evidence of the value of said materials and damage sustained by the owner

or owners thereof, in any suit to be brought therefor; and every such owner or owners of land, having first made demand of said company for the amounts so valued or appraised, may sue for and recover the same, by action of debt, with costs of suit.

14. *And be it enacted*, That as soon as the said com- Rates of toll.
pany shall have constructed five miles of the said road, according to the provisions of this act, measuring from Weymouth station towards Little Eggharbor river, it shall be lawful for them to erect gates or turnpikes across the same, not exceeding two in number, and to demand and receive toll for travelling each mile of said road, not exceeding the following rates, to wit:

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

And it shall be lawful, after said five miles are constructed, for the company to erect turnpikes or gates across every additional five miles of said road which they may construct, and to demand and receive toll for travelling each mile at the rates aforesaid; and it shall also be lawful for the toll-gatherers to stop persons riding, leading, or driving any horses, cattle, mules, calves, sheep, 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 this act, or any part thereof, shall not ^{Provide} be construed so as to entitle the said company to receive toll 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 militiaman passing to or from any training on muster day appointed by law, or any other military officer or soldier passing or re-passing, when called to do duty by the laws of this state or of the United States, or any person riding or driving in search of a physician or midwife.

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

Mile stones
to be erect-
ed.

cause 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 legibly marked the distance the said stone or post is from the termini of said turnpike road, and shall cause to be kept up at the gates thereof, in some conspicuous place, a list of the rates of toll which may be lawfully demanded, and a board on which shall be inscribed in large letters, "Keep to the right, as the law directs."

Penalty
for injuring
works.

16. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile stones or posts erected on the said road, or tear down or deface any of the rates of toll or directions, break down or destroy, or in any way injure, the 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 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 a proper action, in any court of competent jurisdiction, with costs of suit; and if any person, with his or her carriage, team, or horse, turn out of the said road to pass a gate or gates on private grounds adjacent thereto, and again enter on the said road, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit three times the amount of said toll for passing through said gate, to be recovered by the said company, for the use thereof, in a legal action, with costs of suit.

Penalty for
illegal tolls.

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

Penalty for
obstructing
passage.

18. *And it be enacted*, That all drivers of vehicles, of every kind and description, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their vehicles and horses on the right hand of the said road, in the passing direction; 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 thereby, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

19. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any justice of the peace of the county of Atlantic or Burlington, who may be disinterested, the said justice shall immediately appoint, by writing under his official hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice shall appoint, and, having taken an oath or affirmation to act impartially, shall proceed to view said road so complained of, and to report to the said justice, in writing under their hands and seals, whether it be in such a state as the law requires it to be kept; and if they report the road in improper condition, said justice shall immediately, under his hand and seal, order the keeper of said gate to keep open the same until otherwise directed; and if the said keeper shall, notwithstanding the said order, exact toll of travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by the person who will prosecute for the same, in an action of debt, with costs of suit; and the justice shall be allowed for his services fifty cents, and the persons appointed one dollar, each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said road, and report their opinion thereof to the said justice, who shall, if warranted by the report of said persons, issue a permit, under his hand and seal, directed to the tollgatherer, authorizing 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

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

report of the persons appointed shall be in favor of the company, the same fees shall be allowed as before prescribed by the person making the complaint; and in case the township committee aforesaid are not disinterested, then the said justice shall appoint, in the manner before described, two or more respectable freeholders of the township or townships, who may be disinterested, to serve in their stead.

Commence-
ment and
completion
of road.

20. *And be it enacted*, That if the said road is not commenced within two years, and completed in six years from the passing of this act, that then and in that case this act shall be void, except in so far as its provisions may affect parts of the said road which may be at that time finished and completed.

Restrictions
and liabilities.

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

Approved February 19, 1855.

CHAPTER XXXVIII.

AN ACT to incorporate the Indigent Widows and Single Women's Home Society of Trenton.

Preamble.

WHEREAS it is represented to the legislature that a number of ladies in the city of Trenton have formed an association, for the humane and charitable purpose of relieving, assisting, and supporting widows and single women in a state of indigence, and are desirous of being incorporated—therefore,

1. BE IT ENACTED *by the Senate and General Assembly* Style of incorporation. *of the State of New Jersey*, That all such persons of the female sex as now are or hereafter may become subscribers to the Indigent Widows and Single Womens Home Society of Trenton, in the manner herein after provided, be and they are hereby incorporated into a society, by the name of "the Indigent Widows and Single Womens Home Society of Trenton;" and by that name shall have perpetual succession, with power to have a common seal, and change the same at pleasure, to make contracts relative to the institution, to sue and be sued, and, by that name and style, be capable, in law, of purchasing, taking, holding, and conveying any estate, real or personal, for the use of said corporation; *provided*, that the annual income of such estate shall not exceed in value two thousand dollars, nor be applied to any other purposes than those for which this incorporation is formed; and also to establish by-laws and orders for the regulation of said society, and the preservation and application of the funds thereof; *provided*, the Proviso. same be not repugnant to the constitution and laws of the United States or of this commonwealth.

2. *And be it enacted*, That every female who shall subscribe and pay to the funds of the society the sum of three dollars annually, shall, by such subscription and payment, become a member of said society, liable, however, to be removed whenever she shall refuse or neglect to pay such annual subscription; and every female who shall subscribe and pay the sum of thirty dollars shall be a member for life. Subscription of members.

3. *And be it enacted*, That the society shall meet on the second Wednesday of May, in every year, at which meeting thirteen members shall be competent to transact business; at this meeting shall be chosen twenty-four managers, in whom shall be vested the management, direction, and disposal of all the concerns of the society; and if any vacancy shall occur, by the death, resignation, removal, or otherwise, of any manager so chosen, the same may be filled the remainder of the year by such member of society as the board of managers for the time being shall appoint; Meetings of society. Vacancies.

and until the election, on the second Wednesday in May next ensuing the passage of this act, the persons who were elected at the last annual meeting of said society shall be managers.

Managers to
elect officers.

4. *And be it enacted*, That the managers shall meet, upon notice from the officiating secretary of the society, within three days after their election, and shall choose out of their number a first and second directress, a secretary, and a treasurer, who shall give security to the board of managers in such sum as shall be approved by them, and that five managers shall be requisite to transact business; that the board of managers may make by-laws for their government, shall make an annual report of their proceedings and of the state of the funds of the society, and give two weeks' previous notice of the meeting of the society.

Corporation
not dissolved
for failure to
elect on day
prescribed.

5. *And be it enacted*, That if the annual election shall not be made on the stated day, the said corporation shall not thereby be dissolved, but the managers and officers shall continue in office until a new election, which shall be made at such time and place, and after such notice, as the board of managers shall prescribe.

Property ex-
empt from
tax.

6. *And be it enacted*, That the lot of ground, and the buildings which may be thereon erected for the use of the society, shall be free of tax.

Approved February 19, 1855.

CHAPTER XXXIX.

AN ACT to incorporate the New Jersey Ocean Steam Navigation Company.

Names of
corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Thomas H. Richards, Philip J. Gray, Stephen Colwell, Albert W. Markley,

Cooper P. Browning, and their associates, shall be and they are hereby created a body politic and corporate, by the name of "the New Jersey Ocean Steam Navigation Company;" and by that name they shall have power to build, construct, purchase, lease, or otherwise procure, such and so many steamboats and other vessels, and of such size and model as they may think proper; and shall have power to purchase, lease, construct, and erect, at the city of Camden, and at other ports and places upon the river Delaware, such wharves, piers, docks, store houses, and other erections, as they deem necessary for the accommodation of their said vessels and business; and shall have power to transport and carry, for such price, freight, or fare as may be agreed upon, passengers and goods, wares, merchandise, and chattels, from the cities of Camden and Philadelphia, and other ports and places upon the river Delaware, to the cities of New York and Brooklyn, and from said cities to the said ports and places upon the river Delaware; and shall have power to do all other acts and things necessary or proper to carry into effect the objects of this act; and shall have such other incidental corporate powers as are enumerated in the first section of the act concerning corporations; *provided*, that said corporation shall not possess or exercise any banking powers, and shall not make any erections upon the river Delaware, so as to impair the navigation of said river.

General powers.

Proviso.

2. *And be it enacted*, That the capital stock of said corporation shall be five hundred thousand dollars, with privilege of increasing the same to one million of dollars, and shall be divided into shares of one hundred dollars each, and shall be deemed and considered personal property, and shall be transferable in such way as the by-laws of said corporation may direct; and every share of stock shall be entitled to one vote, by the holder or holders thereof, which may be given in person or by proxy; and the board of directors for the time being shall have full power, after such notice as they may think proper, to call in the said capital stock by instalments not exceeding five dollars per share, nor more frequently than once in thirty days; and if any

Amount of capital stock.

stockholder neglect or refuse to pay the instalments as called in, his stock may be forfeited to the use of said corporation, by a resolution of said board of directors, without further notice to any delinquent stockholder.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the said Thomas H. Richards, Philip J. Gray, Stephen Colwell, Albert W. Markley, and Cooper P. Browning, or a majority of them, shall be commissioners to open, at the city of Camden, books for subscriptions to the said capital stock, giving at least twenty days' notice of the time and place of opening said books, by advertisements in two, at least, of the newspapers printed and published at the city of Camden; and at the time of subscribing for said stock, five dollars on each share subscribed for shall be paid to said commissioners; and if the whole of said stock shall not be subscribed for on the first day of the opening of said books, the said commissioners, or a majority of them, may adjourn from day to day, or sine die; and in case of an adjournment sine die, the said commissioners, or a majority of them, may afterwards, upon like notice as aforesaid, reopen said books, and receive subscriptions as aforesaid, until at least two hundred thousand dollars of said capital stock shall be subscribed for; and, as soon as conveniently may be after two hundred thousand dollars of said capital stock shall have been subscribed for, the said commissioners, or a majority of them, shall call a meeting of the subscribers thereto, by advertisement in two, at least, of the newspapers printed and published at Camden, and one, at least, of the newspapers printed and published in the city of Philadelphia, to elect a board of nine directors for said corporation, five of whom shall be residents of this state; and at such meeting, the subscribers who may attend, in person or by proxy, shall elect a board of nine directors, to manage the affairs of said corporation until the then next annual meeting of directors and until their successors shall be chosen, each subscriber at such meeting being entitled to one vote for every share of stock subscribed for by him, her, or them; which board of directors shall, as soon as conveniently may be after their election, organize by electing one of their num-

ber president, and such other officers and agents as they may think proper; and the said commissioners, or a majority of them, shall pay over to said board of directors, or such person or persons as may be appointed by them, all the money received from the subscribers to said capital stock, deducting only therefrom the necessary expenses of said commissioners.

4. *And be it enacted*, That the affairs of said corporation shall be managed by a board of nine directors, five of whom shall constitute a quorum for the transaction of business, but any less number may adjourn a meeting of the board; that the first board of directors shall be chosen in the manner herein before directed, and all subsequent boards at an annual meeting of the stockholders; that there shall be an annual election of directors at some place in the city of Camden, on the first Monday of May, in each year after said first election, at such time and place, and upon such notice, as shall be ordained by the by-laws, and the board of directors shall appoint the judge of such elections; but if it should happen that an election of directors should not be had on the said first Monday in May next, or other time appointed for the holding of any annual election, the said corporation shall not for that cause be deemed to be dissolved, but such election shall be held at such other time and place as the board of directors for the time being shall or may appoint; and the directors for the time being shall continue in office until new ones shall be elected in their stead; and every board of directors, as soon as conveniently may be after their election, shall appoint from their number a president of said corporation, to serve until the then next annual election of directors and another shall be appointed in his stead; that the said president shall preside at all meetings of the board, except in cases of his absence, when any other of the directors present may be chosen president pro tempore; and all stated meetings of the board shall be held at such times and places as the by-laws may ordain; and special meetings may be held by appointment of the board or upon the call of the president.

Annual election of directors.

Corporation not dissolved for failure to elect on day prescribed.

5. *And be it enacted*, That dividends of so much of the

Semi-annual
dividends to
be made.

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

Penalty
for injuring
works.

6. *And be it enacted*, That if any person or persons shall wilfully injure, impair, destroy, or obstruct the wharves, slips, bridges, piers, boats, or any of the works, engines, or machines of said corporation, such person or persons so offending shall forfeit and pay to the said corporation any sum not exceeding one hundred dollars, at the discretion of the court or jury, to be recovered before any justice of the peace of the county of Camden or alderman of the city of Camden, and shall also be liable to pay double the amount of damages sustained thereby, to be recovered in an action of trespass, or other proper form of action, in any court of competent jurisdiction; and if a vacancy should at any time occur in the board of directors or presidency, by death, resignation, or otherwise, the board may fill such vacancy until the next annual election of directors; and no person shall be a director but a stockholder.

Limitation.

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

Approved February 19, 1855.

CHAPTER XL.

AN ACT to incorporate the Evangelical Lutheran churches of the state of New Jersey.

WHEREAS it is represented, that according to the constitu- Preamble.
tion, usages, and customs of the Evangelical Lutheran church, the minister, elders, and deacons thereof, for the time being, have the management of the temporalities of said church—therefore,

1. BE IT ENACTED *by the Senate and General Assembly* Provisions of
of the State of New Jersey, That the provisions of an act, former act
extended,
approved April seventeenth, eighteen hundred and forty-six, entitled, "An act to incorporate trustees of religious societies," as contained in the eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, and twenty-second sections of said act, relating as well to the incorporation, as to the rights, privileges, and duties of the Reformed Dutch church, and also of the German Reformed churches, shall be and are hereby extended to all the Evangelical Lutheran churches as may now or shall hereafter be constituted within this state.

Approved February 19, 1855.

CHAPTER XLI.

AN ACT to incorporate the Bordentown Savings Institution.

1. BE IT ENACTED *by the Senate and General Assembly* Names of
of the State of New Jersey, That Joseph W. Allen, John L. McKnight, Mahlon Hutchinson, Samuel White, John F. R. Combs, Charles Mickle, George B. Raymond, Peter H.

Kester, and Daniel S. Mershon, and their successors, shall be and hereby are constituted a body corporate and politic, by the name of "the Bordentown Savings Institution," to be located in the borough of Bordentown, in the county of Burlington.

Managers to
appoint offi-
cers.

2. *And be it enacted*, That the business of the said corporation shall be conducted by nine managers, all of whom shall be residents of this state, and five of whom shall constitute a quorum; and when the seat of any member of the board shall become vacant, by death, resignation, or otherwise, the other members of the board may fill such vacancy by the vote of a majority of their number; 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 first Monday in April, and choose from their number a president and vice president, and appoint a secretary and treasurer, and any subordinate officers or agents, as may to them appear 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 places, and shall be under oath for the faithful performance of the duties of their respective offices.

Managers to
make by-
laws.

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

Proviso.

May receive
money on
deposit.

4. *And be it enacted*, That the said corporation may receive on deposit all sums of money which may be offered therefor, in such amounts and at such times, and upon such terms, as the by-laws shall prescribe, which money shall be invested in the manner herein after directed, and be repaid to the depositors, or their legal representatives, at such times and with such interest, and under such regula-

tions, 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 the order of any court.

5. *And be it enacted*, That the said corporation may invest the money left with them on deposit in no other manner than upon such public stocks as are created under the laws of the United States or the states of New Jersey, New York, Pennsylvania, Kentucky, and Massachusetts, or upon bond and mortgage on unencumbered real estate worth at least double the amount so invested. Money may be invested.

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 joint proportion of the profits upon the business of the 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 per annum 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 parts of a month; and that no interest or dividend on account of any surplus or contingent fund shall be allowed for moneys which have been withdrawn from deposit. Interest on deposits. Proviso.

7. *And be it enacted*, That no president, vice president, or manager of the said corporation, as such, shall be entitled to 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 hold or take the bond, mortgage, or other security for the payment of money, which may be drawn or endorsed by, or may exist against, any officer or manager of the corporation. Officers not to receive compensation.

8. *And be it enacted*, That it shall be lawful for the said

Payment to
minor depo-
sitors.

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 case where no guardian shall have been appointed in his or her behalf; and that the receipt or acquittance of such minor shall be as valid as though the same were executed by his or her guardian, duly appointed; *provided*, such deposit shall have been made personally by such minor, and not by any other person for his or her benefit.

Proviso.

Deposits by
married or
single wo-
men.

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 thereon, or any part thereof, upon her check, order, receipt, or demand, without the concurrence of her husband; and such payment shall exonerate and discharge the said corporation from any further liability by reason thereof.

Payments
in case of
death of de-
positor.

10. *And be it enacted*, That a book shall be kept at the office of the said corporation, in which any depositor shall be at liberty to appoint any person or persons to whom, in the event of his or her death, the amount of such deposit, together with the interest or dividends thereon, shall be paid, if not otherwise disposed of by will; and all payments made to such persons, so appointed, shall be a full discharge to said corporation; but should no such appointment be made, then such deposit, with the interest or dividends thereon, shall be paid to the legal representatives of the deceased.

What real
estate may
be held.

11. *And be it enacted*, That the said corporation may purchase and hold, in fee simple or otherwise, any real estate of which the clear annual income shall not exceed one thousand dollars, in addition to such as may be conveyed to the said corporation for the securing or paying of loans; and that the said corporation may sell, lease, or

otherwise dispose of, the said real estate, or any part thereof, at their will and pleasure.

12. *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. Annual report to be made.

Approved February 19, 1855.

CHAPTER XLII.

AN ACT to incorporate the Atlantic City Ice Company.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Chalkly S. Leeds, John P. Rhoads, Jacob Frick, John G. Mitchener, Thomas H. Bedloe, Thomas T. Garrett, 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 Atlantic City Ice Company;" and, by that name, shall have power to hold and dispose of property sufficient for the legitimate business of said corporation. Names of incorporators.

2. *And be it enacted*, That the object of this corporation shall be to collect, purchase, and lay up good and wholesome ice, in such quantities as they may deem necessary and proper for the supply and use of such persons as may subscribe for or desire the same, at such price or prices, and on such terms, as may from time to time be agreed upon by the directors of said corporation. Objects of incorporation.

3. *And be it enacted*, That the said corporation shall have power to raise, by subscription, a capital stock of twenty thousand dollars, with liberty to increase the same Amount of capital stock.

hereafter, as aforesaid, whenever a majority of the directors of said corporation shall so determine, to any sum not exceeding thirty thousand dollars; and that said corporation shall be limited in its corporate existence to a term not exceeding twenty years.

Stock transferable.

4. *And be it enacted*, That the capital stock of said corporation shall be divided into shares of twenty-five dollars, and shall be transferable in such manner as the by-laws of the 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.

Stock not to be refunded until debts are paid.

5. *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 withdrawn from the legitimate business of the corporation, or refunded to the stockholders, until all the debts and liabilities of the said corporation are fully paid.

Directors.

6. *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.

Debts not to exceed capital stock.

7. *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 capital stock subscribed for.

Annual statement to be made.

8. *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 until all the debts and legal liabilities shall have been fully paid and satisfied.

Approved February 19, 1855.

CHAPTER XLIII.

AN ACT to incorporate the Bergen Land and Improvement Company.

1. BE IT ENACTED *by the Senate and General Assembly* Names of
of the State of New Jersey, That Jacob M. Merseles, John corporators.
 M. Cornelison, David B. Wakeman, Peter Bentley, and
 Henry Newkirk, 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 poli-
 tic, in fact and in name, by the name of "the Bergen Land
 and Improvement Company;" and, by that name, shall be
 capable, in law, of purchasing, using, holding, letting, im-
 proving, and disposing of such real and personal estate in
 the county of Hudson, as may be necessary or expedient
 to the objects of this incorporation; and may receive and
 make all deeds, transfers, covenants, conveyances, grants,
 contracts, agreements, and bargains, whatsoever necessary
 for the said purposes; *provided*, that nothing herein con- Proviso.
 tained shall authorize said company to hold more than five
 hundred acres of land at any one time.

2. *And be it enacted*, That the stock, property, and con- Annual elec-
 cerns of the said company shall be managed and conducted tion of direc-
 by five directors, being stockholders, one of whom to be
 president, who shall hold their office for one year and until
 others are elected; and that the said directors shall be cho-
 sen on the first Tuesday of April, in every year, at such
 time and place as shall be directed by the by-laws of said
 corporation; and notice of such time and place shall be
 published, not less than two weeks previous thereto, in a
 newspaper published 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
 to one vote for each share of stock he or she shall hold in
 said company; and the persons having the greatest number
 of votes shall be directors; and the said directors may ap-
 point such agents, officers, and superintendents, and assign

such compensation and duties 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 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

First directors.

Jacob M. Merseles, John M. Cornelison, David B. Wakeman, Peter Bentley, and Henry Newkirk, who shall hold their office until the first Tuesday of April next, or until others are legally chosen.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said corporation shall not exceed the sum of one hundred and fifty thousand dollars, which shall be divided into six thousand shares, of twenty-five dollars each; but as soon as one thousand shares of the capital stock shall have been subscribed, and the sum of five dollars on each share so subscribed paid or secured to be paid, it shall and may be lawful for said 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 stockholders thereof, respectively, such instalments, and 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 three weeks, in a newspaper published in the county of Hudson; but any person subscribing for any share or shares of said capital stock may, at the time of such subscription, pay the whole price of such share or shares, and not be liable to be subsequently called upon for any instalments called for; and the books of subscription for such stock shall be opened at such time and place, in the county of Hudson, and remain open such time as the directors named in this bill shall appoint, notice thereof being given, two weeks previous thereto, in a newspaper printed in said county.

4. *And be it enacted*, That the said company be and they are hereby empowered to improve all such lands as they are hereby authorized to own or purchase, by laying out any portion of the same which may lie in the township of Bergen, in the county of Hudson, into lots, streets, squares, parks, lanes, alleys, and other divisions; of leveling, raising, and grading the same, or making thereon all such workshops, factories, warehouses, stores, dwellings, and such other buildings and improvements as may be found or deemed necessary, ornamental, or convenient; for letting, renting, leasing, mortgaging, selling, or changing the same, or using the same for agricultural or manufacturing purposes.

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

7. *And be it enacted*, That the capital stock of said corporation shall be deemed personal property, and transferable only on the books of said corporation, in such manner as the by-laws shall direct; and any of the owners of the lands hereby authorized to be purchased by the said corporation may take stock to the amount of the whole, or any part of his, her, or their interest therein.

8. *And be it enacted*, That the said company shall be at liberty to subscribe for and take stock in any canal, railroad,

turnpike, or other highway, that now is, or hereafter may be, incorporated or established by the legislature of this state, which shall lead to or pass through any lands that may be owned by said company; *provided*, that nothing herein contained shall be construed to authorize the said company to use any part of its capital for banking purposes or to take stock in any banking institution.

Act may be repealed, &c.

9. *And be it enacted*, That the legislature may, at any time, for reasonable cause, amend, alter, or repeal this act.

Limitation.

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

Approved February 19, 1855.

CHAPTER XLIV.

AN ACT to incorporate the New Jersey Express Company.

Names of corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Amos Day, Amzi Dodd, Peter W. Martin, Amzi Smith Dodd, Robert G. Rankin, and their successors, shall be and are hereby constituted a body corporate and politic, in law, for and during the term of twenty years from and after the passage of this act, by the name of "the New Jersey Express Company," for the purpose of carrying on a general express business, in the conveyance and transportation, by land or water, of all kinds of goods, chattels, merchandise, bullion, specie, money, and other articles, from, to, and between various ports and places in this state, and beyond the limits thereof.

Amount of capital stock.

2. *And be it enacted*, That the wagons, cars, conveyances, horses, and other articles and property with which said company may commence and carry on their business, shall constitute the capital stock of the same; said stock may be divided into shares of one hundred dollars each,

which shall be deemed personal property, and be transferable as the by-laws may direct; the company may from time to time increase their capital stock to an amount not exceeding in the whole the sum of three hundred thousand dollars.

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

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

5. *And be it enacted*, That the office and records of the said company shall be kept at the city of Newark, and that the directors shall at all times keep, or cause to be kept, at their office, proper books of account, in which shall be entered the transactions of said corporation, which books shall at all times be subject to the inspection of the stockholders of the company. Books of account to be kept.

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

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

Approved February 19, 1855.

CHAPTER XLV.

A supplement to the act entitled, "An act to incorporate the Millstone and New Brunswick Railroad," passed the twenty-seventh of February, eighteen hundred and thirty-seven.

Company au-
thorized to
extend road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the company formed in virtue of "An act to incorporate the Millstone and New Brunswick Railroad" are hereby authorized to extend their road to the railroad of the Flemington Railroad and Transportation Company, at the village of Flemington, subject to all the provisions and liabilities contained in the act to which this is a supplement, filing the surveys of the extended road in the county where the same is located; and, for the purposes aforesaid, that the capital stock of said company be increased three hundred thousand dollars, and that they be authorized to borrow such money as may be necessary for the construction of their road, and secure the repayment thereof by bond or by mortgage of the property, privileges, and franchises of the said company.

Approved February 19, 1855.

CHAPTER XLVI.

A further supplement to the act entitled, "An act to incorporate the Florence and Freehold Plank or Turnpike Road Company," approved February nineteenth, one thousand eight hundred and fifty-two, and a supplement thereto, approved February twenty-fourth, one thousand eight hundred and fifty-three.

Former acts
revived.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act to incorporate the Florence and Freehold Plank or Turn-

pike Road Company," approved February nineteenth, one thousand eight hundred and fifty-two, and a supplement thereto, approved February twenty-fourth, one thousand eight hundred and fifty-three; that the acts, to which this is a supplement, be and the same is hereby revived and in full force, any thing in the original act to the contrary notwithstanding; *provided*, that four thousand shares be subscribed Proviso. within two years from the passing of this act, and four miles of said road be completed within five years thereafter.

2. *And be it enacted*, That the shares of the stock of said road be reduced to ten dollars per share, and that one dollar, only, shall be demanded at the time of subscribing for the same. Price of shares reduced.

3. *And be it enacted*, That any thing in the act, to which this is a supplement, contrary to the provisions of this supplement to the act, be and the same are hereby repealed. Part of former act repealed.

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

Approved February 19, 1855.

CHAPTER XLVII.

AN ACT to incorporate the Elizabethtown Gas Light Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Benjamin, Francis B. Chetwood, Keen Pruden, Isaac H. Williamson, Moses M. Woodruff, James Jenkins, James W. Angus, and John H. Rolston, and all and every person or persons who may become subscribers according to the mode herein after prescribed, and their successors, are hereby created a body politic and corporate, in fact, by the name of "the Elizabethtown Gas Light Company;" and, by the said name, Names of incorporators.

General
powers.

the said corporation shall have power and authority to manufacture, make, and sell gas, to be made of bituminous coal or other materials, for the purpose of lighting the streets, buildings, manufactories, and other places situated in Elizabethtown, 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 purpose 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 come due to them in the regular business of the said corporation; *provided*, that the said real estate shall not exceed what may be necessary for the purposes mentioned; 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.

Company au-
thorized to
lay down
pipes.

2. *And be it enacted*, That the said corporation shall be empowered to lay down their gas pipes, and to erect gas posts, burners, and reflectors in the streets, alleys, lanes, avenues, or public grounds of Elizabethtown, and to do all things necessary to light the same, and the dwellings, stores, and other places situated therein; *provided*, that the public travel shall at no time be affected or impeded by the laying of said pipes or the erection of the said posts, and the streets, side and cross walks, public grounds, lands, and avenues shall not be injured, but all be left in as good and perfect condition as before the laying of the said pipes or the erection of the said posts.

Proviso.

Commission-
ers to receive
subscrip-
tions.

3. *And be it enacted*, That the persons named in the first section of this act are hereby appointed commissioners for receiving subscriptions for the sum of fifty thousand dollars, to constitute the capital stock of the said corporation, in shares of twenty dollars each; and the said commissioners, or a majority of them, shall open the books for that purpose, at such time and in such place or places, within this state, as they shall designate by a public advertisement, to be previously inserted, for at least three

weeks, in a public newspaper printed in Elizabethtown, and shall continue the same open until the said capital stock shall be subscribed, or, at their discretion, close the same, after they have remained open two days, and again open the same, at some other time or times, place or places, giving public notice thereof, as aforesaid; and the sum of five per centum upon each share so subscribed shall be paid in specie, or in bills of banks which redeem their bills with specie, by each subscriber, at the time of subscription to the said commissioners, or a majority of them, and each subscriber shall be entitled to receive a certificate for such stock from the said commissioners; and the amount so received by the said commissioners at the time of subscription, shall by them, or a majority of them, be paid over to the directors of the said company, to be appointed as herein after directed; and all the powers of 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, if they deem an increase of capital necessary for the purposes of the company, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the sum of one hundred thousand dollars; and shall have power to call in the capital stock of said company by such instalments, and at such times, as they may direct, and in case of the nonpayment of said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise.

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 plurality of votes, a president from among themselves; and as soon as conveniently may be after fifty thousand dollars shall have been subscribed, the before named commissioners, or a majority of them, shall convene the said stockholders by public notice, to be given as aforesaid, and at such time and place as they shall designate in said notice, to choose the first board of directors,

Election of
directors.

who shall hold their offices until the second Monday in November thereafter; and the said directors and president shall hold their offices from the second Monday in November, in every year, for one year and until others are elected, and shall be elected on the second Monday of November, in each year, at such time and place as a majority of the directors shall appoint; and public notice shall be given of the time and place of holding such election for ten days in a newspaper published in Elizabethtown, and any vacancy in the said board of directors may be supplied by appointments to be made by the board of directors until the next election; and all elections shall be by ballot of the stockholders, or their proxies, allowing one vote for each share which they shall have held, in his, her, or their name or names, at least fourteen days before the time of voting.

Corporation
not dissolved
for failure to
elect on day
prescribed.

5. *And be it enacted*, That if, at any time, an election is not held on the day herein appointed, the corporation shall not be dissolved for that cause, but an election shall be held, in such manner as is directed by the by-laws, at any time within one year.

Quorum.

6. *And be it enacted*, That the directors for the time being shall form a board, and they, or a majority of them, shall be a quorum for transacting business.

Stock trans-
ferable.

7. *And be it enacted*, That the stock of the corporation shall be transferable, according to the by-laws and regulations of the corporation, and shall be 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 any thing appertaining to the works of said corporation, or whereby the same may be stopped, obstructed, or injured, the person or persons so offending shall be guilty of a misdemeanor, and, being thereof convicted, shall be punished by fine, not exceeding three hundred dollars, or imprisonment at hard labor, not

Proviso.

exceeding two years, or both; *provided*, such criminal prosecution shall not 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 the state having cognisance of the same.

9. *And be it enacted*, That the said company shall cause ^{Books of accounts to be kept.} 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.

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

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

Approved February 19, 1855.

CHAPTER XLVIII.

AN ACT to incorporate the Chancery of the Order of United Americans of the State of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William S. Arents, Alfred H. Cummings, Jeremiah B. Cleveland, Samuel R. Tyrrell, Robert T. Shiner, Charles W. Dickinson, Frederick B. Wobbe, William Ripley, and Charles Dëshler, and their associates, officers and members of the Chancery of the Order of United Americans of the State of New Jersey, and their successors, be and they are hereby constituted and declared to be a body corporate and politic in law, by the name, style; and title of "the Chancery of the Order of ^{Names of corporators.}

General
powers.

United Americans of the State of New Jersey ;" and by that name, they and their successors shall and may have perpetual succession, and at all times hereafter 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 have, take, and hold and possess, to them and their successors, in fee simple or otherwise, either by gift, grant, devise, bequest, purchase, or lease, any lands, tenements, hereditaments and real estate, and any goods, chattels, and personal estate, and the same, or any part thereof, to transfer, assign, grant, bargain, sell, and convey ;

Proviso.

provided always, that the said corporation or body politic shall not at any one time hold or possess property, real, personal, or mixed, exceeding in value the sum of twenty thousand dollars.

Corporation
may have
seal.

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

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

Approved February 26, 1855.

CHAPTER XLIX.

AN ACT to incorporate the Trustees of Camden Cemetery.

Preamble.

WHEREAS Isaac Cooper, by deed of conveyance, dated August seventeenth, one thousand eight hundred and thirty-six, duly executed, acknowledged, and recorded, sold and conveyed in fee to Hugh Hatch, Joseph W. Cooper, Elias Kaighn, Ebenezer Toole, Isaac Wilkins, Richard Fettes, and John K. Cowperthwait, all of the city of Camden, township of Camden, in the county of Gloucester (now county of Camden), New Jersey, at the

then preceding town meeting of said township, as trustees to receive said conveyance, a certain lot of land, situate near the city of Camden, in the township of Newton, county and state aforesaid, containing two acres and ninety-five hundredths of an acre, particularly described in said deed, in trust nevertheless "for the following and no other purposes whatever, that is to say: the one equal half part of said lot shall be used for the especial purpose of a free burying place for all the white inhabitants of the township and city of Camden, in the county of Gloucester, and state of New Jersey, by each one first paying to their treasurer, to be appointed to receive the same, the sum of one dollar for each and every grave to be opened therein, the other half of said lot shall be disposed of as the inhabitants of the said township of Camden shall think proper for their benefit and interest, to be used only as a grave yard;" and whereas the said lot of ground has, since the said conveyance, been used as a cemetery and burying ground, one half thereof as a free burying ground for all the white inhabitants of the said township and city of Camden, upon the payment of the fee above prescribed, and the other half of the said cemetery and burying ground has been sold out, in small lots, to such of the inhabitants of the said township and city as desired the same for family burying grounds, the said cemetery having been managed and directed by the said committee and their successors in the trust under and by virtue of the resolutions from time to time passed and authority given by the inhabitants of the said township and city, in town meeting assembled; and whereas difficulties have occurred in the management of the said cemetery and burying ground, in consequence of the said township of Camden having been superseded by the incorporation of the city of Camden, and there being no town meetings of the said township held, the said inhabitants can no longer appoint trustees and direct the management of the said cemetery in the mode contemplated in said deed of trust; and whereas it is desirable, for the preservation and manage-

ment of the said cemetery according to the trust created by the aforesaid deed, that the same should be placed under the control of a corporation, which may hold the said premises subject to the said trust, without the inconvenience arising from death or other cause affecting individuals interested in the same—therefore,

Names of
corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Hugh Hatch, Richard Feters, John K. Cowperthwait, Joseph W. Cooper, Elias Kaighn, Daniel S. Carter, Elijah Davis, William J. Hawke, and Richard W. Howell, and their successors, trustees and managers of the said cemetery, to be chosen and appointed as herein after mentioned, be and they hereby are incorporated and made a body politic and corporate, by the name of “the Trustees of the Camden Cemetery.”

Trustees.

2. *And be it enacted*, That the said cemetery shall be managed by nine or more trustees, to be chosen by the inhabitants of the city of Camden, being legal voters of said city, who shall continue in office for three years and until others be chosen in their stead, as herein after provided.

First trustees.

3. *And be it enacted*, That the said Hugh Hatch, Richard Feters, John K. Cowperthwait, Joseph W. Cooper, Elias Kaighn, Daniel S. Carter, Elijah Davis, William J. Hawke, and Richard W. Howell shall be the first trustees of the said cemetery, who shall continue in office until others, as herein after directed, shall be chosen in their stead.

Trustees to
be divided
into classes.

4. *And be it enacted*, That the said board of trustees, or a majority of them, shall, as soon as convenient after the passage of this act, assemble and organize, and by lot or otherwise, as they may agree, designate themselves into three classes, to hold office for one, two, and three years, respectively, and until others shall be chosen; and as soon as organized, the said trustees shall be authorized to receive a conveyance of the said premises from the surviving former trustees, subject to the said trust.

Election of
trustees.

5. *And be it enacted*, That at every annual election to be held in the wards of said city of Camden, for the election of ward and city officers, there shall be elected, in each ward of said city, from among the legal voters residing

therein, one person as trustee of said cemetery, who shall hold his office for the term of three years and until a successor shall be chosen; and in case of any vacancy, it shall be filled for the unexpired term at the next annual election after such vacancy shall occur.

6. *And be it enacted*, That the said trustees and their successors shall have power to maintain and keep up said cemetery, to erect and improve the necessary fixtures and dwellings, to employ such keepers and other persons as may be necessary and expedient, to make rules and regulations for the management of the said cemetery as may be necessary and may be consistent with the said trust, to levy such annual assessments upon the respective lots sold to the lot holders, not exceeding the sum of twenty-five cents on each lot, as may be necessary to keep up said cemetery, and to pay the annual expenses thereof, to purchase and acquire such additional ground, adjoining or near the said cemetery lot, as the said cemetery may require, not to exceed in the whole five acres, and lay out the same in lots, and sell the said lots to such as may desire a place of interment therein, provided no debt or encumbrance on the said cemetery shall be incurred therefor; and further, to do whatever may be authorized by or in accordance with said trust and this act.

7. *And be it enacted*, That all the funds arising from the sale of lots in said cemetery or the payment of fees, or otherwise be acquired by the said trustees under this act, shall be solely applied to the expenses of said cemetery, incurred by the maintenance thereof, and the enlargement and improvement of the grounds belonging to the same.

8. *And be it enacted*, That no road, street, or alley shall be laid through the land belonging to this cemetery.

9. *And be it enacted*, That this act shall go into effect immediately, and that all acts contrary or repugnant to the provisions of this, be and they hereby are repealed.

Approved February 26, 1855.

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CHAPTER L.

AN ACT to incorporate the Lime and Cement Company of the Township of Elizabeth.

Names of
corporators.

General
powers.

Proviso.

Commission-
ers to receive
subscrip-
tions.

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

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

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

3. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by seven directors, being stockholders and a majority thereof citizens of this state, one of whom shall be president; and they shall hold their offices for one year and until others are elected in their places; and the stockholders may vote either in person or by proxy, and shall be entitled to one vote for each share of the capital stock they may severally hold in said company; and in every election of directors, the stockholders having the greatest number of votes shall be directors; and the persons herein before named, or any three of them, shall be inspectors and judges of the first election; and the said directors, when elected, shall choose out of their own number a president; and the said president and directors shall annually thereafter, by public notice as aforesaid, call meetings of the stockholders for electing directors of the said company, and shall appoint three of the stock-

Amount of
capital stock.

Duties and
powers of
directors.

holders, not being directors, as inspectors and judges of the election; and the said president and directors may make, ordain, and execute such by-laws and regulations, for the government of the said corporation and the management of its concerns, as may by them be deemed necessary and convenient, not repugnant to the constitution or laws of this state or of the United States, and may appoint such agents and superintendents, with such compensation as they may think proper, and remove them at pleasure.

Payment of
instalments.

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

Stock trans-
ferable.

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

Dividends.

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

Election of
directors.

7. *And be it enacted*, That all elections of directors shall be by ballot; and in case an election for directors should not be held on the day on which pursuant to this act it ought to have been held, the corporation shall not for that

cause be deemed to be dissolved, but it shall be lawful to hold such election at such other time as may be prescribed by the by-laws of such corporation, after thirty days' notice; and that this act shall take effect immediately, and continue in force for thirty years, unless sooner modified or repealed.

Approved February 26, 1855.

CHAPTER LI.

A supplement to an act entitled, "An act concerning the firemen of Jersey City, in the county of Hudson," passed January twenty-seventh, one thousand eight hundred and fifty-three.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That every person who, on the first day of May next, shall have been a fireman in Jersey City, in this state, for the term of five years or more, and who shall serve as such two years thereafter, and every person who, on the first day of May next, shall have been such fireman for a less period of time than five years, and who for so long a time thereafter as shall make the whole term of service seven years, and every person who may become such fireman after the passage of this act, and shall serve as such for seven years thereafter, shall, during and for ever after such service, be exempted from serving as a juror in any of the courts of this state, and from all militia duty, except in cases of war, invasion, or insurrection.

Firemen exempt from militia and jury duty.

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

Part of former act repealed.

Approved February 26, 1855.

CHAPTER LII.

AN ACT relative to the quantity of land that may be held by certain railroad companies.

Preamble.

WHEREAS the acts incorporating some of the railroad companies in this state limit the quantity of land that said companies may hold at their stations; and whereas experience has shown that the quantity so limited is insufficient for the economical and advantageous working of their roads—now, therefore,

What land
may be held.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for such railroad companies in this state to purchase and hold so much land at their stations as may be strictly necessary for most conveniently storing and working upon their engines, cars, fuel, and materials to be used on their roads, and for receiving and delivering property transported on their roads to the best advantage, and for track, wagon roads, platforms, and all other strictly station and railroad purposes; *provided always*, that any land owned, as herein before authorized, exceeding the quantity limited in the respective charters or supplements thereto, at the stations, shall be subject to the same taxes as other lands in the same township or city may be.

Proviso.

Approved February 26, 1855.

CHAPTER LIII.

AN ACT to authorize the sale of certain real estate in the county of Warren, whereof Abraham Arndt died seized.

Preamble.

WHEREAS Abraham Arndt, late of the township of Greenwich, in the county of Warren, deceased, died seized of

certain real estate in said township, and did in his lifetime make his last will and testament in writing, since his decease duly proved and recorded in the surrogate's office of the county of Warren aforesaid, wherein he devised one equal undivided half part of said real estate to his son, Joseph King Arndt, during his natural life, and at his decease to his issue in fee simple for ever, and in case he should die without issue, then he devised the same to his sister, Mary King, in fee simple ; and did devise the other equal undivided half part thereof to his nephew, Abraham Arndt King, (now deceased) in trust, that he would, during the life of his son, Hart Johnson Arndt, permit him, the said Hart Johnson Arndt, to use, occupy, possess, and enjoy the same, and receive the rents, issues, and profits thereof to his own use, or if he should deem advisable to rent the same to any tenant or tenants for the use of the said Hart Johnson Arndt, and pay over the said rent to the said Hart Johnson Arndt (first deducting therefrom all expenses for repairs and commissions for the trust), and in further trust that the said real estate should be kept free and clear of all encumbrances by reason of the said Hart Johnson Arndt, and at the decease of the said Hart Johnson Arndt did devise the same to his issue in fee simple, and in case he should die without issue, then to his sister, Mary King, in fee simple, and did order that said real estate should be kept whole, and no partition thereof should be made during the joint lives of his said two sons, and did constitute and appoint his nephew, the said Abraham Arndt King (now deceased), sole executor of said last will and testament ; and whereas the said Joseph King Arndt, Hart Johnson Arndt, and Mary King have represented to this legislature, under their respective oaths, that the greater part of the proceeds of said real estate is consumed in repairs and other necessary expenses, to the great pecuniary injury of said Joseph King Arndt and Hart Johnson Arndt, that if the said real estate was sold, the interest of the purchase money would afford them a reasonable maintenance ; that the said Joseph King

Arndt and Hart Johnson Arndt are unmarried, and that no minors are interested in said real estate, and have petitioned this legislature to authorize a sale of said real estate—therefore,

Court to appoint commissioners to sell real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the orphans court of the county of Warren be and are hereby authorized and required, when thereunto requested in writing by the said Joseph King Arndt, Hart Johnson Arndt, and Mary King, to appoint commissioners to sell the real estate whereof the said Abraham Arndt died seized, in the township of Greenwich, county of Warren, devised as aforesaid, at public sale, upon like notice, conditions, and confirmation as real estate is now sold by law under a decree of said court, and to secure the purchase money thereof, after deducting the costs and expenses of the order and sale, on good and sufficient real estate, to be approved by said court, the interest of one half thereof to be paid to the said Joseph King Arndt annually during his life, and at his death, the principal sum to his issue, and in case he should die without issue, then to the said Mary King, and the interest of the other half thereof to the said Hart Johnson Arndt, annually, during his life, and at his death the principal sum to his issue, and in case he should die without issue, then to the said Mary King.

Approved February 26, 1855.

CHAPTER LIV.

AN ACT regulating the speed of steamboats and other vessels propelled by steam on the Raritan river.

Speed of boats regulated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful

for any steamboat, or other vessel propelled by steam, to pass any of the wharves on either side of the Raritan river between New Brunswick and a point two hundred yards below French's or Wood's landing, at a greater speed than four miles per hour while any vessel is laying thereto, nor pass up and down the said river between said points at a greater speed than seven miles per hour.

2. *And be it enacted*, That if any steamboat or other vessel propelled by steam shall violate this law, the person in command, or owners of said vessel, being duly convicted thereof in any court of competent jurisdiction, shall pay one hundred dollars, one half to the person who shall prosecute the same to effect, and the other half to the county treasurer, and shall also be liable to full damages to the person whose property shall be injured thereby. Penalty for violation of act.

3. *And be it enacted*, That this act shall take effect on the first day of March, one thousand eight hundred and fifty-five. When act to take effect.

Approved February 26, 1855.

CHAPTER LV.

AN ACT to regulate the sale of candles.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That from and after the fourth day of July next, it shall not be lawful for any person or persons, in the state of New Jersey, to sell any description of candles in a box or boxes, or other package or packages, unless the actual weight of the candles therein contained be plainly and conspicuously marked or branded, on the end of said box or package, with the initial letter or letters of the christian name, and the surname at full length, of the manufacturer, together with the name of the place where Weight to be marked on box.

said candles were made ; and each and every box or package of candles shall be numbered according to its contents, as follows : number four, number six, number eight, number ten, and four candles of number four, six candles of number six, eight candles of number eight, and ten candles of number ten, shall be made, respectively, to weigh not less than fifteen and three-quarter ounces ; but it shall be lawful for any person or persons to sell candles in a box or boxes, or other package, of other numbers ; *provided*, the actual weight of the candles sold shall bear the same relative proportion to their number as in the cases above specified.

Proviso.

Sale of candles by the pound.

2. *And be it enacted*, That it shall not be lawful for any person or persons to sell candles, by the pound or otherwise, which shall not bear the same weight in proportion to their number as is described in the foregoing section.

Penalty for violation of provisions of act.

3. *And be it enacted*, That any person or persons who shall sell candles within the state of New Jersey in violation of any of the provisions of this act, shall forfeit and pay, for every such offence, a sum not less than ten dollars, and not exceeding one hundred dollars, one half to go to the prosecutor, and the other half to the poor of the city or township in which such offence may be committed, to be recovered by action of debt, in any court having cognisance of the same.

4. *And be it enacted*, That the provisions of this act shall not apply to the sale of candles manufactured previous to the fourth day of July next.

Approved February 26, 1855.

CHAPTER LVI.

A further supplement to the act entitled, "An act to incorporate the town of Lambertville, in the township of West Amwell, in the county of Hunterdon."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of said town, in common council convened, to make and establish ordinances and regulations for the levelling, grading, paving, or flagging side walks, in any street or streets in said town, wherever, in the opinion of the said common council, the public necessity requires it; *provided*, that the common council shall not alter the grade of any street which has been built upon, and which has been fixed by lawful authority, unless by the consent of the owners of a majority of the lots fronting on the parts so altered, nor without paying to the owners of such buildings the damages sustained by the alteration of such grade, which damages shall be awarded by three disinterested persons, residents of said town, who shall be appointed by said common council, and whose award shall be final and conclusive as to said awards and damages; which said levelling, grading, paving, or flagging shall be done under the superintendence of the street committee; so as to make the same uniform and conform to the established grade of the streets; and the owner or owners of lots fronting on or adjoining such streets, so ordained as aforesaid to be levelled, graded, paved, or gravelled, shall, within thirty days after the passing and publishing such ordinance or regulation, fully comply with the provisions thereof, to be done under the superintendence of the street committee as aforesaid.

Common council may make ordinances for paving, &c.

Proviso.

2. *And be it enacted*, That if the owner or owners of any lot, in front whereof the side walks shall, by such ordinance or regulation, be directed to be levelled, graded, and paved, flagged or gravelled, shall neglect to comply with such ordinance or regulation within thirty days after the passage and publication thereof, it shall be lawful for

Proceedings in case owners refuse to pave, &c.

the street committee aforesaid to cause the same to be done in a good and substantial manner; and the common council shall immediately thereafter appoint three disinterested persons to estimate and assess the said expense, who shall make a report of the same, under their hands and seals, to the common council aforesaid, which said report shall be filed with the clerk of the town; and from that time, the amount of the same shall be and remain a lien upon the property aforesaid, in manner aforesaid, until paid or otherwise satisfied.

Proceedings
in case own-
ers refuse to
pay assess-
ment.

3. *And be it enacted*, That where any owner of land shall neglect or refuse to pay the amount of such assessment, so made a lien upon his, her, or their land as aforesaid, for the space of two months after the same shall become a lien as aforesaid, the common council shall pay, or cause the same to be paid, out of any moneys in the hands of the treasurer of the said town, and to sue for and recover the same in the name of the treasurer of the town of Lambertville, for the use of the inhabitants of the town of Lambertville, of the owner or owners of such lot, or his, her, or their legal representatives, with interest and costs, in any court of this state having cognisance thereof, in an action on the case for so much money by them paid, laid out, and expended to and for the use of such owner or owners or his, her, or their legal representatives; and in every such action the said estimate or assessment, with the proof of the amount paid, shall be conclusive evidence for the plaintiff.

Part of former act repealed.

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

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

Approved February 26, 1855.

CHAPTER LVII.

AN ACT to incorporate the Centreton Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly* Style of incorporation. *of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock herein after mentioned, their successors and assigns, shall be and hereby are ordained and constituted, and made a body politic and corporate, in fact and in law, by the name of "the Centreton Turnpike Company;" and that the following named persons, viz: Ezra Haines, Daniel Wills, John E. Broome, John Borton, Joseph Hollinshead, George M. Kelley, Henry Warwick, Amos Cox, Charles Johnson, William H. Rogers, Elton Rogers, Samuel J. Wills, Abraham W. Engle, Joseph Hilton, William Brown, Chalkley Stokes, Charles Stokes, or a majority of them, are hereby appointed commissioners Commissioners to open books of subscription. to open the subscription books, and receive subscriptions to the capital stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least ten days prior to the opening of said books, by publishing the same in at least two newspapers in the county of Burlington.

2. *And be it enacted*, That the capital stock of said company shall be five thousand dollars, with power to increase Amount of capital stock. the same to ten thousand dollars, and shall be divided into shares of fifty dollars each; that at the time of subscribing to said stock, two dollars and fifty cents shall be paid upon each share subscribed for to the said commissioners, or any of them, which money shall be paid over to the treasurer of said company, as soon as one shall be appointed; that the residue of said stock shall be paid to the treasurer, in such instalments and at such times and places as the board of directors of said company shall, from time to time, direct, and upon failure of payment thereof, as so directed, the said board shall have power to forfeit the shares of each and every person so failing to pay said instalments, or any of them, to and for the use of the said company.

Annual elec-
tion of di-
rectors.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of seven directors, a majority of whom shall be a quorum for the transaction of business, any less number may adjourn from time to time ; that when eighty shares shall be subscribed for, the said commissioners, or a majority of them, shall call a meeting of the said stockholders, giving at least six days' notice of the time and place of 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, of which election the said commissioners, or a majority of them, shall be the judges; and at the expiration of said term, and annually thereafter, upon like notice being given by the existing board of directors, the stockholders shall elect, by ballot, seven directors, and the judge of said 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 happen that any election of directors should not be made on the day when, pursuant to this act, it ought to be made, said corporation shall not, for that cause, be deemed to be dissolved, but such election may be held at any other time; and the directors for the time being shall continue to hold their offices until others shall have been chosen in their places.

Officers of
company.

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 one year and until another shall be elected, who shall receive such compensation for his services as the board of directors may direct; he shall keep the seal of the company, and preside at all meetings of said board, and in case of his absence, the said board shall appoint one of their number, who for the time being shall possess the same power and authority, and perform the like duties; and the board of directors may fill any vacancy that may occur therein until the next annual election, and may exact

from the president, treasurer, and other officers and agents of said company, such security for the due performance of their respective trusts as they may deem expedient; and special meetings of the said stockholders may be called by the said board, or by the stockholders owning one-fourth of the whole stock of the company, by giving ten days' notice of the time and place of holding the same, and the object for which such meeting is called.

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

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road, along the road leading from Centreton, through the farm of Joseph Hollinshead and others, from a stake in said road in the village of Centreton, to its junction with the Mount Holly and Moorestown turnpike, and also along the road, from its junction with the Centreton and Moorestown road aforesaid, in the said village of Centreton, to where it crosses the Mount Holly and Moorestown turnpike aforesaid, at a place known as Five Points; and the said company may, by their officers, agents, or other persons in their employ, enter, from time to time and at all times, upon all lands, to search for stone, gravel, sand, or clay for constructing and keeping up said road, doing no unnecessary damage to said lands; *provided*, the said company, as soon as they shall construct the said turnpike road, shall pay to the respective owners of the lands over which they may pass all damages which the said owners shall sustain by reason of the construction of said turnpike road; and in case the said owners and said company cannot agree upon the amount of said damages, then the damages shall be ascertained and determined, as nearly as may be, in the manner herein after provided for ascertaining and determining the damage which any land owner or owners may sustain by taking off stone, gravel, sand, or other materials, from his or her lands for the constructing or maintaining of said turnpike road. Company authorized to construct road. Proviso.

Description
of road.

7. *And be it enacted*, That the said turnpike road shall be constructed at least thirty feet in width along the middle, as near as may be, of the said roads hereby authorized to be turnpiked, 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, or gravel, to make a good and firm road ; and it shall be so graded that 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 ; and whenever said road, in passing over low ground, shall be raised so much at the 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.

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

8. *And be it enacted*, That it shall be lawful for the said company, their agents, superintendents, engineers, and all persons employed by them, with carts, wagons, and other carriages, and with beasts of burthen and draught, with all necessary materials, tools, and implements, to enter upon all lands contiguous or near to said roads, doing as little damage thereunto as possible, repairing any breach they may make in the enclosures thereof, and to make all ditches and underdrains across and through such lands as are necessary for the proper draining of said road, and to take and carry away stone, gravel, clay, or sand, or other materials, therefrom, suitable for making or repairing said road ; and if the said company, or their agents, and the owner or owners of such required land or material, cannot agree as to the price of the same, it shall 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 Burlington, upon application by either party, and after six days' notice, in writing, to the opposite party of such application, and after hearing the parties, to appoint three disinterested, impartial, judicious freeholders of this state commissioners to assess the price or value of such materials as may be required by said company, and all damages to be sustained

by reason of their removal, who shall, before they enter upon the duties of their appointment, be duly qualified, according to law, faithfully and impartially to execute the duties thereof; and after six days' notice, in writing, to both parties of the time and place, shall meet, view the premises, hear the parties and evidence, if desired, and thereupon make such decision or award as to them may appear equitable and just, and transmit such award and decision, in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the said county of Burlington, to be by him filed as a public record, and certified copies taken by either party, if desired; and upon payment or tender of the sum so awarded by the commissioners, the said company, or their agents, may enter upon and remove all such materials as have been appraised as aforesaid; and when, by reason of any legal incapacity or the absence of the owner or owners of such lands or materials, no agreement can be made with said company, then it shall be the duty of the said company to pay the amount of any award made in behalf of any such persons, by commissioners appointed as aforesaid, into the court of chancery, to the clerk thereof, subject to the orders of said court, for the use of said owner or owners.

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

For every carriage, sleigh, or sled, drawn by one	
beast,	one cent.
For every additional beast,	one cent.
For every horse and rider, or led horse or mule,	five mills.
For every dozen calves, sheep, or hogs,	five mills.
For every dozen horses, mules, or cattle,	two cents.
And it shall and may be lawful for the tollgatherers to stop all persons riding, leading, or driving any horses, cattle, mules, sheep, calves, or hogs, or carriages of burthen or	

Proviso.

pleasure, from passing through the said gates or turnpikes, until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship which he or they usually attend, 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, or his lands detached, on the common business thereof.

Mile stones
to be erect-
ed.

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

Penalty
for injuring
works.

11. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile marks or stones so erected on said road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down, or destroy, or otherwise injure, any gates, turnpikes, or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of ten dollars, besides being subject to an action for damages for the same, to be recovered by said company, by action of debt or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person, with his or her carriage, team, or horses, turn out of said road to pass a gate or gates upon private grounds adjacent thereto, and 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 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.

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

Penalty for
illegal tolls.

13. *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 Burlington, upon complaint being made to him, in writing, stating the bridge or part of the road that is out of repair, and specifying the particular defect, and after four days' notice, in writing, to said company, specifying the particular part of the road or bridge, and the particular defect complained of, and after hearing the parties, if the said company shall 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 Burlington, not residing in any township through which said roads pass, who, having been duly qualified according to law to act impartially in the case, shall proceed to view and examine said part of the turnpike road or bridge so complained of, and report to said judge, in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such state as the law requires it to be kept; and if the report be unfavorable to said road, said judge shall immediately, in writing, under his hand and seal, order the keeper of the gates or turnpikes to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of said judge to open said gates or turnpikes, exact toll of travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same in an action of debt, with costs of suit; and the said judge shall be allowed for his services 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

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

the particular complained of, he shall, by license, under his hand and seal, directed to the tollgatherers, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the said fee shall be allowed and paid as before directed; but if, on the view, as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and be paid by the person or persons making the complaint.

When road
to be con-
structed.

14. *And be it enacted*, That this act shall take effect immediately; but said company shall not construct their said turnpike along said highways, until the same shall be vacated as a public highway according to law.

Approved February 26, 1855.

CHAPTER LVIII.

AN ACT for the preservation of terrapin.

Terrapin not
to be taken
within cer-
tain times.

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, except upon his own premises, to take from the salt or fresh waters of this state, or from the land adjacent to the same, any of the species of tortoise commonly called terrapin, between the first day of April and the first day of October.

Penalty for
offending.

2. *And be it enacted*, That every person offending against the foregoing section of this act shall forfeit and pay, for each offence, the sum of ten dollars, to be sued for and recovered, in an action of debt, by any person who will sue for the same, with costs.

3. *And be it enacted*, That it shall be lawful to proceed,

in any action under this act, by summons or warrant, at the option of the plaintiff. Mode of action.

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

Approved March 2, 1855.

CHAPTER LIX.

AN ACT to incorporate the Lodi Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel Romaine, Joseph N. Taylor, David B. Beam, John J. Brown, and Richard Romaine, and such other persons as may thereafter be associated with them, shall be and they are hereby declared a body corporate and politic, in fact and in name, by the name of "the Lodi Manufacturing Company." Names of corporators.

2. *And be it enacted*, That the stock, property, and affairs of said corporation shall be managed and controlled by five directors, a majority of whom shall be residents of this state, who shall, after the first election of directors, herein after provided for, be annually elected on the first Tuesday of April, at such time of the day, and at such place in the state of New Jersey, as the by-laws of said corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in a newspaper printed in the city of Paterson; and the election of directors shall be made by such of the stockholders as shall attend for that purpose, either by person or by proxy; and all elections shall be by ballot, each share of stock being entitled to one vote; and the persons who shall have the greatest number of votes shall be the directors; and the said directors, as soon as may be after their election, shall proceed to elect Annual election of directors.

one of their number, by ballot, to be president, who shall be a resident of this state; and if any vacancy shall at any time happen among the directors elected by the stockholders, by death, resignation, or otherwise, such vacancy or vacancies shall be filled, for the remainder of the year, by such person or persons as the remainder of the directors for the time being, or the majority of them, shall appoint.

Corporation
not dissolved
for failure to
elect on day
prescribed.

3. *And be it enacted*, That in case an election of directors should not take place on the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of said corporation.

Amount of
capital stock.

4. *And be it enacted*, That the capital stock of said corporation shall be the sum of fifty thousand dollars, until the same shall be increased by a vote of the directors to the sum of one hundred thousand dollars, which the said directors are hereby authorized to do, and that the shares of said stock shall be one hundred dollars; but so soon as twenty thousand dollars shall be subscribed, and the sum of twelve thousand dollars paid in, it shall be lawful for the said corporation to commence business; and it shall be lawful for the president and directors of said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such proportion as they shall deem fit, not exceeding ten per cent. every thirty days, under the penalty of forfeiture of their shares of stock, and all previous payments thereon, to the said corporation; *provided always*, that notice of the calling in of such instalments shall be made in at least one newspaper published in the county of Bergen or Passaic, for at least thirty days before the time for payment of the same.

Proviso.

Election of
officers.

5. *And be it enacted*, That at the time of subscribing for said stock, five dollars shall be paid upon each share subscribed to the said commissioners; and when the sum of twenty thousand dollars of said capital stock shall be subscribed, it shall be the duty of the said commissioners, or a

majority of them, to call a meeting of the stockholders, giving at least two weeks' notice thereof in a newspaper printed in the county of Passaic or Bergen, for the purpose of choosing five directors 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 commissioners, or a majority of them, shall be the inspectors of said election, and shall certify, under their hands, the names of the persons, being stockholders, duly elected, and shall deliver over to them the books of subscription and all moneys paid in, after deducting a reasonable compensation for their services; and the time and place of electing the first directors, as provided for in this section, shall be fixed by said commissioners, or a majority of them.

6. *And be it enacted*, That a majority of the directors Quorum. shall be a quorum for the transaction of the business of said corporation, and said directors shall have power to make by-laws for the government of said corporation.

7. *And be it enacted*, That the said corporation are Objects of incorporation. hereby authorized and empowered to manufacture silk, woollen, cotton fabrics, and paper, and to dye, color, and print the same, and to carry on the business incident thereto, and to hold such real estate as shall be necessary and proper for that purpose.

8. *And be it enacted*, That the stock of said corporation Stock transferable. shall be deemed personal estate, and transferable on the books of said corporation, as the by-laws may direct.

9. *And be it enacted*, That this act shall continue in Limitation. force for thirty years, and that the legislature may at any time alter, amend, or repeal the same.

Approved March 2, 1855.

CHAPTER LX.

AN ACT for the relief of the trustees of the Methodist Episcopal Church at Mount Holly, in the county of Burlington.

Preamble. WHEREAS William N. Shinn, William M. Risdon, Thomas C. Alcott, Joseph Carr, Aaron Cowgill, James H. Kempton, and Charles A. Kingsbury, the trustees of the Methodist Episcopal Church at Mount Holly, in the county of Burlington, in this state, by their petition have set forth, that William N. Shinn, Samuel Risdon, senior, Joseph Carr, Clayton Monroe, Richard H. Parson, John Folwell, and Joseph Cross, (then) trustees of the said church, did, by deed bearing date the sixth day of April, Anno Domini eighteen hundred and thirty-nine, and recorded in book W. three of deeds, page fifty-two, &c., in the clerk's office of the county of Burlington, at Mount Holly, purchase of Samuel F. Levis a certain house and lot of land, situate on New or Brainard street, in Mount Holly aforesaid, and particularly set forth and described in said deed, to be used as a parsonage or residence for the minister of said church, which said house has been found to be inconvenient, and not to answer the purpose for which it was purchased, and that the trustees of said church have recently purchased another dwelling house, more convenient and better adapted for the purpose, and are desirous to make sale of the house and lot purchased by their predecessors of the said Samuel F. Levis, and to apply the proceeds of such sale in payment of the debt contracted by their recent purchase, but that, by reason of a trust contained in said deed, the same having been conveyed to the said William N. Shinn, Samuel Risdon, senior, Joseph Carr, Clayton Monroe, Richard H. Parson, John Folwell, and Joseph Cross, trustees of said church, and to their successors in office, in trust for the use of the said church, doubts have arisen whether a good and sufficient title to said house and lot can be made by the

trustees of said church, to any person purchasing the same—therefore,

1. BE IT ENACTED *by the Senate and General Assembly* Trustees authorized to sell lot. *of the State of New Jersey*, That William N. Shinn, William M. Risdon, Thomas C. Alcott, Joseph Carr, Aaron Cowgill, James H. Kempton, and Charles A. Kingsbury, the trustees of the said Methodist Episcopal Church at Mount Holly, or a majority of them, be and they are hereby authorized and empowered to sell the said house and lot, so as aforesaid purchased by their predecessors of the said Samuel F. Levis, and upon sale thereof to make, execute, and deliver to the purchaser or purchasers thereof a good and sufficient deed for the same, and that such deed, executed by the trustees of said church, or a majority of them, when delivered, shall convey to the purchaser or purchasers a good and indefeasible title to said house and lot; and such purchaser or purchasers, his, her, or their heirs and assigns, shall hold the same to his, her, or their own use free and clear, and freely, clearly, and absolutely discharged of and from all trusts which are contained in the aforesaid deed from the said Samuel F. Levis to the said trustees, as aforesaid.

Approved March 2, 1855.

CHAPTER LXI.

AN ACT to incorporate the Harmony Fire Company of the city of Trenton.

1. BE IT ENACTED *by the Senate and General Assembly* Names of corporators. *of the State of New Jersey*, That George W. Sunning-shine, Samuel T. Bellerjeau, James T. Robinson, John B. Creed, Samuel F. Price, Matthew Moses, Samuel D. Bellerjeau, Charles Meyer, John Brades, William Lovett,

M*

Charles Sweet, John Haws, and all persons, not exceeding one hundred and fifteen in number, as now are or hereafter shall become associates of the Harmony Fire Company of Trenton, 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 Harmony Fire Company of the city of Trenton ;" 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 incorporation, and shall have full power and authority to make, form, and adopt such form of constitution and such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state or of the United States, as they shall think proper.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of the said company shall not exceed the sum of four thousand dollars, which shall be applied to the purchase and holding of real estate, to the procuring, maintaining, and repairing such fire engine, hose carriage, hose, ladders, buckets, fire hooks, engine house, or other property, and 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.

Officers of
company.

3. *And be it enacted*, That the said company shall have power to elect, annually, or oftener if necessary, a president out of their own body, and such other officers and assistants as they shall deem necessary for conducting their affairs according to their constitution and by-laws ; and that the said president shall keep in his custody the common seal of the said company, and at the expiration of his term of office shall deliver it over to his successor ; and in their corporate name, may institute suits for the recovery of all fines, debts, and arrearages due the said company.

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

Approved March 2, 1855.

CHAPTER LXII.

AN ACT to incorporate the Philadelphia and Cape Island Telegraph Company.

1. BE IT ENACTED *by the Senate and General Assembly* ^{Subscribers incorporated} of the State of New Jersey, That all such persons as may become subscribers to the capital stock by this act authorized to be created, their associates, successors, and assigns, are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, possessing all the powers and immunities, and subject to all the restraints enumerated in the act entitled, "An act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, by the name of "the Philadelphia and Cape Island Telegraph Company," for the purpose of erecting, using, and maintaining a line of telegraph between the city of Camden and Cape Island, in this state, and may purchase, rent, or otherwise receive and hold, any line of telegraph now erected necessary or expedient to the objects of this incorporation; *provided*, that the amount of ^{Proviso.} real estate owned by the corporation at any one point shall not exceed one half of an acre.

2. *And be it enacted*, That the capital stock of the said ^{Amount of capital stock.} company shall be twenty-two thousand dollars; which shall be divided into shares of ten dollars each, which said shares shall be deemed personal property, and shall be transferable in such manner as the said corporation shall by their by-laws direct.

3. *And be it enacted*, That, as soon as one third of the

Election of
officers.

capital stock aforesaid shall be subscribed, George Hayes, Samuel S. Marcy, Joseph Ware, Benjamin Acton, junior, and John T. Nixon, or a majority of them, shall call a meeting of the stockholders generally, at such time and place as they shall deem proper, by giving not less than fifteen days' notice thereof, which said notice shall be either advertised in three newspapers published in this state, or directed to the stockholders' respective places of residence; then the stockholders, when convened in pursuance of the said notice, shall proceed to elect officers of their said company, consisting of a president, secretary, and treasurer, and at least five directors, whose term of office shall continue for one year or until their successors are elected; the respective duties and powers of each of the said officers to be indicated and determined by the by-laws of the company; *provided*, that such by-laws do not conflict with this act, and are not repugnant to the constitution and laws of this state or of the United States.

Proviso.

Officers of
company.

4. *And be it enacted*, That the said company may keep open, for the reception and transmission of telegraphic messages, an office at Camden, Salem, Bridgeton, Cape Island, and at such other points as they may hereafter decide upon.

Company
may pur-
chase side
lines.

5. *And be it enacted*, That it shall be lawful for the said company to purchase, make use of, and maintain any connecting or side lines within the counties of Camden, Gloucester, Salem, Cumberland, Atlantic, and Cape May.

Messages on
public busi-
ness to be
sent free of
charge.

6. *And be it enacted*, That it shall be the duty of the said company, at all times without charge, on request of any public officer of this state, to transmit confidential messages relating to the public business thereof, and also at all times to assist the police officers of this state, by transmitting intelligence when required by the public interests; and no other tax or duty shall be imposed on said company.

Limitation.

7. *And be it enacted*, That this charter shall continue in force twenty years, and may be altered, amended, or repealed, at the pleasure of the legislature.

Approved March 2, 1855.

CHAPTER LXIII.

AN ACT to authorize and enable the city of Trenton to purchase a part or the whole of the capital stock of the Trenton Water Works Company.

WHEREAS it has been represented to the legislature that, in Preamble.
order to secure to the city of Trenton a supply of water adequate for the extinguishment of fires and other public purposes, it is expedient that the said city should be the owner of the whole, or a majority, of the stock of the Trenton Water Works—therefore,

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That it shall be lawful for the common council of the city of Trenton, whenever it may seem to them expedient so to do, to purchase, in the name and on the behalf of the said city, the whole, or a majority, of the shares of the capital stock of the president and directors of the Trenton Water Works, and thereby to become possessed of the same rights and privileges, and be subject to the same liabilities, as other stockholders; and to the end aforesaid, the said common council are hereby authorized and empowered to contract such debts and to borrow such sums of money, on the credit of the said city, as shall appear to them to be necessary, not exceeding one hundred thousand dollars. Common council authorized to purchase stock.

2. And be it enacted, That in case the said common council shall make the said purchase, they shall have the right to vote on the said shares of stock, or any of them, by proxy, and shall be entitled to appoint as many directors of said water works as the shares held by the city shall be in proportion to the whole number of shares of said water works; provided, that no member of said common council shall be appointed such director. Common council may appoint directors.

3. And be it enacted, That the said common council are hereby empowered to set off such parts of the said city, through which the water pipes of the Trenton Water Works now are or hereafter shall be laid, into a district or City to be laid out into water districts.

districts, to be called "the Water District or Districts," and to alter the boundaries thereof, as occasion may require; and to impose an annual tax, in such an amount as to them may seem expedient, on all improved lands comprised in said water district or districts, the owners or occupants of which shall not take the water for the use thereof from the said president and directors of the Trenton Water Works, the said tax to be assessed with a view to the value of the property taxed and to its rental, and said assessment to be made and collected in such manner, at such times, and by such person or persons, as the said common council shall from time to time, by ordinance, direct; and that said taxes, when imposed in the manner aforesaid, shall have the same force and effect, and be collectable by the same process as other city taxes; and that the money raised by said tax shall be appropriated to defraying the expense of supplying the said city with water for the extinguishment of fires and other public uses.

Proceedings
in case of re-
fusal to pur-
chase stock.

4. *And be it enacted*, That if the said city shall purchase any of the said stock, it shall be obligatory on the said city to purchase the shares of any stockholder who may offer to sell the same at its par value within one year from the passage of this act, and to receive in payment therefor the bonds of the city, herein after mentioned, or cash, at the option of the city; and in case the common council shall neglect or refuse to purchase any stock offered to the city on the terms aforesaid, for the space of thirty days after such offer shall be made in writing to the city treasurer, then "the Inhabitants of the City of Trenton" shall be and they are hereby made liable to pay to the person or persons so offering such stock the par value thereof, with interest from the date of such offer, to be recovered in an action on the case, with costs, in any court having jurisdiction of the same; *provided*, that no execution shall be issued upon the judgment recovered in any such action, until the person or persons obtaining the same shall transfer to the city the stock for the value of which such judgment shall be rendered.

Proviso.

5. *And be it enacted*, That the loan authorized by the

first section of this act shall be called the water loan; and to secure the payment thereof, the said common council are hereby authorized to issue the bonds of the city for an amount not exceeding in the whole the sum of one hundred thousand dollars, which bonds shall bear interest at the rate of six per cent. per annum, payable semi-annually, and shall not be subject or liable to any tax which may be hereafter levied or assessed by order of the common council of said city.

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

7. *And be it enacted*, That the stock purchased shall be transferred to the said city, and the dividends and revenue derived therefrom shall be appropriated, first, to the payment of the interest of the bonds issued for the purchase of said stock, and the balance thereof shall be set apart as a sinking fund for the payment of the principal of said bonds; and that no part of said dividends or revenue shall be appropriated or used for any other purpose whatever; and no part of said stock shall be sold or transferred until the payment of the principal and interest of said bonds.

8. *And be it enacted*, That an election by ballot shall be held, on the fourth Monday in March next, in each of the wards of said city, at the places of holding the last annual election, at which election the electors of said city shall vote upon the question of making the purchase authorized by this act, those in favor of making said purchase depositing ballots with the words "For Water Works," written or printed thereon, and those opposed thereto depositing ballots with the words "Against Water Works," written or printed thereon; the poll of such election shall be opened at seven o'clock in the forenoon, and kept open till seven o'clock in the afternoon; and the said election shall be conducted in the same manner and by the same officers as the annual city election; and in cases of vacancy from any cause, such vacancy shall be filled by the electors of the

ward in which the same may arise before the opening of the poll; after counting off the votes polled, the result of said election, in each ward, shall be certified by the election officers of each ward, to the president of common council, to be by him laid before the common council at their next meeting; and if it shall appear that a majority of the electors of said city, voting at such election, have voted for such purchase, then this act shall take effect immediately, but if otherwise, then this act shall be void.

Approved March 2, 1855.

CHAPTER LXIV.

AN ACT relative to the last will of Hannah Phinney, late of the borough of Elizabeth, in the county of Essex, in this state.

Preamble, WHEREAS the said Hannah Phinney, in and by her last will and testament, bearing date the twenty-ninth day of November, in the year of our Lord eighteen hundred and thirty-seven, did, among other things, order and direct as follows, that is to say: "It is my will, order, and direction, that after the bequests before stated be paid off in rotation, as stated, and all the necessary and legal charges and expenses incident to the administration of my estate, that the unexpended balance, which will probably be considerable, be divided into two equal parts, that one part thereof be appropriated by my executors, at their discretion, to the welfare and convenience of the church to which I belong, and to charitable purposes to worthy indigent members of the same, as they may think proper, and the other half to be paid over to the trustees, to be by them, by the advice of the church members, in session, so to be expended as to promote pious and evangelical ends in our beloved church, and

to enclose, in a durable manner, our Bottle Hill Graves," and the said Hannah Phinney, in and by her said last will and testament, did nominate and appoint her friends, Elias Winans and James F. Meeker, esquires, of Elizabethtown, executors thereof, who, after her death, duly proved the same, she being at the time of the execution of said will and of her death a member of and belonging to the First Presbyterian Church in Elizabethtown; and whereas the unexpended balance of the estate of said Hannah Phinney, after the payment of the legacies and the necessary and legal charges of the settlement of her estate, amounted to the sum of five thousand seven hundred and eighty dollars, or thereabouts, and the said executors have heretofore paid over to the trustees of the said church, in part execution of said trust, the sum of three thousand dollars, being a part of the aforesaid balance; and whereas the said Elias Winans heretofore departed this life, leaving the said James F. Meeker him surviving, and the said James F. Meeker hath also lately died, having first made and published his last will and testament, which has been duly proved by Rebecca C. Meeker, James R. Meeker, and William Bloomfield Meeker, the executrix and executors therein named, and the said above mentioned unexpended balance, excepting the aforesaid payment, remains in their hands, and the aforesaid trust unexecuted, except as aforesaid; and whereas doubts have arisen whether the aforesaid trust devolves upon the executrix and executors of said James F. Meeker, deceased, and they being desirous, at all events, to be released and discharged therefrom—therefore,

1. BE IT ENACTED *by the Senate and General Assembly* ^{Trustees appointed.} *of the State of New Jersey*, That the trustees of the First Presbyterian Church in Elizabethtown, and their successors, be and they are hereby appointed trustees, under the will of the said Hannah Phinney, in the place and stead of the said James F. Meeker, the surviving executor aforesaid, with full power and authority to execute and carry into effect the aforesaid trust, according to the tenor and effect,

true intent and meaning, of the will of said Hannah Phinney, before referred to, and that said trustees and their successors shall be subject to the same responsibilities and liabilities, in respect to said unexpended balance, or any portion thereof, that the said Elias Winans and James F. Meeker, their survivor, or the executrix and executors and estate of said survivor would have been, had this act not been passed.

Former trustees to be released.

2. *And be it enacted*, That it shall be lawful for the said executrix and executors of said James F. Meeker to pay over and deliver to the said the trustees of the First Presbyterian Church in Elizabethtown, and their successors, all the residue of the moneys, bonds, notes, or other assets or securities remaining in their hands belonging to the aforesaid unexpended balance, first deducting therefrom all just, proper, and lawful expenses; and the said the trustees of the First Presbyterian Church in Elizabethtown shall thereupon execute and deliver to the said executrix and executors of James F. Meeker, deceased, a receipt for the said unexpended balance, and release and discharge them, and each of them, and their heirs, executors, and administrators, and the estate of said James F. Meeker, from all further responsibility, obligation, liability, or duty touching or concerning said unexpended balance or the trust aforesaid.

Release made valid.

3. *And be it enacted*, That the acknowledgment, release, and discharge, mentioned in the preceding section, shall be valid and effectual, in law, to release and discharge the said executrix and executors of said James F. Meeker and their legal representatives, and the estate of said James F. Meeker, deceased, from all obligation or liability touching said trust and unexpended balance or residue of the estate of said Hannah Phinney, deceased, and from all suits, demands, actions, or proceedings at law or in equity, on the part of any person or persons whosoever claiming said unexpended balance, or any portion thereof or benefit therein, and may be pleaded in all courts and places as a bar to the same.

4. *And be it enacted*, That the said receipt, release, and

discharge, being first acknowledged or proved, as is required in cases of deeds of conveyance, may be recorded in the records of deeds of the county of Essex, and the record thereof, or an exemplified copy of the same, shall be evidenced in the same manner as if the original was produced and proven.

Approved March 2, 1855.

CHAPTER LXV.

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

1. BE IT ENACTED *by the Senate and General Assembly* Names of corporators. *of the State of New Jersey*, That Philip S. Kase, Samuel Crockett, John Strite, Jacob McKroy, William M. Hulshizer, John Pickle, Charles R. Thomson, Theodore Hulshizer, Andrew J. Fulmer, Alvah R. Kase, and John M. Hulshizer, their successors, and all persons who now are or hereafter may be associated with them, be and they are hereby incorporated and made a body corporate, in fact and in law, by the name, style, and title of "the Odd Fellows Hall Association of Stewartsville, 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 town of Stewartsville, and for the transaction of such business as may be connected with the erecting, building, conducting, leasing, or otherwise disposing of such building or buildings; and also, to take and hold any goods and chattels, sum or sums of money, which

may be required for the purposes of said association, by gift, grant, bargain, sale, will, devise, or bequest, from any person or persons capable of making the same, and to grant, bargain, sell and dispose of the same for the use of said association, and generally to do all and singular such matters and things as may be necessary for the well being and proper management of the affairs of said association, not contrary to the laws of this state or of the United States; *provided*, that the value of real and personal estate held by said association shall at no time exceed the sum of five thousand dollars.

Proviso.

Corporation
may have
seal.

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

Officers of
corporation.

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

Limitation.

4. *And be it enacted*, That this act shall take effect immediately, and continue in force thirty years, unless sooner altered, amended, or repealed by the legislature of this state.

Approved March 3, 1855.

CHAPTER LXVI.

AN ACT to incorporate the Trenton Oil Cloth Manufacturing Company, in the county of Mercer.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That B. W. Titus, Isaac V. Brown, X. J. Maynard, T. Abbott, Joshua Jones, and such

other persons as now are or may hereafter be associated with them, and their successors, be and they are hereby incorporated and made a body politic and corporate, by the name of "the Trenton Oil Cloth Manufacturing Company."

2. *And be it enacted*, That the said company be and they are hereby empowered to carry on the manufacture of oil cloths, from the lightest to the heaviest fabrics, in each and all their varieties, whether for floor, furniture, carriage, or other coverings, and for all purposes for which such article is used, either printed, stamped, plain, enamelled, or embossed, in the county of Mercer; and may buy or rent, or otherwise become seized and possessed of, all such lands, tenements, and other real and personal estate, in the county of Mercer, not exceeding ten acres, as may be necessary and useful for the purposes aforesaid, and the same may improve and use, or sell, let, or otherwise dispose of, as they shall deem proper. Objects of incorporation.

3. *And be it enacted*, That the capital stock of the company hereby created shall not exceed one hundred thousand dollars, inclusive of their real estate, to be determined by the stockholders, and divided by them into as many shares as they shall think fit, which shares shall be considered personal estate, and transferable on the books of the company, in the manner which the by-laws shall provide. Amount of capital stock.

4. *And be it enacted*, That when a sufficient number of subscribers to the stock of said company shall have been procured, a meeting of said subscribers may be convened, at such time and place as shall be most convenient, by the persons named in the first section of this act, of which they shall give notice to each subscriber in writing; and at the said meeting, the subscribers may fix the amount of stock with which the company shall commence operations, and divide the same into shares, as provided in the third section of this act; and the stockholders may, also, at that or a subsequent meeting, elect five directors, who shall hold their offices for one year or until others shall be chosen in their places; may order instalments and fix the time of their payment, may increase the stock to the amount limited by Duties and powers of stockholders

this act, may pass by-laws, not inconsistent with the constitution or laws of the United States or of this state, for the government of the company, and may transact any other business in relation to the concerns and for the benefit of the said company; and all elections and other questions shall be determined by a majority of votes present or represented at such meeting, accounting and allowing one vote to each share in all cases; and all representations shall be in writing, signed by the party represented, and shall be filed by the clerk; and the said stockholders may also fix a time at which the company shall hold its annual meetings thereafter, or until the same shall be changed.

Election of directors.

5. *And be it enacted*, That the directors shall be chosen at the annual meetings; but if at any time it shall happen that an election of directors shall not be held on the day fixed for the annual meeting, the said company shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election at any other time, to be fixed by a majority of the stockholders of said company.

Officers of company.

6. *And be it enacted*, That the directors of said company, at their first meeting after every election, shall elect, from among their number, a president; and they may appoint a secretary, treasurer, and such other officers and agents, from time to time, as they may think adequate, and require from such officers or agents such bonds and security for their good conduct as may to them seem reasonable and proper.

Payment of instalments.

7. *And be it enacted*, That the shares in said stock shall be liable and holden for all instalments called for thereon, and upon the nonpayment of any instalment, for the space of ninety days after the same shall have become due and payable, the directors may declare the share or shares upon which said instalment may be due to be forfeited to the company, with all previous payments thereon; *provided*, thirty days' notice, in writing, shall have been given to each delinquent stockholder.

Proviso.

Limitation.

8. *And be it enacted*, That this act shall be in force until the first day of January, in the year one thousand eight hundred and eighty-five, and no longer.

Approved March 3, 1855.

CHAPTER LXVII.

AN ACT to incorporate the Belvidere Reservoir and Water Company.

1. BE IT ENACTED *by the Senate and General Assembly* Names of corporators. of the State of New Jersey, That William P. Robeson, Phineas B. Kennedy, William S. White, J. Marshall Paul, John M. Sherrerd, and Edward R. Crane, and their associates, and all other persons who shall become subscribers to the capital stock hereby created, and their successors, shall be and they are hereby incorporated and made a body politic and corporate, in fact and in law, by the name of "the Belvidere Reservoir and Water Company."

2. *And be it enacted*, That the capital stock of said Amount of capital stock. company shall be thirty thousand dollars, with liberty to increase the same to fifty thousand dollars, which shall be divided into shares of twenty-five dollars each, and paid in by the stockholders, at such times, in such manner, in such instalments, and upon such notice, as the directors of said company, by their by-laws or otherwise, may direct and appoint; and in case of the failure by any stockholder to to pay his or her instalments at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and of all previous payments thereon, for the use of the company; and such shares shall be deemed personal property, and be transferable in such manner as the said company, by their by-laws, may appoint; *provided*, that notice in writing shall be given to Proviso. each of the stockholders of the time when the shares are required to be paid in.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books Commissioners to receive subscriptions. and receive subscriptions to the capital stock of said company, at such time or times, and place or places, in the town of Belvidere, as they, or a majority of them, may think proper, giving notice thereof, at least ten days prior

to the time for receiving subscriptions, by publishing the same, for ten days, in some newspaper published and circulating in said town, and also by setting up notices for said period in at least five public places in said town; and that the said commissioners, or a majority of them, shall be authorized to declare what amount shall be paid on each share at the time of subscribing, and to appoint some suitable person from among them, as treasurer, to receive the same, and, as soon as one hundred shares of said stock shall be subscribed, shall give like publication for a meeting of the stockholders to choose five directors, a majority of whom shall reside within the limits of the town of Belvidere, and who shall hold their offices for one year and until others shall be elected.

Election of directors.

Commissioners to deliver over books and money.

4. *And be it enacted*, That the said election shall be certified by the said commissioners, or a majority of them, who shall thereupon deliver over to said directors the subscription books and moneys paid in, first deducting the expenses of the said commissioners, 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.

Officers of company.

5. *And be it enacted*, That the affairs of the company shall be managed by five directors, to be chosen by the stockholders annually, at such time and place in said town, in such manner, and upon such notice, as by the by-laws of said company may be directed, who shall serve for one year and until others are chosen in their stead; and the said directors shall, from time to time, elect a president from their body, and shall also elect and employ such other officers as they may deem convenient and necessary, and make all such by-laws, rules, and regulations as they may think proper, not inconsistent with the constitution or laws of this state or of the United States.

Company may hold real estate.

6. *And be it enacted*, That the said company shall have power to purchase and hold such real estate, and to construct, keep, and maintain such wells, reservoirs, aqueducts, pipes, water works, fixtures, and apparatus as may be ne-

cessary or useful to supply the town of Belvidere with good and wholesome water, in quantities sufficient for all the purposes which may conduce to the safety of the town of Belvidere and to the health and comfort of the citizens.

7. *And be it enacted*, That the company be and they hereby are authorized and empowered to lay pipes for conducting the water beneath the public streets, lanes, and alleys of said town free of all charge, and to place such hydrants and fire plugs as may be necessary, subject to such regulations as the said company and the town council of said town may from time to time agree upon and adopt; the tapping of the mains and the insertion and placing of all branch pipes to be under the sole control of the said company, by such persons as they may employ and appoint.

Company authorized to lay down pipes.

8. *And be it enacted*, That if any person shall wilfully and maliciously injure any of the said works of the said company, such person or persons shall forfeit and pay therefor, to the said company, double the amount of damages, to be recovered in an action of trespass on the case, in any court having cognisance thereof.

Penalty for injuring works.

9. *And be it enacted*, That the said company may sell and dispose of the water to be conveyed by the pipes, under such regulations and upon such terms and conditions as they may, by their by-laws, from time to time regulate and adopt.

Water may be sold.

10. *And be it enacted*, That this act shall go into effect immediately after the passage thereof, and that the legislature may alter or repeal the same, whenever, in their opinion, the public good shall require the same.

Act may be repealed, &c.

Approved March 3, 1855.

CHAPTER LXVIII.

AN ACT to incorporate the Clinton Iron Mining and Manufacturing Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jonathan M. Welsted, John O. Sterns, Lewis Young, Peter E. Voorhees, John H. Rolston, James C. Fairbank, and John S. Davis, and such other persons as may hereafter be associated with them and their successors, be and they are hereby constituted a body politic and corporate, by the name and style of "the Clinton Iron Mining and Manufacturing Company," for the purpose of mining, smelting, manufacturing, and vending minerals, earths, and metallic substances of every description in the most advantageous manner; and, by that name, they and their successors shall have all the powers and privileges, and be subject to such restrictions, limitations, and conditions, as are specified in the act entitled, "An act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, except as otherwise granted in and by this act of incorporation; and this act shall continue in force for thirty years.

Amount of
capital stock.

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

Commis-
sioners to re-
ceive sub-
scriptions.

3. *And be it enacted*, That the persons named in the first section, or any four of them, shall open books to receive subscriptions to the capital stock of said corporation, at such time or times, place or places, in the county of Hunterdon, as they may think proper, giving notice thereof, for at least two weeks previous to the opening of said books, by publishing the same in a newspaper published at Flem-

ington, in the county of Hunterdon; and the said books shall be kept open two days, at least, and two dollars shall be paid on each share of the stock subscribed at the time of subscription; and if more than three hundred thousand dollars shall be so subscribed, the said persons named in the first section, or a majority of them, shall make an equitable distribution of said stock among the said subscribers; and it shall and may be lawful for said company to commence their business, and carry it on, after the sum of twenty thousand dollars shall be subscribed, and the sum of ten thousand dollars paid; and when they find it necessary, the directors of said company may call and demand of the stockholders all sums of money by them subscribed, by instalments of not more than five dollars on each share, and at intervals of not less than thirty days between each payment, under a penalty of a forfeiture of all previous payments, if any such instalments be not paid within thirty days after a notice has been given in a newspaper published at Flemington, in the county of Hunterdon; and it shall be lawful for the said company, at any time they may have any of their capital stock unsubscribed for or otherwise disposed of, to grant certificates of shares in full or part payment for any personal or real estate and mining rights that may be purchased or leased for the purposes of conducting the business of the company.

4. *And be it enacted*, That the business of said company shall be managed by seven directors, being stockholders, one of whom shall be president, and a majority of whom shall be residents of this state; a majority of said directors shall be competent to transact the business of the company; the first directors may be elected at any time after twenty thousand dollars of the capital stock has been subscribed, upon notice being given to all the stockholders for a meeting to choose seven directors, each share of the capital stock entitling the holder thereof to one vote; and the persons named in the first section of this act, or a majority of them, shall be the inspectors of the first election for directors of the corporation, and shall certify, under their hands, the names of those persons having the greatest number of

Election of
directors.

legal votes and being duly elected, and deliver over the said subscription books and effects to the said directors; and, annually thereafter, elections for directors shall be held and conducted in conformity to an act entitled, "An act to prevent fraudulent elections by incorporated companies," approved April fifteenth, eighteen hundred and forty-six, and the supplements thereto; and the persons, being stockholders, having the greatest number of legal votes shall be the directors; and the said directors shall proceed, by ballot, to elect one of their number president; and in case any vacancy or vacancies shall happen in the office of director, by death, resignation, or otherwise, such vacancy or vacancies may be filled, for the remainder of the year whenever it or they may happen, by the said board of directors, or a majority of them.

Corporation
not dissolved
for failure to
elect on day
prescribed.

5. *And be it enacted*, That should it happen that an election should not be made upon the day designated for that purpose, the said corporation shall not for that cause be deemed 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.

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

Approved March 3, 1855.

CHAPTER LXIX.

AN ACT to incorporate the Camden Market Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard Fetters, John Troth, Richard W. Howell, Samuel Andrews, Maurice Browning, William J. Hatch, and Abraham S. Ackley,

and their associates, shall be and they hereby are created a body politic and corporate, by the name of "the Camden Market Company;" and by that name they shall have power to purchase and hold a suitable site or sites for and erect thereon, one or more market houses, in the city of Camden, for the sale of country produce and other commodities therein; and shall have power to make and erect stalls, stands, and other conveniences in said house or houses, for the sale of said produce and commodities, and to lease the same, at pleasure, for such term or terms, and for such rent as may be agreed upon; and shall have all such other powers as are necessary or proper to carry into effect the object of this act; and shall have such other incidental corporate powers as are enumerated in the first section of the act concerning corporations.

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

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

4. *And be it enacted*, That the affairs of said corporation shall be managed by a board of seven directors, any five of whom shall be a quorum for the transaction of business,

but any less number shall have power to adjourn ; and that the said Richard Feters, John Troth, Richard W. Howell, Samuel Andrews, Maurice Browning, William J. Hatch, and Abraham S. Ackley shall be and hereby are appointed the first board of directors, to serve until the first Monday in October next or until others shall be elected in their stead ; and the said directors, or a majority of them, shall, as soon as conveniently may be hereafter, appoint one of their number to be president of said corporation until the said first Monday in October next, or until another shall be appointed in his stead ; and should a vacancy at any time occur in the board of directors, by death or otherwise, the board may, at their next or any subsequent stated meeting, fill such vacancy until the then next annual meeting of directors ; and no person shall be a director but a stockholder, and all the directors shall reside in the city of Camden.

Vacancies.

Annual election of directors.

5. *And be it enacted*, That there shall be an annual election of directors held at some place in the city of Camden, on the first Monday of October next ; and that all subsequent elections of directors shall be held at such time and place, and upon such notice, as shall be ordained by the by-laws ; and the board of directors shall appoint the judge of such elections ; but if it should happen that an election of directors should not be had on the said first Monday in October next, or at the time appointed for the holding of any subsequent annual election, the said corporation shall not for that cause be deemed to be dissolved, but such election shall be held at such other time and place as the board of directors for the time being shall or may appoint ; and the directors for the time being shall continue in office until new ones shall be elected in their stead ; and every board of directors, as soon as conveniently may be after their election, shall appoint from their number a president of said corporation, to serve until the then next annual election of directors, and another shall be appointed in his stead ; that the said president shall preside at all meetings of the board, except in cases of his absence, when any other of the directors present may be chosen

president pro tempore ; and all stated meetings of the board shall be held at such times and places as the by-laws may ordain ; and special meetings may be held by appointment of the board or upon the call of the president.

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

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

Approved March 3, 1855.

CHAPTER LXX.

AN ACT to authorize the inhabitants of the City of New Brunswick School District No. 1, of the township of North Brunswick, county of Middlesex, to elect a board of education.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the taxable male inhabitants of the city of New Brunswick (School District No. 1), of the township of North Brunswick, county of Middlesex, incorporated under the act entitled, "An act to establish public schools," approved March fourteenth, eighteen hundred and fifty-one, under the corporate name, "the Election of board of education.

New Brunswick Public School," shall elect, by ballot, at their annual district meeting, to be held hereafter on the second Monday of May, in each year, by a plurality of votes, ten discreet and suitable persons, tax payers in the said school district, who, together with the two trustees now in office, and whose term of office does not expire on the second Monday of May next, shall constitute a board of education, to be chosen equally from the several wards of the said city; and the term of office of each of the persons so elected shall commence on the said second Monday of May, in each year, and continue for two years, one member of said board from each ward to go out of office each year.

Officers of
board.

2. *And be it enacted*, That the said board of education shall elect, annually, one of their number president, and shall have power to appoint a clerk and a treasurer, with such compensation and under such security as they may deem necessary; said board shall sit at least once a month in some public place, at which meeting any taxable person shall have the right to appear to present any proper petition, or to state any grievance through some member of the board.

Powers and
duties of
board.

3. *And be it enacted*, That the said board of education shall have the sole management and control of the public schools now established, and hereafter to be established, in the said city and school district, and of all the property therein contained appertaining thereunto, and shall have power, and it shall be their duty, to make rules of order and by-laws for the government of the board, its members and committees, and general regulations to secure proper economy and accountability in the use of the school moneys; to supervise, manage, and govern the said public schools, and, from time to time, make all needful rules and regulations therefor; to direct the course of studies, provide in all things for the good government of said schools, to purchase such books, apparatus, stationery, and other things necessary and expedient to enable said schools to be properly and successfully conducted; to keep the school buildings properly repaired and furnished, to fix the number and

compensation of teachers, and to select, employ, and pay the teachers employed therein; *provided*, that nothing in this section shall be so construed as to require the said board to furnish books gratuitously for the use of the pupils of the school. Proviso.

4. *And be it enacted*, That the board of education may provide evening schools, for those whose ages or avocations are such as to prevent their attendance at the day schools, in such of the school buildings as they may from time to time deem expedient. Evening schools may be provided.

5. *And be it enacted*, That it shall be the duty of the said board of education— Inspection of schools.

First. To examine and inspect each of the schools, at least once in each quarter, and oftener if necessary; and on or before the first Monday of May, in each year, to publish in one or more of the newspapers in the said city, and also make to the annual district meeting a report, in which there shall be a particular statement of the amount of money that will be required during the fiscal year for school purposes, the amount necessary, if any, to be raised by tax in the school district, and shall set forth the condition of the several school buildings, whether any, and if any, what repairs, alterations, additions, or modifications of those buildings seem to them to be necessary, and the probable cost of such repairs, additions, &c., &c.

Second. Whether they are kept clean and in good order.

Third. In what manner they are heated and ventilated, and how effectual the means used are in producing the result desired.

Fourth. The studies pursued.

Fifth. The punctuality in attendance of the scholars and teachers.

Sixth. The progress of the classes in their studies.

Seventh. The order, attention, and general appearance of each school.

Eighth. The length of each morning and afternoon session, and the number and length of the recesses allowed.

Ninth. The number of scholars who shall have been admitted and taught in each school, and discharged during

the preceding year, and the average number that have actually attended each school during the year.

Tenth. The names, number, and qualifications of the teachers, and such other matters as, in their opinion, are important to insure discipline or extend the usefulness of the schools.

Organization
of new
schools.

6. *And be it enacted*, That whenever, and as often as it shall be expedient or necessary to organize new schools, it shall be the duty of the board to report the same to the annual district meeting, with the facts and circumstances showing such necessity, together with the character of the school buildings required, and the number and class of scholars who will probably attend, and to organize such school as the annual district meeting shall, by resolution in writing, direct; and in case any money shall be ordered, by a vote of two-thirds of said meeting, to be raised by taxation, it shall be the duty of the said board of education to make out a certificate thereof, signed by the president and secretary, under oath or affirmation that the same is correct and true, and deliver the same to the assessor or assessors of the township in which said district is situated; which said assessor or assessors shall assess, on the estates of the inhabitants of said school district, and on all lands liable to be taxed therein, in the same manner as township taxes are assessed, such sum of money as shall have been ordered to be raised by the said meeting in the manner aforesaid, and shall pay over the said sum of money, when raised, to the treasurer of the board of education, upon the order of said board, signed by the president and secretary.

Board not to
be interested
in contracts.

7. *And be it enacted*, That no member of the said board of education shall be interested, directly or indirectly, in any contract payments under which are to be made, in whole or in part, out of moneys derived from any school fund or raised by taxation for the support of common schools.

Not to adopt
rules to pre-
vent children
from attend-
ing school
without cost.

8. *And be it enacted*, That the board of education shall not adopt or establish any rule or regulations by which any child, residing within the limits of the district, between the ages of five and eighteen years, shall be prevented from at-

tending the public schools in the said district, without any cost or expense for tuition whatever; *provided*, that the Proviso. said board shall have authority, for misconduct or other weighty and sufficient reason, to suspend or dismiss a pupil from school.

9. *And be it enacted*, That there shall be provided and kept in each school, by the principal teacher thereof, necessary blank books, in which shall be entered the names, residences, and ages of the scholars attending school, and the number of days they shall have respectively attended, the absence of any or either of the teachers in such school, and the alleged cause thereof, and also the names of all persons visiting such school, and the times of such visiting, which books shall, at all times, be kept open for the inspection of any person who may desire to inspect the same. Books to be kept containing names and residences of scholars, &c.

10. *And be it enacted*, That there shall be provided and kept a public school or schools, for the education of colored children resident within said district, subject in all things to the control of said board of education, as the schools herein before provided for are subject. Colored school.

11. *And be it enacted*, That the board of education, first elected under and by virtue of this act, shall meet at the New Brunswick public school, on the second Wednesday after their election, at eight o'clock, P. M., when the members of said board shall be divided into two equal classes, one of which shall go out of office on the second Monday of May, Anno Domini eighteen hundred and fifty-six, and the other on the second Monday of May, Anno Domini eighteen hundred and fifty-seven; and the said taxable inhabitants shall, at their annual district meeting in each year, elect one discreet and suitable person as a member of said board, from each of the several wards of the said city of New Brunswick; and in case of the death, resignation, or other disability of any member, the said board shall have authority to fill such vacancy, in the manner aforesaid, from the taxable inhabitants of the district, until the next annual district meeting, when the said meeting shall fill the vacancy for the unexpired term. Board to be divided into classes.

12. *And be it enacted*, That the board of education shall

Board of examiners. appoint, annually, four competent persons, who, together with the school superintendent of the township in which said school district is situate, shall constitute a board of examiners, with power to examine and license, by certificate under their hands and seals, suitable persons as teachers within said district, having regard always to their scholarship and moral character, which license shall be restricted to the said district, and may be revoked and renewed at the pleasure of the said board of examiners.

Superintendent to pay over school moneys.

13. *And be it enacted*, That it shall be the duty of the school superintendent of the township in which the said school district is situate to pay over to the treasurer of the said board of education, upon the order of the board, signed by the president and secretary, all moneys belonging to said district, as soon as practicable after they have been received by him.

Former acts repealed.

14. *And be it enacted*, That all acts, and supplements to acts, heretofore passed, inconsistent with the provisions of this act, are hereby repealed.

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

Approved March 3, 1855.

CHAPTER LXXI.

AN ACT relative to public schools in the Glassborough School District, No. 1, in the county of Gloucester.

Amount of tax to be raised.

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 legal voters of Glassborough School District, number one, in the township of Franklin, in the county of Gloucester, at their next annual district school meeting, and at each annual district school meeting thereafter, to

raise by a tax, on the poll of each taxable inhabitant of such school district, such amount of money, not exceeding two dollars, nor less than fifty cents, on each poll, as a majority of said inhabitants, present at such meeting, shall order; and that the amount so ordered to be raised shall be certified, in writing, by the trustees of the said school district, or by a majority thereof, to the assessor of said township of Franklin, whose duty it shall be to assess the said poll tax at the same time and in the same manner as other taxes are assessed by law.

2. *And be it enacted*, That it shall be the duty of the collector of the said township of Franklin to collect the said poll tax, in the same manner as other poll taxes are collected by law, and to pay the same over, when collected, to the superintendent of public schools of said township, who shall pay the same, on the order of the trustees, for the use and benefit of the public school or schools of the said district, and for no other purpose. Mode of collecting tax.

3. *And be it enacted*, That the trustees of the said district shall make a report, in writing, to the next meeting of the inhabitants, when met to elect trustees, of each successive year, of the amount of money so raised, and the manner in which the same has been disbursed. Trustees to make report.

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

Approved March 3, 1855.

CHAPTER LXXII.

A supplement to an act entitled, "An act to incorporate the town of Belvidere," passed the nineteenth day of March, eighteen hundred and forty-five.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the common council of Common council authorized to raise money.

the town of Belvidere, in the county of Warren, be and they are hereby authorized and empowered to raise a sum of money, not exceeding four thousand dollars in all, for the purpose of procuring fire engines and all necessary apparatus for the extinguishment of fires, and also for the purpose of purchasing lands, not exceeding one acre, and of building and erecting thereon engine houses, a town hall, and such other public buildings as may be necessary and convenient for the use of the said town.

Common
council au-
thorized to
levy tax.

2. *And be it enacted*, That, for the purposes aforesaid, the said common council be and they are hereby authorized and empowered to borrow, from time to time, in their corporate name, a sum not exceeding four thousand dollars in all, and to raise money for the payment thereof by taxes, from year to year, to be assessed, levied, and collected in the same manner as other taxes in the said town.

Part of for-
mer act re-
pealed.

3. *And be it enacted*, That the eighteenth section of an act entitled, "An act to incorporate the town of Belvidere," passed the nineteenth day of March, eighteen hundred and forty-five, be and the same is hereby repealed, so far only as it conflicts with the provisions of this act.

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

Approved March 9, 1855.

CHAPTER LXXIII.

A further supplement to an act entitled, "An act for the preservation of sheep," approved April fourteenth, one thousand eight hundred and forty-six.

Provisions of
former act
extended.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the several provisions of an act, entitled, "A supplement to an act entitled, an act

for the preservation of sheep," approved April fourteenth, eighteen hundred and forty-six, be and the same are hereby extended to, and shall be in full force in the county of Sussex.

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

Approved March 3, 1855.

CHAPTER LXXIV.

AN ACT to incorporate the Ocean Port Steamboat Company.

1. BE IT ENACTED *by the Senate and General Assembly* Names of
of the State of New Jersey, That William Haynes, Peter corporators.
 Casler, William Hathaway, Benjamin Hathaway, Samuel
 S. Wyckoff, Edmund Fields, Brittain Fields, Zebulon Clay-
 ton, Eseck Wolcott, Charles T. Fleming, Benjamin Terring-
 ton, John D. Cook, Elisha West, Enoch Lippencott, Lewis
 A. Smith, Cornelius Smith, Deborah and Leah Parker,
 James Reynolds, Henry F. Spaulding, Daniel Williams,
 Eden Woolley, John Price, Mary Price, Jacob C. Law-
 rence, and all such persons as are now members or partners
 of an association called and known as "the Ocean Port
 Steamboat Company."

2. *And be it enacted*, That all the joint stock of the said Joint stock
 association, all the securities, claims, and demands, all the vested in
 records, books, and papers in any wise belonging to or corporation.
 against said association, shall be transferred to and be
 vested in the said corporation, as positively and completely,
 to all intents and purposes, as if the same had been ac-
 quired by said corporation after the passage of this act;
provided, that nothing contained in this section shall in any Proviso.
 way impair or affect the rights of the creditors of said asso-
 ciation.

Amount of
capital stock.

3. *And be it enacted*, That the capital stock of the said corporation shall not exceed one hundred thousand dollars, which shall be divided into shares of five hundred and thirty dollars each; the capital stock of the said association shall be taken as a part of the said sum of one hundred thousand dollars, and the members of the said association shall receive as many shares of the said stock of said corporation as will equal in amount the stock which they now respectively own in said association; and the said capital stock is to be employed in running one or more steamboats from Ocean Port, in the county of Monmouth, to the city of New York or elsewhere, and in the renting, purchase, repairing, or building of suitable landings, wharves, and storehouses; the said capital stock shall be assignable and transferable upon the books of the said corporation, agreeably to the by-laws for that purpose to be made and adopted.

Stockhold-
ers may
make by-
laws.

4. *And be it enacted*, That a majority of the stockholders in said corporation shall have power to make, ordain, establish, and carry into effect such by-laws, rules, and regulations as may be necessary for the transaction of the business of the said corporation and are not inconsistent with the provisions of this charter.

Residue of
capital stock,
how dispos-
ed of.

5. *And be it enacted*, That the residue of the capital stock of said corporation, or any part of it not heretofore disposed of, may be disposed of and taken at any time hereafter, whenever the directors, by direction of a majority of the stockholders, shall deem it necessary and proper, in such manner and under such rules and regulations as the by-laws, for such purpose made and adopted, shall direct.

Election of
directors.

6. *And be it enacted*, That the affairs, property, and concerns of said corporation shall be conducted by three directors, a majority of whom shall constitute a quorum, shall be residents of the state, and shall be chosen annually, by ballot, by the stockholders, either in person or by proxy; no person shall be a director who shall not be a stockholder in said company, and, in the choice of directors and in all other cases, each share shall be entitled to one vote; should a vacancy occur at any time in the board of directors, the

place shall be supplied by the remaining directors until the next annual election; the annual meeting of the stockholders for the election of directors shall be held at Ocean Port, on the first Monday in February.

7. *And it be enacted*, That Peter Casler, Samuel S. Wyckoff, and Jacob C. Lawrence shall be directors of said corporation until the election is held, as is heretofore in this charter provided; the board of directors shall have power to elect a president, who shall be one of the directors.

8. *And be it enacted*, That the directors shall have power to elect or hire a captain or captains, and all such other officers and agents as shall be necessary to carry into effect and execute all the powers by this act granted to said corporation, and to allow such compensation as shall be agreed upon; and if they judge it necessary, to exact and take from their officers and agents bonds for the proper and faithful execution of their several duties and trusts and for the faithful performance of their several contracts.

9. *And be it enacted*, That the president shall preside at all the meetings of said corporation, and if absent, his place shall be supplied, for the time he is absent, by the election of any one of the directors; the directors shall have power to fix, determine, and regulate the price of transportation of passengers, goods, merchandise, and all articles and produce, of whatsoever description, which may be transported in the boat or boats of said corporation; the directors shall, at the annual meeting, render a complete statement to the stockholders of the affairs of said corporation, and from time to time declare dividends of so much of the profits of said corporation as they may deem advisable, and pay over the same to persons entitled thereto; the books of said corporation shall be open to the inspection of the stockholders at all times.

10. *And be it enacted*, That this act shall continue in operation twenty years, and the legislature may at any time alter, amend, or repeal this act.

Approved March 5, 1855.

CHAPTER LXXV.

AN ACT to incorporate the Jefferson Quarry Company.

Names of
corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That John Jacob Zabriskie, William Gledhill, John J. Brown, David B. Beam, and Henry A. Williams, and such other persons as now are or may hereafter be associated with them, and their successors, be and they are hereby constituted a body politic and corporate, by the name and style of "the Jefferson Quarry Company," for the purpose of quarrying, sawing, and dressing stone of every description in the most advantageous manner; and, by that name, they and their successors shall have all the general powers which, by the laws of this state, are now incident and belong to every corporation; *provided*, that the lands and quarry rights held in this state by the said corporation shall not exceed one hundred acres, and shall be situate in the counties of Essex and Passaic.

Proviso.

Amount of
capital stock.

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

Commission-
ers to open
books of sub-
scription.

3. *And be it enacted*, That the persons first above named shall open books to receive subscriptions to the capital stock of the said corporation, at such time or times, place or places, in the county of Passaic, as they may think proper, giving notice thereof, for at least two weeks previous to the opening of said books, by publishing the same in one of the newspapers printed in Paterson; and the said books shall be kept open for three days, at least, and five dollars shall be paid upon each share of the stock subscribed at the time of the subscription, and if more than one hundred thousand dollars shall be subscribed, the said persons in the first section named, or a majority of them, shall

make an equitable distribution of the said stock among the said subscribers; and it shall and may be lawful for the said company to commence their business, and carry it on, after the sum of twenty thousand dollars shall be subscribed, and the sum of five thousand dollars paid; and when they find it necessary, the directors of said company may call and demand of the stockholders all sums of money by them subscribed, by instalments of not more than five dollars on each share, and at intervals of not less than thirty days between each payment, under penalty of forfeiture of all previous payments, if any such instalments be not paid within thirty days after notice has been given in writing, through the post office, addressed to the usual place of residence of each stockholder.

4. *And be it enacted*, That the business and concerns ^{Election of directors.} of said company shall be managed by five directors, being stockholders, one of whom shall be president, and a majority of whom shall be resident in this state; and the said directors shall be elected on the first Saturday in April, in every year, in the county of Passaic, and notice of such election shall be given, at least two weeks previous, in a newspaper published at Paterson, in said county of Passaic, which elections shall be held and conducted in conformity to the act entitled, "An act to prevent fraudulent elections by incorporated companies, and to facilitate proceedings against them," approved April fifteenth, eighteen hundred and forty-six, and the supplements' thereto; and the persons, being stockholders, having the greatest number of votes shall be directors, and said directors shall proceed, by ballot, to elect one of their number president; and in case any vacancy or vacancies shall happen in the office of directors, by death, resignation, or otherwise, such vacancy or vacancies may be filled, for the remainder of the year wherein it or they may happen, by the said board of directors, or a majority of them; ^{Vacancies.} *provided however*, that when ^{Proviso.} any such vacancy or vacancies may happen, the said board of directors, or a majority of them, upon the request, in writing, of two or more stockholders for a special election, shall immediately, upon the service of such request, order

a special election to fill such vacancy or vacancies by the stockholders, which special election shall be held within twenty-five days of the service of said request upon said board of directors, at the same place, upon the like notice, and be conducted in the same manner, as the regular annual election, and the person or persons, being stockholders or a stockholder, having the greatest number of legal votes at such special election, shall be the director or directors to fill the vacancy or vacancies aforesaid.

Corporation
not dissolved
for failure to
elect on day
prescribed.

5. *And be it enacted*, That in case it shall happen that an annual election should not take place on the day mentioned for holding the same, the said corporation shall not for that cause be deemed to be dissolved, but such election shall be held at any time thereafter, upon notice as aforesaid, or upon like notice given by any five stockholders; and the directors for the time being shall continue to hold their offices until new ones shall be chosen in their places.

Quorum.

6. *And be it enacted*, That a majority of the directors shall form a board for the transaction of any business which the said corporation, or its directors, may lawfully do under the provisions of this act of incorporation.

Limitation.

7. *And be it enacted*, That this act shall continue in force for the term of thirty years, and the legislature reserve the right, at any time hereafter, to alter, amend, or repeal the same, whenever, in their opinion, the public good requires it.

Approved March 6, 1855.

CHAPTER LXXVI.

AN ACT to incorporate the West Newark Cemetery Company.

Names of
corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Jabez W. Hayes, Henry Heeb, Alfred Tichenor, Henry Sauerbier, Archer Gifford,

Hermann Ise, Joseph A. Alden, Julius D. Rose, Henry Hortsman, and Philip Imhoff, they and their successors, and all such persons as shall become holders of burial lots in the cemetery herein after named, are hereby constituted a body corporate, by the name of "the West Newark Cemetery Company."

2. *And be it enacted*, That the said corporation shall be composed only of persons who shall be owners of stock in said company; and the said corporation shall have power to purchase, take, and hold in fee, a tract of land, not exceeding fifty acres, situated in the township of Clinton, in the county of Essex, west of and near the city line of Newark, between the Springfield turnpike and Newark and Clinton plank road, for the purpose of such cemetery, and shall hold such tract of land, when purchased, in trust for the uses herein after mentioned, to wit: first, the said corporation shall have power to lay out avenues and walks, and divide such tract into sub-lots, and may sell or otherwise dispose of such sub-lots in the said cemetery, and take the proceeds of sale over to their own proper use and behoof, and may erect thereon such improvements, buildings, and accommodations as they may deem suitable; second, the sub-lots shall be conveyed to the respective purchasers in fee, and the purchaser of each lot, his heirs and assigns, shall have the exclusive use and occupation thereof only for the interment of deceased persons, with the common use of the avenues and walks, subject to such regulations as may be established by the said corporation, the proceeds of sale to be appropriated for buildings, the accommodation of visitors, the cultivation of ornamental trees and flowers, draining of land, building of vaults, the erecting and repairing of fences and other improvements, and to be otherwise appropriated as the corporation may deem expedient.

3. *And be it enacted*, That the care and management of the said cemetery and the business of the said corporation shall be confided to nine directors or managers, who shall have the exclusive superintendence thereof, and who shall hold their offices for one year and until others are chosen;

and the said managers shall be chosen on the third Tuesday in January, in every year, at such place and time of day as shall be directed by the by-laws of the said corporation; and each stockholder shall in all cases be entitled, in person or by proxy, to one vote for each share held by him or her, and the persons receiving the greatest number of votes shall be the managers; and it shall be the duty of the managers for the time being, immediately before proceeding to an election, to make a report to the proprietors of the state of the affairs of the association; and all vacancies occurring, by death, resignation, or otherwise, among the managers may be filled by a majority of the remainder; and a majority of the managers shall at all times be a quorum for the transacting the business of the said corporation.

Duties and
powers of
managers.

4. *And be it enacted*, That the persons herein before named as the corporators shall constitute the first board of managers, who shall, as soon as they may deem it expedient, call a majority of the proprietors (lot holders), a majority of whom, thus assembled, shall have power to make by-laws, rules, and regulations relative to the duties of the managers, the right of lot holders, the privilege of visitors, and the general government of the cemetery, and may, at their first meeting or at any annual meeting, empower and direct the managers for the time being to make any by-laws, rules, and regulations for the government of the cemetery, which they (the said managers) may deem expedient.

Property not
subject to
tax.

5. *And be it enacted*, That the premises so held by the said company, the burial lots, vaults, monuments, and other fixtures of said cemetery, shall not be subject to any assessment, taxes, or fines, or liable to be seized upon, distrained, sold, or otherwise subject to any process of law, or assignments under any law whatever, except for encumbrances existing or debts contracted previous to the purchase of said tract of land for such cemetery; and that, after such purchase, no street or road shall be opened through the lands of this corporation without their consent.

6. *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 ^{Restrictions and liabilities.} concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

Approved March 6, 1855.

CHAPTER LXXVII.

AN ACT to incorporate the Farmers and Oystermens Independent Steamboat Association.

1. BE IT ENACTED *by the Senate and General Assembly* ^{Names of corporators.} of the State of New Jersey, That Peter Metsger, Jacob Decker, Henry Johnson, Charles C. Higgins, John W. Herbert, and all such persons as are now members or stockholders of an association called or known by the name of "the Farmers and Oystermens Independent Steamboat Association," and all other persons who may be hereafter associated with them, their successors and assigns, are hereby constituted and declared a body politic and corporate, in fact and in law, by the name of "the Farmers and Oystermens Independent Steamboat Association," for the ^{Objects of incorporation.} purpose of transporting, by steamboat, passengers, oysters, wares, produce, merchandise, and other articles of freight, to and from Keyport, in the county of Monmouth, and the city of New York, and any other ports and places the said corporation may deem expedient; and, for that purpose, shall have full power, right, and legal authority to purchase, build, hold, use, employ, and convey any steamboat necessary for the proper transaction of their said business; and to purchase, hold, rent, repair, and build suitable landings, wharves, store houses, and to hold such real estate as may be necessary to carry into effect the objects of said corporation.

Property
vested in
corporation.

2. *And be it enacted*, That all the joint stock of the said association, and all the estate, real, personal, and mixed, all the securities, claims, and demands, all the records, books, papers, and vouchers, in any wise belonging to said association, shall be transferred to and vested in the said corporation, as absolutely and completely, to all intents and purposes, as if the same had been acquired by the said corporation after the passing of this act; *provided*, that nothing in this section contained shall impair or affect the rights of the creditors of the said association.

Proviso.

Amount of
capital stock.

3. *And be it enacted*, That the capital stock of the said corporation shall be ten thousand dollars, which shall be divided into shares of fifty dollars each; and the members or stockholders of said association are entitled to as many shares of the stock of said corporation as will equal in amount the stock which they now respectively own in said association; and the stock of the said corporation shall be deemed personal property, and be transferable in such manner as the by-laws may direct.

Capital may
be increased.

4. *And be it enacted*, That the capital stock of said corporation, by a vote of the persons owning two-thirds of the stock taken, may be increased to any sum not exceeding thirty thousand dollars.

Officers of
company.

5. *And be it enacted*, That the business and affairs of the said corporation shall be under the management and control of a board of five directors, a majority of whom shall be residents of this state, who shall be elected by the stockholders, at such time and place, and for such terms as the by-laws may provide, and until others are elected; the directors, or a majority of them, shall choose a president, secretary, and treasurer (the president to be chosen from the board of directors), each of whom shall hold his office for such length of time as the by-laws shall direct, and until others are chosen; and in all elections and other questions, each share shall be entitled to one vote, which vote may be given either in person or by proxy.

Payment of
instalments.

6. *And be it enacted*, That a majority of the board of directors shall be a quorum for the transaction of business, and shall have power to receive further subscriptions to the

capital stock of said corporation not already taken, and to call in, by such instalments as they may deem necessary, upon each share, the amount not already paid ; *provided*, Proviso. that no instalment shall be demanded without at least twenty days' previous notice of the time and place of payment, to be inserted in one of the newspapers of the county of Monmouth ; and if any stockholder shall neglect or refuse, for ten days after such instalment is due, to pay the same, he, she, or they so neglecting or refusing shall forfeit their stock, and all payments made thereon.

7. *And be it enacted*, That Peter Metsger, Jacob Decker, First directors. Henry Johnson, Charles C. Higgins, and John W. Herbert shall be and are hereby appointed the first directors, who shall serve as such until others are duly elected by the said corporation.

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

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

Approved March 6, 1855.

CHAPTER LXXVIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Company authorized to construct branch road. Morris and Essex Railroad Company, and the said com-

pany is hereby authorized and empowered to construct a branch railroad from some suitable point in the line of their railroad, in the county of Warren, west of Schooleys mountain, to some point on the Delaware river, at or near Phillipsburg, in the county of Warren; and that the said railroad company may connect the said branch railroad with the railroad of any other railroad company in the said county of Warren, upon such terms as may be agreed upon by and between the said companies.

Capital stock
may be in-
creased.

Proviso.

2. *And be it enacted*, That, for the purpose of constructing the said branch railroad, the said Morris and Essex Railroad Company shall be and hereby are invested with all the rights, powers, privileges, and authority and franchises, given and granted to them by their original act of incorporation, and the several supplements thereto, and subjected to all the duties, restrictions, and limitations contained therein, and may increase its capital stock to an additional amount of five hundred thousand dollars, to be subscribed for and paid at such times and places, and in such manner as the said company may deem best; *provided nevertheless*, that nothing in this act shall be taken or construed to exempt or release the said Morris and Essex Railroad Company from taxation on their said road, as constructed under the original act, to which this is a supplement, or on the continuations of the said road, as constructed under and by virtue of the several supplements to the said original act, or on the branch road permitted to be constructed under and by virtue of this act, according to the true intent and meaning of the said original act, and of the several supplements thereto.

Commence-
ment and
completion
of road.

3. *And be it enacted*, That the said Morris and Essex Railroad Company shall commence the building of the extension of the said contemplated road within three years, and shall complete the same within six years from the passage of this supplement.

Approved March 6, 1855.

CHAPTER LXXIX.

AN ACT to authorize the inhabitants of the townships of Millville, Maurice River, and Deerfield, in the county of Cumberland, to vote by ballot at their town meetings.

1. BE IT ENACTED *by the Senate and General Assembly* Inhabitants authorized to vote by ballot. *of the State of New Jersey*, That the inhabitants of the townships of Millville, Maurice River, and Deerfield, in the county of Cumberland, authorized by law to vote at their town meetings, are hereby authorized and required to elect, by ballot, and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are now or may hereafter be fixed by law, that is, in each of said townships, a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highway, three commissioners of appeal, one or two overseers of the poor, as many overseers of the highway as there are road districts, a town committee, consisting of five persons, a superintendent of common schools, as many justices of the peace as the respective townships may be constitutionally entitled to elect, one or more constables, one or more poundkeepers; and shall also, upon the same ballot, vote for the amount of money to be raised for the support of the poor, for school purposes, for the repairing of roads, and for the place of holding the next annual town meeting and the election of state and county officers.

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

said election shall be eligible to any office at said election, except that of justice of the peace.

Mode of conducting election.

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

Special town meetings may be called.

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

Clerk to keep minutes.

5. *And be it enacted*, That the clerk of the respective townships shall be the clerk of the town committee, and shall keep a book of minutes of the proceedings of said committee, which shall at all times be open to the inspection of the voters of the said townships; and when the town committee shall fill a vacancy, or elect in case of a

tie between candidates, they shall immediately notify the person or persons so appointed or chosen, and transmit a statement thereof to the clerk of said county.

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

Overseers of
the poor to
make report.

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

Reports to
be filed.

8. *And be it enacted*, That all provisions and restrictions of the foregoing sections be and they are hereby extended and applied to the township of Maurice River, in the county of Cumberland, in the like manner as the same are applicable to the township of Millville aforesaid.

Provisions of
act extended

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

Approved March 6, 1855.

CHAPTER LXXX.

AN ACT to establish a new township in the county of Camden, to be called the township of Centre.

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 Union contained within the following bounds, that is to say: beginning in the middle of Big Timber creek, at the mouth of the southerly branch of Little Timber creek; thence along up the middle of said Little Timber creek to a point where the old King's highway crossed originally the same, and where are the lands of the late James H. Brick, deceased, and of Frederick Plumer, deceased, corner in the same; thence northwardly along the said old King's highway, and along the boundary line of said Brick's and Plumer's land, to the southwesterly corner of Cedar Grove Cemetery, in said old King's highway, and corner to said Brick's land; thence along the line of said Brick's land and southeasterly corner of said cemetery, and by lands of Aaron A. Hurley, crossing the Mount Ephraim road, and still continuing the course in the northeasterly direction, until the said course strikes the line of lands late of John Brick, deceased; thence along the line of said Brick's land and the line of land of Samuel C. Champion, deceased, and the line of John R. Brick's land, until the said strikes Newton creek and in the line of the township of Newton; thence eastwardly up the middle of Newton creek, on the boundary line between the townships of Newton and Union, until it strikes the boundary line of the townships of Union and Delaware; thence up the boundary line between the townships of Union and Delaware to Burrough's bridge; thence in the middle of the highway, and on the boundary line between the townships of Union and Gloucester, to Clement's bridge, on Big Timber creek; thence down the said creek, the several courses thereof, on the boundary line between the counties of Camden and Gloucester, to the place of beginning, be and the same is

hereby set off into a new township, to be called the township of Centre.

2. *And be it enacted*, That the inhabitants of the township of Centre are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of the inhabitants of the township of Centre, in the county of Camden, and shall be entitled to all rights, powers, authority, privileges, and advantages, and subject to the same regulations, governments, and liabilities, as the inhabitants of the other townships in the said county of Camden are or may be entitled or subjected to by existing laws of this state.

3. *And be it enacted*, That the inhabitants of the township of Centre hold their first town meeting at the inn of James Jinnett, at Mount Ephraim, in the said township of Centre, on the second Wednesday in March.

4. *And be it enacted*, That the town committees of Union and Centre shall meet, on the Monday next after the annual town meeting in the said townships of Union and Centre, at the house of James Jinnett, at Mount Ephraim, at ten o'clock in the forenoon, and may adjourn from time to time as a majority may direct, and then and there proceed, by writing signed by a majority of those present, to allot and divide between the said townships all properties and moneys on hand, due, or to become due, in proportion to the taxable property and ratables, as taxed by the assessor within their respective limits at the last assessments; and the inhabitants of the township of Centre shall be liable to pay their just proportion of the debts, as ordered and directed at the last annual town meeting of the township of Union; and if any of the persons comprising either of the township committees should neglect or refuse to meet, as aforesaid, those assembled may proceed to make the said division, and the decision of a majority of those present shall be final and conclusive.

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

Approved March 6, 1855.

CHAPTER LXXXI.

AN ACT to vacate part of Fulton street, as laid out in the plan of Pavonia, in the county of Camden.

Preamble. WHEREAS the Pavonia Land Association have, since the laying out of their ground at Pavonia into building lots, sold the blocks or squares U and V, on their plan of lots, to "the Camden Water Works Company," for the purpose of erecting thereon water works and reservoirs to supply the city of Camden and neighboring places with water, and in their said sale did agree that said water works company should also occupy and use, for the purposes of their water works, all that part of Fulton street, as laid down on the plan of Pavonia aforesaid, which lies between the said squares or blocks U and V, that is to say, between Fifth and Sixth streets, on the plan of Pavonia, and for that purpose did agree that the said part of Fulton street should be vacated and abandoned as a street; and whereas doubts might arise as to the power of the said Pavonia Land Association to vacate the said part of Fulton street as aforesaid—therefore,

Part of street
vacated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of Fulton street, in the contemplated town of Pavonia, which lies between Fifth and Sixth streets on the map or plan of Pavonia, as laid out by the Pavonia Land Association, be and the same is hereby vacated.

Waterworks
company au-
thorized to
erect works.

2. *And be it enacted*, That the Camden Water Works Company shall have the same power and authority to erect and construct their water works, reservoirs, and basins upon the said part of Fulton street vacated as aforesaid, as if no street had ever been laid out thereon.

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

Approved March 6, 1855.

CHAPTER LXXXII.

AN ACT in relation to the early records of the supreme court.

WHEREAS the appropriation made for the purpose of indexing and arranging the parchment rolls of the supreme court, anterior to the year seventeen hundred and ninety-nine, has been found inadequate for that purpose—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the further sum of two hundred dollars be appropriated for the purpose of completing the work, and that the treasurer, upon the certificate of the clerk of the supreme court, be authorized to pay the same. Further appropriation.

Approved March 8, 1855.

CHAPTER LXXXIII.

AN ACT to incorporate the Burlington and Jacksonville Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock herein after mentioned, their successors and assigns, shall be and are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "the Burlington and Jacksonville Turnpike Company," and that the following named persons, viz: Thomas Hancock, Joseph W. Taylor, William H. Lloyd, John Rodgers, and Samuel W. Taylor, or a majority of them, are hereby appointed commissioners to open the subscription books, and receive subscrip- Style of incorporation. Commission-ers to receive subscriptions.

tions to the capital stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least thirty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in the county of Burlington.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be twelve thousand dollars, with power to increase the same to twenty thousand dollars, and shall be divided into shares of twenty-five dollars each; that at the time of subscribing to said stock, two dollars and fifty cents shall be paid upon each share subscribed for to the said commissioners, or any of them, which money shall be paid over to the treasurer of said company, so soon as one shall be appointed; that the residue of the said stock shall be paid to the treasurer of the said company, in such instalments and at such times and places as the board of directors of said company shall from time to time direct; that, upon failure of the payment thereof, as so directed, the said board shall have power to forfeit the shares of each and every person so failing to pay said instalments, or any of them, to and for the use of the said company.

Election of
directors.

3. *And be it enacted*, That the affairs of the said company shall be managed by a board of nine directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; that when two hundred shares of said stock shall be subscribed for, the said commissioners, or a majority of them, shall call a meeting of the said stockholders, giving at least fifteen days' notice of the time and place of said meeting in the newspapers aforesaid, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, nine directors for the term of one year, a majority of whom shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be the judges; and at the expiration of said term, and annually thereafter, upon like notice being given by the existing board of directors, the stockholders shall elect, by ballot, nine directors, a majority of whom shall be citizens of this state; and the judge of such election shall be appointed by

the president of said company; and at any 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 happen that any election of directors should not be made on the day when, pursuant to this act, it ought to be made, said corporation shall not, for that cause, be deemed to be dissolved, but such election may be held at any other time; and the directors for the time being shall continue to hold their office until others shall have been chosen in their place.

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

Election of
president
and his du-
ties.

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

Annual state-
ments to be
made.

6. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike along and upon what is known as the Springfield road, from the intersection of York and Federal streets, in the city of Bur-

Company
authorized
to construct
road.

lington, to the intersection of the Springfield road and the road leading from Three Tuns and to Mount Holly, in the village of Jacksonville ; and the said company may, by their officers, agents, or other persons in their employ, enter, from time to time and at all times, upon all lands, to search for stone, gravel, sand, or clay for constructing and keeping up said road, doing no unnecessary damage to said lands ; *provided*, the said company, as soon as they shall construct the said turnpike road, shall pay to the respective owners of the land over which they may pass all damages which the said owners shall sustain by reason of the construction of said turnpike road ; and in case the said owners and said company cannot agree upon the amount of said damages, then the damages shall be ascertained and determined, as nearly as may be, in the manner hereafter provided for ascertaining and determining the damage which any land owner or owners may sustain by taking of stone, gravel, sand, clay, and so forth, from his or her lands for the constructing or maintaining of said turnpike road.

Proviso.

Description
of road.

7. *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 Springfield road, 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 good and firm road ; and in its progress it shall be so graded that 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 said road, not less than twenty feet in width ; 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.

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

8. *And be it enacted*, That it shall be lawful for the said company, their 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 enclosures thereof, and to make all ditches and underdrains across and through such lands as are necessary for the proper draining of said road, and to take and carry away stone, gravel, clay, or sand, or other materials therefrom suitable for making or repairing said road; and if the said company, or their agents, and the owner or owners of such required land, cannot agree as to the price of the same, 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 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 occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, or to one of the judges of the court of common pleas of the county of Burlington, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof, as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of commissioners, herein after named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders commissioners to examine and appraise the said land or materials and to assess the damage, upon such notice to be given to the parties or persons interested as shall be directed by the justice or judge making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath or affirmation, faithfully and impartially to examine the

matter in question, and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to examine and view the said lands or materials, and make a just and equitable estimate or appraisalment of the value of the same and assessment of damages to be paid by said company for such lands or materials and damages aforesaid, and to make a report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same, within ten days thereafter, together with the aforesaid description of the lands or materials and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county of Burlington, to remain of record therein, and shall be recorded by the said clerk; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land or materials, after payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the said company, if they shall neglect or refuse to pay the same for twenty days after the filing of the said report as aforesaid, and shall constitute a lien upon the property of the said 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, judge, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall deem equitable and right, which shall in all cases be paid by the company; and when, by any reason of any legal incapacity or the absence of the owner or owners of such lands or materials, the said company cannot make payment to any person, then it shall be the duty of said company to pay the amount of any award, made in behalf of any such persons by commissioners appointed as aforesaid, into the court of chancery, to the clerk thereof, subject to the order of said court, for the use of said owner or owners.

9. *And be it enacted*, That so soon as the said company Rates of toll. shall have constructed the said road in a workmanlike manner, according to the several directions in the seventh section, and the true intent and meaning of this act, from the intersection of York and Federal streets, in the city of Burlington, to the intersection of the said Springfield road and the Oxmead road, it shall and may be lawful for the said company to erect one gate or turnpike across the said road, and to demand and receive toll for travelling each mile, and all fractions over half a mile, of the said road so constructed, not exceeding the following rates, to wit:

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

For every additional beast, one cent.

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

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

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

And so soon as the said company shall have constructed the remainder of the said road in a workmanlike manner, and according to the directions in the said seventh section and the true intent and meaning of this act, from the intersection of the said Springfield road and the Oxmead road to the intersection of the Springfield road and the road leading from Three Tuns to Mount Holly, in the village of Jacksonville, then it shall be lawful for the said company to erect other gates or turnpikes across said road, and to demand and receive toll for travelling each mile, and all fractions over half a mile, of the said road, as herein before specified; and it shall and may be lawful for the toll-gatherers to stop all persons riding, leading, or driving any horses, cattle, mules, calves, sheep, or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes, or any one of them, until they shall have paid the toll, as above specified; *provided*, that nothing in this Proviso. 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 any public worship on the first day of the week, or to or from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages,

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

Mile stones
to be erect-
ed.

10. *And be it enacted*, That before the said company shall receive toll for travelling said road, they shall cause mile stones to be erected and maintained, and on each stone shall be fairly and legibly marked the distance said stone is from the point of intersection of York and Federal streets, in the city of Burlington, and shall cause to be fixed at each of the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board, on which shall be painted in large letters, "Keep to the right, as the law directs."

Penalty
for injuring
works.

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

Penalty for
illegal tolls.

12. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveller passing through any of the gates or turnpikes, or shall demand more toll

than is by this act established, he shall, for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered and defrauded.

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

Penalty for
obstructing
passage.

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 Burlington, upon complaint made to him, in writing, stating the bridge or part of the road that is out of repair, and specifying the particular defect, and after four days' notice to said company, specifying the particular part of the road or bridge, and the particular defect complained of, and after hearing the parties, if the said company shall 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 Burlington, not residing in any township through which said road passes, who, having been duly qualified by law to act impartially in the case, shall proceed to view and examine said part of the turnpike road or bridge so complained of, and report to 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 said road, said judge shall immediately, in writing, under his hand and seal, order the keeper of the gate or turnpike nearest to said bridge or part complained of to keep open the same until otherwise ordered; and if the said

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

keeper shall, notwithstanding the order of said judge to open such gate or turnpike, exact toll of travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same in an action of debt, with costs of suit; and the said judge shall be allowed for his services the sum of one dollar, and the persons appointed one dollar, each, to be paid by the company; and upon due proof before such judge that said company have repaired said road or bridge in the particular complained of, he shall, by license, under his hand and seal, directed to the tollgatherer, permit the gate or turnpike aforesaid 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 said company, the same fees shall be allowed as before prescribed, and be paid by the person or persons making the complaint.

Commence-
ment and
completion
of road.

15. *And be it enacted*, That the said company shall not construct their said turnpike along said highway, until the same shall be vacated as a public highway according to law; and if the said road is not commenced within two years from the passage of this act, and completed within 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.

Approved March 9, 1855.

CHAPTER LXXXIV.

AN ACT to incorporate the Perth Amboy and Woodbridge Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Patterson, Solomon Andrews, Joseph D. Folks, James Parker, Samuel Barren, James Valentine, and Adam Lee, and such other persons as may be associated with them, be and they are hereby declared to be a body politic and corporate, in fact and in name, by the name of "the Perth Amboy and Woodbridge 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 the said incorporation. Names of corporators.

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

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books of subscription to the capital stock of the said corporation, at such time or times, and at such place or places, as they, or a majority of them, may think proper, giving at least twenty days' notice in one or more newspapers published in the county of Middlesex; and that, at the time of subscription, ten per centum shall be paid on each share subscribed 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, 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 Commissioners to receive subscriptions. Election of directors.

capital stock entitling the holder thereof to one vote ; and the persons above named, 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 money paid in, deducting all expenses previously incurred, to the said directors ; the time and place of holding the first meeting of said directors shall be fixed by the persons named in the first section of this act, or a majority of them ; and the directors chosen at such meeting shall hold their office for one year and until others shall be elected in their stead, and shall, as soon as may be after every election, choose out of their number a president, who shall be a resident of this state ; and in case of the death, resignation, or removal of the president or any director, the vacancy or vacancies may be filled for the remainder of the year in which they may happen by the remaining directors, or a majority of them ; in case of the absence of the president, the directors present, or a majority of them, may appoint a president pro tempore to serve in his place.

Vacancies.

Corporation
not dissolved
for failure to
elect on day
prescribed.

4. *And be it enacted*, That in case an election of directors shall not be made on 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 such other time, in the manner prescribed by this act, as the by-laws of the said corporation may direct.

Payment of
instalments.

5. *And be it enacted*, That the directors of the said company shall have power to call in the capital stock of said corporation, by such instalments, and at such times as they may direct, giving notice of at least twenty days, in a newspaper published in the county of Middlesex ; *provided*, that no instalment shall exceed three dollars on each share, nor shall any instalment be called oftener than once in each month ; and in case of the nonpayment of such instalment, or any one of them, to forfeit the share or shares on which such nonpayment shall be made.

Proviso.

Powers and
duties of
directors.

6. *And be it enacted*, That the said directors shall have power to make and ordain such by-laws and regulations as

to them shall seem proper touching the management and regulation of the stock, property, estate, and effects of the said corporation, and also to appoint a treasurer and such other officers, clerks, and servants as to them shall seem meet for conducting the business and management of the said corporation, and to determine and fix the salary or compensation of the said treasurer, officers, clerks, and servants, and of the president of the said company.

7. *And be it enacted*, That the president and directors of the said company shall be and are hereby authorized and invested with full power and authority to survey, lay out, and construct a railroad from Perth Amboy, in the county of Middlesex, running through the village of Woodbridge, to a point in the New Jersey railroad within three miles of the station house in Rahway, with one or more sets of tracks or rails, as may be judged necessary; *provided*, the land taken for said railroad shall not exceed one hundred feet in width, except in such places where, from the depth of excavation or the height of the embankments, a greater width may be required; and it shall and may be lawful for the said company, their agents, engineers, superintendents, or other persons in their employ, to enter at all times upon all lands for the purpose of exploring, surveying, levelling, and laying out the said railroad, and locating the same; and when the route of said railroad shall have been determined, and a survey 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, and other persons in their employ, to enter upon, take possession of, have, hold, use, occupy, and excavate any such lands, and to erect embankments, bridges, and other works necessary to lay rails, and to do all other acts which shall be necessary for the completion or repair of said road, subject to such compensation as is herein after 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 shall be made before the said company, or any person under their direction or in their employ, enters upon or breaks ground in the premises,

Company authorized to construct road.

Proviso.

Proviso.

except for the purpose of laying out said road, unless the consent of the owner or owners be first had and obtained.

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

8. *And be it enacted*, That when the said company cannot agree with the owner or owners of such required land or materials, for the use and 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 the state, or of legal incapacity, to make publication thereof, as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of commissioners hereafter named; at which time, upon satisfactory proof to him of the service or publication of such notice aforesaid, the said justice 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 the said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding), to meet at the time and place appointed, and to proceed to view and examine the said land and materials, and to make a just and equitable estimate or appraisalment of the same, and assessment of damages, to be paid by the company for such lands, materials, and damages aforesaid;

which report shall be made under the hands 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 of Middlesex, 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, and occupy, possess and enjoy, the said land and materials, or of the said owner or owners, to recover the amount of said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall, from time to time, constitute a lien upon the property of the company in the nature of a mortgage; and the said justice of the supreme court shall, upon application of either party, and on reasonable notice to the other party, 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; *provided always*, that should the said company, or the owner or owners of any of the land and materials aforesaid, deem himself, herself, or themselves aggrieved by the decision of the commissioners aforesaid, he, she, or they may appeal to the next circuit court in the county wherein the said land and materials may be.

Parties aggrieved may appeal.

9. *And be it enacted*, That every appeal from the decision of commissioners, appointed as aforesaid, shall be made in writing and in the form of petition to the court, and filed with the clerk of the said circuit court; 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 said court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of such controversy to be formed between the parties, and to order a jury to be struck, and a view of the premises to be had,

Proceedings in case of appeal.

and the said issue to be tried at the next term of said court to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land and 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 shall be awarded therein, with costs, and 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 and in such case the costs shall be paid by said applicant or applicants out of the said sum found by the jury, or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land upon filing the 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 improvements whatever, or otherwise appropriating said lands to the use of said company, until they have paid to the party or parties entitled to receive the same the amount assessed by the commissioners as the value of such lands or damages, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners in case there shall be no appeal found by the jury, and in case of appeal shall refuse, upon tender thereof being made, to receive the same, or shall be out of this state, or under any legal disability, then the payment of the amount assessed or found as aforesaid into the circuit court of the county where the said lands lie shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same, without being barred

Proviso.

thereby from his, her, or their appeal from the report of the commissioners.

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

11. *And be it enacted*, That the said company may purchase, have, and hold real estate, at the commencement and terminus of their railroad, and at any intermediate depot upon the line of the same, not exceeding five acres at each place, and may erect and build thereon houses, warehouses, stables, machine shops, and such other buildings and improvements as they may deem expedient, and take and receive the rents, profits, and emoluments thereof; and shall have the privilege and authority to erect, build, and maintain, over such creeks or streams as the railroad may cross, such piers, bridges, and other facilities as they think expedient and necessary for the full enjoyment of all the benefits conferred by this act. Company may hold real estate.

12. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the net profits of said railroad. Dividends.

13. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, all machines, engines, wagons, carriages, or cars for the transportation of persons or any species of property on the said railroad, or any railroad connected with it, as they may think fit, reasonable, expedient, or right; *provided*, they shall not charge more than at the rate of five cents per mile for carrying each passenger on said railroad, or at the rate of ten cents per ton per mile for the transportation thereon of every species of merchandise, produce, property, and freight. Rates for transportation. Provide.

Company
may contract
with other
corporations

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 incorporation, or with individuals, for transporting or conveying any kinds of goods, produce, merchandise, freight, or passengers, and to enforce the fulfilment of such contracts.

Penalty
for injuring
works.

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 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.

Annual state-
ments to be
made.

16. *And be it enacted*, That as soon as the railroad, with its appendages, shall be finished so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of the cost of the said road, including all expenses, and the amount of all the purchases made by virtue of this act, in the office of the secretary of this state; and annually thereafter the president and treasurer of 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 return to the treasurer of this state of the number of passengers and the number of tons of merchandise transported thereon, and thereupon pay to the treasurer of this state the sum of one cent on every passenger, and one cent on every ton of merchandise transported on said road, to be applied to the school fund; *provided*, that no other tax or impost shall be levied or assessed upon the said company.

Proviso.

State may
take road on
payment of
appraise-
ment.

17. *And be it enacted*, That at any time after the expiration of thirty years from the completion of said road, the legislature of this state may cause an appraisement of 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 persons so appointed by him shall proceed to make such appraisement, which shall be binding on the said company; or in case the six commissioners shall be appointed, and they cannot agree upon the seventh man, then, upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man, as aforesaid, to make such appraisement as aforesaid, and thereupon the state shall have the privilege, for three years, of taking said road, with its appendages, upon the payment to the company of the amount of said report within one year after electing to take the said road, which report shall be filed in the office of the secretary of this state, and the 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; and it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of said road and of the receipts and disbursements of the company; *provided always*, that the aforesaid valuation shall be made Proviso. without any reference to the receipts or disbursements of the company or advance of stock; and the said valuation shall in no case exceed the first cost or valuation of said road, with the appendages thereof.

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

19. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors, of this state, whilst travelling for the pur- Certain officers to pass free.

pose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, during their annual or other sessions, shall pass and repass on the railroad of said company, in their cars, free of charge.

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

Approved March 9, 1855.

CHAPTER LXXXV.

AN ACT to incorporate the Union Manufacturing Company, of Gloucester City, Camden county.

Names of
corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That William B. Thomas, A. G. Stein, Samuel Z. Brock, William S. Doughten, James L. Hines, and Jeremiah H. Banks, they and their associates and their successors, are hereby created a body politic and corporate in law, by the name and style of "the Union Manufacturing Company," to be located in the city of Gloucester, and township of Union, county of Camden, and state of New Jersey, for the purpose of the manufacturing of flour and meal, also flour barrels and other barrels and kegs, and such other articles of wood, metal, iron, or mineral as may be advantageously connected therewith, and for which purpose said company shall or may raise, by subscription, a capital stock of one hundred thousand dollars, divided in such number of shares as the board of directors may determine; it may nevertheless be lawful for said corporation to procure or prepare any of the wood or iron, or other materials or articles, used or traded in by such company, at such place and points as the said corporation may deem most advantageous.

2. *And be it enacted*, That the said corporation may purchase, possess, and enjoy any such real estate, improvements, machinery, goods, and effects whatsoever within the county of Camden, as shall be deemed necessary and advantageous to said corporation to carry on its business; and it shall be lawful for said corporation to sell, mortgage, lease, and otherwise dispose thereof at pleasure.

Corporation
may hold re-
al estate.

3. *And be it enacted*, That it shall be lawful for the aforesaid corporators, or their successors, to receive by subscription to the capital stock of said company, by opening of books or otherwise, and as soon as one hundred thousand dollars shall have been subscribed, and twenty-five per cent. of that amount paid in, in cash or otherwise, and an affidavit being made, by one or more of the corporators, before any alderman or judge of the court, and a copy thereof filed in the office of the secretary of state, it shall be lawful for said corporators to organize said corporation, and forthwith commence and carry on its business, as contemplated under the provisions of this act.

Commis-
sioners to re-
ceive sub-
scriptions.

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 instalments due on such stock subscribed for as may have been agreed upon previous to subscribing, under penalty or forfeiture of the shares so subscribed, and all previous payments made thereon; *provided however*, that said stockholders being notified personally, or by advertising at least thirty days previous to such instalment becoming due; said stock to be transferable on the books of said company, and only in the presence of the proper officers.

Payment of
instalments

Proviso.

5. *And be it enacted*, That the stock, property, and affairs of the said corporation shall be managed by not less than seven, nor more than nine directors, 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;

Election of
directors.

annual meetings and elections for directors shall be held on the second Tuesday in January, of each year, at such place and hour as the by-laws may direct; a majority of the existing number of directors shall constitute a quorum, and, when assembled at such place 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.

Annual statement to be made.

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, 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.

Dividends.

7. *And be it enacted*, That dividends of so much of the profits as the directors may deem advisable may be declared at the annual meeting, or on the first day of January and July of each year, and paid to the stockholders, or their attorneys, at any time as may be agreed by the directors; *provided however*, that no part of the capital stock, as paid in, shall be declared in dividends, until all debts due by the corporation shall have first been paid.

Proviso.

Corporation not dissolved for failure to elect on day prescribed.

8. *And be it enacted*, That in case it shall so happen that an election for directors shall not be made on such day as designated by acts of incorporation or by by-laws, said corporation shall not be deemed dissolved thereby, but the stockholders may proceed and order and hold an election on any other day, by giving ten days' previous notice of such time and place.

Property, &c., may be received in payment of subscription.

9. *And be it enacted*, That any wood, timber, land, property, or other materials, used by said corporation, which may be received in payment of subscription for stock, shall

be taken at a valuation approved by the majority of the board of directors, or a majority of the stockholders, designated for that purpose.

10. *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 be subject to the restrictions and liabilities set forth in "An act concerning corporations," approved upon the fourteenth day of February, eighteen hundred and forty-six, so far as the same is applicable. Restrictions and liabilities.

11. *And be it enacted*, That this corporation shall be limited to twenty years, and that the legislature may alter, amend, or repeal this act, whenever the public good may require it. Limitation.

Approved March 9, 1855.

CHAPTER LXXXVI.

AN ACT for the relief of the Methodist Episcopal Church of Middletown Point, in the township of Raritan, in the county of Monmouth.

WHEREAS Asbury Fountain, William S. Hornor, Theodore Fountain, David H. Wyckoff, Joel Carhart, Warren Brown, and John N. Disbrow, trustees of the Methodist Episcopal Church of Middletown Point, lately erected in the village of Middletown Point, in the county of Monmouth, are desirous of selling, at public or private sale, the old meeting house in said village belonging to said church, heretofore used as a place of worship, together with the lot upon which it stands, and to remove from said lot the bodies buried thereupon to a more suitable place of interment—therefore, Preamble.

Trustees au-
thorized to
sell lot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees, or their successors in office, of the Methodist Episcopal Church of Middletown Point, in the township of Raritan, in the county of Monmouth, are hereby authorized and empowered to sell, at public or private sale, all that lot of land, being the site of the old house of worship in said village, together with the buildings and appurtenances, rights, liberties, and hereditaments to the same belonging, said lot or site being the same as conveyed by deed, dated the eighteenth day of January, eighteen hundred and thirty-six, executed by Nathaniel S. Wyckoff and Ellen C., his wife, to William Murphy, Joel Carhart, Elisha Walling, Samuel Stillwell, and Robert Matthews, trustees, &c., and recorded in the clerk's office of the county of Monmouth, at Freehold; and to execute and deliver to the purchaser or purchasers thereof a good and sufficient deed for the same, under the hand and seal of the above named trustees, or their successors in office, by which said purchasers, their heirs and assigns, shall hold the same, so conveyed, to their own use, free and clear and absolutely discharged from all trusts whatsoever upon which the same was held as aforesaid; and the purchase money paid by such purchasers, when received by the trustees of the said corporation, shall be appropriated towards the expenses of removing the bodies buried upon said lot from said lot, and the purchase of a lot for their interment in Rose-hill cemetery, near said village, which removal and purchase of a lot the said trustees, or their successors, are hereby authorized to make, and towards defraying the expenses incurred in building the new church, and shall be absolutely vested in and belong to the said Methodist Episcopal Church of Middletown Point, their successors and assigns, for ever.

Approved March 9, 1855.

CHAPTER LXXXVII.

AN ACT to authorize the rector, wardens, and vestrymen of Christ's church, at Newton, Sussex county, to sell a certain lot of land held in trust by them.

WHEREAS John Green, in his lifetime, now deceased, by Preamble. deed duly executed, bearing date on the twelfth day of April, seventeen hundred and eighty-eight, did convey to Thomas Anderson and Levi Howell, church wardens, and to Amos Pettit and Garret Albertson, vestrymen, of Christ's church, at Newton, in the county of Sussex, a certain lot of land, situate in Hardwick (now Frelinghuysen), in the then county of Sussex (now Warren), containing half an acre of land, on which there then was and still is a stone church, being part of a tract of three hundred acres then belonging to said John Green; and which lot, so conveyed, is in the said deed particularly described by metes and bounds, to have and to hold unto the said wardens and vestrymen aforesaid, and to their successors in office, in trust to and for the use at Christ's church, at Newton aforesaid; and whereas, by reason of deaths and removals, there remains no families or persons belonging to the order of Episcopalians within the vicinity of said stone church, and for many years past it has not been used for church purposes, and the said building is fast going to ruin for want of reparation and use; and whereas it is thought that the said lot of land, and building thereon, might be sold to advantage for the said society, if the said trustees had authority to sell and convey the same—therefore,

1. BE IT ENACTED *by the Senate and General Assembly* Rector, &c., authorized to sell property. of the State of New Jersey, That the rector, wardens, and a majority of the vestrymen of Christ's church, in Newton, in the county of Sussex, be and they are hereby authorized and empowered to sell, at public or private sale, the said lot of land in the above preamble mentioned, with the said stone building thereto, and all the appurtenances to the

same belonging, and to make a deed or deeds to the purchaser or purchasers thereof; and that they hold the proceeds of such sale in trust for the benefit of said church.

Sale to vest title.

2. *And be it enacted*, That a sale and conveyance made by virtue of this act shall vest in the purchaser or purchasers an absolute estate, as fully as the said rector, wardens, and vestrymen aforesaid might sell and convey the said lot of land and premises, if they held the same by an unlimited title.

Approved March 9, 1855.

CHAPTER LXXXVIII.

AN ACT to increase the capital of the State Bank at Elizabeth.

Capital stock increased.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the capital stock of "the President, Directors, and Company of the State Bank at Elizabeth" be and the same is hereby increased four thousand shares, of fifty dollars each; and the additional capital hereby created shall be part of the capital stock of the said corporation, held and transferred in the same manner, entitled to the same privileges and benefits, as the capital stock created by the act incorporating the said bank, and be subject to the same rules, regulations, and provisions, except as is herein otherwise provided.

Payment of instalments.

2. *And be it enacted*, That the said additional stock shall and may be called in from time to time, as the directors of the said bank for the time being shall deem expedient; and the books for subscribing to such stock shall be opened at such time or times and in such manner as the said directors shall order, of which four weeks' notice shall be given in one or more newspapers published in Elizabethtown; and the same, when so called in, shall be allot-

ted ratably among the several stockholders of the stock of the said bank, in proportion to the number of shares held by them, respectively, at least ten days before the time of subscribing to such new stock; and in case it shall happen that, at the time noticed for subscribing to any such additional capital, any of the stockholders shall decline or neglect to subscribe for the same, he or she shall forfeit the privilege thereto, and the remaining stockholders, or such of them as then apply for the purpose, shall be entitled to the privilege of subscribing as aforesaid, in proportion to the shares held by them, respectively, as aforesaid; or the said directors may, from time to time, sell the shares forfeited as aforesaid, as they may think most for the interest of the said bank, for the best price or prices that can be obtained, not less than their par value, and the overplus, if any, to be credited to the account of the profits of the said bank.

3. *And be it enacted*, That it shall not be lawful for said bank to issue, at any one time, an amount of circulating notes exceeding the amount of its capital stock and the amount of deposits with said bank. Amount of circulation.

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

Approved March 9, 1855.

CHAPTER LXXXIX.

A 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 the lien given by the act, Provisions of former act extended.

to which this is a supplement, is hereby extended to all mills and manufactories, of whatever description, within this state, and to the lots of land or curtileges whereon the same are erected, for all debts contracted by the owner or owners thereof, or by any other person with the consent of such owner or owners in writing, for work done or materials furnished for or about the repairing of any fixed machinery or gearing or other fixtures for manufacturing purposes on the same.

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

Approved March 9, 1855.

CHAPTER XC.

A supplement to an act entitled, "An act to incorporate the Trenton Saving Fund Society," passed the seventh day of March, eighteen hundred and forty-four.

Company
may invest
money in cer-
tain stocks.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Trenton Saving Fund Society, in addition to the stocks specified in their charter, to invest money in the public stocks created by the states of New York, Pennsylvania, Ohio, Kentucky, and Virginia, and in the public stocks or loans of the cities of Trenton, Newark, New York, and Philadelphia, and bonds of railroad companies of New Jersey secured by first mortgage, not exceeding in amount one half of the cost of the construction of said roads; *provided*, that not more than one-third of the deposits or funds of said society, at any one time, shall be invested in stocks of any description.

Proviso.

Company
may loan
funds.

2. *And be it enacted*, That whenever the said society shall have on hand deposits or funds which cannot be ad-

vantageously invested, according to the requirements of their charter, it shall be lawful to loan the same temporarily, on approved promissory notes, with such security as the managers may deem necessary; *provided*, that not ^{Proviso.} more than ten thousand dollars shall be so loaned at any one time.

3. *And be it enacted*, That it shall be lawful for the said ^{Seven per centum.} society, upon all loans and contracts hereafter made by them, to take and receive the value of seven dollars for the forbearance of one hundred dollars for one year, and after that rate for a greater or less sum, or for a longer or shorter time.

4. *And be it enacted*, That it shall be lawful for the said ^{Deposits from chancery.} society to receive on deposit, for such length of time, and at such rate of interest as may be specially agreed upon, all the moneys that may be deposited with the society by order of the court of chancery.

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

Approved March 9, 1855.

CHAPTER XCI.

A supplement to an act entitled, "An act to incorporate the Williamstown and Good Intent Turnpike Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said company, and it is hereby required, within one year hereafter, to construct and make a turnpike road, from the present road, at or near David Marshall's lane, to Good Intent, upon the public highway through the village of Blackwoodtown, by way of the tavern and Baptist church, with the same powers, and under the same limita- ^{Company may make additional road.}

Proviso.

tions and restrictions, as are contained in the act to which this is a supplement; *provided*, this act shall not be binding upon the said the Williamstown and Good Intent Turnpike Company until the board of directors signify their acceptance of the same, under the seal of said company, and file the same in the office of the secretary of state.

Rates of toll.

2. *And be it enacted*, That the said company, as soon as such addition shall be completed, shall be authorized, as well upon their turnpike road, as now constructed, as upon such addition, for travelling each mile, and all fractions of a mile not less than half a mile, to demand and receive toll at rates not exceeding the rates limited in the eighth section of the act, to which this is a supplement.

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

3. *And be it enacted*, That if the said company shall not keep the said turnpike road and bridges in repair, the complaint in such case authorized and provided by the thirteenth section of the act, to which this act is a supplement, shall be made to some judge of the court of common pleas of the county of Camden, who may be disinterested, who shall, if said complaint be made to him under oath or affirmation, immediately, or as soon as conveniently may be, by writing under his hand and seal, appoint three of the township committee, of any township or townships other than that wherein the cause of complaint arose, disinterested in the premises, and thereupon such proceedings shall be had as are provided in the said thirteenth section of the said act, to which this is a supplement.

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

Approved March 9, 1855.

CHAPTER XCII.

A supplement to the act entitled, "An act to incorporate the New Brunswick Insurance Company, in the counties of Middlesex and Somerset."

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 New Brunswick Insurance Company to effect marine and inland insurance, upon vessels, freights, goods, wares, and merchandise, against loss or damage by water and fire, and to make all and every insurance connected with risks of transportation and marine and inland navigation, and to cause themselves to be reinsured, when deemed expedient, against any risks upon which they have made or may make insurance. Company may effect marine insurance, &c.

Approved March 9, 1855.

CHAPTER XCIII.

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

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 a railway, with one or more tracks, connecting their canal with the road of the Lehigh Valley Railroad Company, and also with the road of the Central Railroad Company of New Jersey, at or near Phillipsburgh, and also to construct another railway, with one or more tracks, connecting their canal with the road of the Warren Company may construct railway.

Proviso.

Railroad Company ; *provided nevertheless*, that neither of the said railroads shall be more than one mile in length, and shall not, in any manner, interfere with or incommode either of the railroads with which a connection is as aforesaid authorized.

May obtain
right of way.

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 railroads, respectively, in the same manner as is provided for the Central Railroad Company of New Jersey to obtain the right of way for their road.

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

Approved March 9, 1855.

Whereof the Senate has passed

CHAPTER XCIV.

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

Owners of
marsh autho-
rized to plant
clams, &c.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any

person or persons owning marsh or meadow lands in this state, within the boundaries of which there shall be creeks, ditches, or ponds wherein clams and oysters do or will grow, to lay or plant clams and oysters therein, for the use and benefit of such owners, and for the preservation of which he is to properly stake off such clam and oyster ground as not to interfere with the passing and repassing of vessels, but sufficient to designate where the same is planted ; *provided*, that the provisions of said bill shall not be so construed as to apply, in any way, to any such creeks, ditches, or ponds within the county of Cumberland.

Proviso.

2. *And be it enacted*, That any person or persons violating the provisions of this act shall be subject to all the fines and penalties contained in the act to which this is a further supplement. Penalty for violation of act.

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

Approved March 9, 1855.

CHAPTER XCV.

AN ACT to establish the City of Elizabeth.

TITLE I.—*The city and its divisions.*

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township and borough of Elizabeth shall be a body politic and corporate, under the name of "the City of Elizabeth," and, as such, shall have, exercise, and enjoy all the rights, franchises, immunities, powers, and privileges, and be subject to all the duties and obligations now incumbent upon and appertaining to said township and said borough, as municipal corporations. Inhabitants incorporated

2. *And be it enacted*, That the administration of the fiscal, prudential, and municipal affairs of said city, and the government thereof, shall be vested in one principal officer, to be styled the mayor, and one council of twelve, to be denominated the city council, and the members thereof shall be sworn to the faithful performance of the duties of their office; a majority of the board shall constitute a quorum for the transaction of business, and no member, as such, shall receive any compensation for his services; all the powers now vested by law in the township, or in the borough of Elizabeth, shall be vested in the city council, and shall be exercised by the same. Mayor and council.

City to be
divided into
wards.

3. *And be it enacted,* That the present common council of the borough of Elizabeth shall proceed, without delay, to divide the town into at least two wards, in a convenient manner, so as best to accommodate the inhabitants of the several wards, to meet within the same for municipal purposes; and they shall then apportion the members of the city council among the wards, by first assigning to each ward one member, and dividing the residue, as near as may be convenient and equitable, according to the population of the several wards; the city council first chosen after this act shall take effect, and thereafter once in four years, and not oftener, shall revise, and, if it shall be needful, alter said wards in such manner as may be most convenient to the inhabitants, and shall reäpportion the members among the several wards, according to the principles herein prescribed.

TITLE II.—*Elections—Officers and their powers.*

Election of
officers.

4. *And be it enacted,* That on the second Monday in April, annually, between the hours of eight A. M., and seven P. M., the qualified voters in each ward shall meet in such place as may be designated by the city council, and give in their votes for a mayor, two chosen freeholders, a coroner, a sheriff, two surveyors of highways, and in case there are only two wards, one commissioner of appeals, and, as often as shall be necessary to prevent a vacancy, a clerk of the court of general sessions at large; and for each ward, half as many councilmen, residents of the ward, as may be designated, excepting at the first election under this charter, when the full number shall be chosen, a ward clerk, a judge of elections, a collector, an assessor, a commissioner of appeals in cases of taxation, a collector of arrears of taxes, one school commissioner, except at the first election under this charter, when two shall be chosen, as many constables as the court above mentioned shall designate, one poundkeeper, and, at such times as shall be necessary to prevent a vacancy, as many justices of the peace as the city council shall direct; *provided,* that the justices of the peace in office when this charter takes effect shall

Proviso.

continue to serve throughout their official terms; *provided* Proviso. also, that the common council of the borough of Elizabeth shall designate the places, in the respective wards, for holding the first election under this act, and appoint three persons to be judges at such election in each ward, who shall designate one person to act as clerk of the same; and the proceedings shall be conducted in the same manner as is provided by the laws of this state for conducting elections in the township of Elizabeth, so far as is consistent with this act; and it shall be the duty of such clerk to forward the record of such election to the clerk of said borough, and the common council of the same shall, on the Monday evening next subsequent to the day of election, publicly proceed to canvass the same, and to declare the result.

5. *And be it enacted*, That all subsequent ward elections, to be annually held as aforesaid, shall be conducted, Mode of conducting elections. and the same oaths administered to the officers, so far as consistent with the provisions of this act, according to the laws of this state for conducting township elections; and it shall be the duty of the clerk of the ward or the clerk of the board of judges at the election, within twenty-four hours after such election, to deliver to the persons elected members of the city council certificates of their elections, signed by himself and a majority of the judges of election, and to notify all the other ward officers of their election, and also to deliver to the city clerk a copy of the records of such elections, certified in like manner; and the judges of election of the ward shall form a board of city canvassers, at which the mayor of the city shall preside, and the clerk of the city act as clerk, and proceed, on the Monday evening next following the election, to canvass the votes for officers at large, and declare the result, which shall be recorded in the books of the city council, and notice given to the persons who may be elected; all officers chosen by ballot at such elections shall hold their office for one year from the date of such election, unless otherwise specified in this act, and until others shall be chosen and legally qualified in their stead; *provided*, that if a vacancy occur Proviso. in any of the offices of a ward, excepting councilmen, the

city council may appoint or elect a suitable person to fill the vacancy; and if a vacancy shall occur in the office of mayor, either through failure to elect, refusal to accept the office, resignation, physical inability, absence, or decease, the city council shall by vote declare that a vacancy exists, and the cause thereof, and shall elect a mayor for the time being, who shall serve until another is chosen or until the occasion causing the vacancy is removed; and all persons so appointed to fill vacancies shall, during the said term, perform the like services, be entitled to the same compensation, and subject to the like responsibilities and penalties, as if elected at the annual election as aforesaid.

Elections for
state and
county offi-
cers.

6. *And be it enacted*, That all elections for county, state, and United States officers shall be held at meetings of the citizens in their respective wards, at the times fixed by law for these elections, respectively; and the judges of election, as aforesaid, shall preside at and conduct all such elections, and the clerks of said wards shall be clerks of such elections in their respective wards, all vested with the same powers and authority as in township elections; and every person qualified to vote at such elections shall give his vote in the ward wherein he actually resides at the time of such election, and not elsewhere; all votes shall be canvassed, and the statement of the result made in the same manner, as is now provided by law for similar elections in the respective townships, and the compensation to said judges and clerks shall also be the same as is prescribed by law in townships.

Duties of
certain offi-
cers.

7. *And be it enacted*, That the clerk of the said city, the commissioners of appeal in cases of taxation, the chosen freeholders, the surveyors of highways, constables, and school commissioners, appointed under this act, shall, respectively, possess the powers and perform the duties of the like officers of townships of this state, so far as such powers and duties shall be consistent with the provisions of this act; and the assessor, collector, and judge of election, of each ward of the said city, shall, respectively, possess the powers, and perform the duties, and be subject to the same penalties, as the like officers of townships of this

state, to the same extent and in the same manner, in all respects, as if each of the wards of said city was constituted a separate township, so far as such powers and duties shall be consistent with the provisions of this act; and all state and county taxes shall be assessed by the assessors in like manner and upon the same property as city taxes are assessed, and they shall be collected by the collector in like manner as city taxes, and paid over to the county collector in like manner and under like penalties as township collectors are directed; *provided*, that the city council may Provide establish further and additional provisions for the collection of the same; and the commissioners of appeal in cases of taxation shall meet in such place in said city as the city council shall appoint, and on the same day and upon the like notice given as now is required for the meeting of like officers of the township of Elizabeth, and shall have full power and authority to hear and determine all complaints of unjust taxation, whether the same be assessed for the use of the state or county or of the said city, in the same manner as the like officers of the townships of this state are authorized and required to do.

8. *And be it enacted*, That the school commissioners School commissioners to be divided into classes. chosen in each ward, at the first election, shall, immediately thereafter, proceed to divide themselves by lot into two classes, one of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year; and at each annual charter election thereafter, the said wards shall, respectively, elect one person as commissioner of public schools, who shall hold such office for two years, and in any case of vacancy, the city council shall have power to fill the same for the unexpired term; and the said commissioners of public schools shall constitute a board of commissioners of schools of the city of Elizabeth, each of whom, before entering upon the duties of his office, shall take and subscribe, before the clerk or one of the judges of the city court, whose duty it shall be to administer the same upon application, the oath of allegiance to this state, and also an oath or affirmation faithfully and impartially to execute the trust reposed in him to

the best of his ability, which oaths shall be filed with the said clerk.

Officers of
board of
commission-
ers.

9. *And be it enacted*, That the board of school commissioners shall convene within ten days after the annual charter election, and shall organize by the appointment of a president, to act in the absence of the mayor, who shall be ex officio president, and a secretary; a majority of the whole board shall be necessary to constitute a quorum for the transaction of business or the adoption of any resolution or order; and the board shall elect one person as superintendent of schools, who shall take the entire charge of the schools, under the advice and direction of the board; it shall be his duty, as soon as the board consider the increase in schools to require it, to devote himself wholly to the work of visiting, regulating, and superintending the schools, and make reports, from time to time, to the board, at their regular meetings; a suitable compensation shall be allowed to the superintendent, by the board, from the appropriation to schools, but the services of the board shall be gratuitous.

Duties and
powers of
commission-
ers.

10. *And be it enacted*, That the said board of commissioners shall prepare and lay before the city council, as early after their election as practicable, an estimate of the amount of money necessary for the support of the public schools during the year, exclusive of the annual appropriation to the city of the school fund of this state, specifying, as nearly as may be, the amounts required for the erection and repairs of school houses, salaries of teachers, school and school house furniture, and incidental expenses; and said board shall take charge of and erect school houses, and establish public schools of different grades, adapted to the age and progress of the pupils, select and employ teachers, provide books and school house furniture, and incur such incidental expenses as may be necessary for the maintenance of said schools, and adopt rules and regulations for the admission of the pupils, the visitation and inspection of the schools, and the studies to be pursued therein; they shall likewise prepare and transmit, annually, to the city council a report, as prescribed by section nineteenth of this act, stating the number and grade of the

schools under their charge, the names of the teachers, and number of the pupils, the average attendance in each school, and the several items or bills of expenditure paid by said board during the year, and they shall notify the city council of any vacancy that may occur in their number; *provided*, that the said board shall at no time make Proviso. or incur any expenditure exceeding the amount appropriated by the city council, including therewith the annual appropriation to the city of the school fund of the state; *provided also*, that all moneys so appropriated shall be Proviso. passed to the credit of said board, and held by the treasurer subject to their order, as expressed by a resolution adopted by a majority of the whole board, and signed by the president, and certified by the secretary of the same.

11. *And be it enacted*, That the mayor of said city shall Duties and powers of mayor. hold his office for one year or until another is elected and qualified; and shall take an oath, to be administered by the clerk of the council or one of the judges of the city court, faithfully and impartially, and to the best of his knowledge and ability, to discharge the duties of his office; he shall be the chief executive officer of the city; he shall be vigilant and active in causing the laws and all by-laws and ordinances of the city to be enforced, and keep a general supervision over the conduct of all subordinate officers, and whenever, in his opinion, the public good requires it, he may suspend from office any officer appointed by the council, until the next meeting of the same, when the case shall be decisively determined; he may call special meetings of the board, in such manner as may be designated, and shall preside at all meetings, and have only a casting vote; he shall communicate from time to time such information, and recommend such measures as, in his opinion, the business and interests of the city require; he shall have the power, on witnessing any breach of the peace, forthwith to commit the offender, without the issuing of any warrant or process, and, in case of any riot, insurrection, or other disturbance, shall have the control of the marshals, constables, and watchmen of said city, and the power to call upon the citizens for aid in all cases of riot and disturbance.

City council
to appoint
officers.

12. *And be it enacted*, That the city clerk, a treasurer, one or more overseers of the poor, overseers of highways, one or more street commissioners, shall be annually chosen by the city council; and a marshal or chief of police once in three years, all by ballot; and said council shall have power, from time to time, to elect and appoint, and prescribe their duties, under such regulations, conditions, and restrictions, as they shall think proper, such other and all other subordinate officers of the said city who are not named herein, and who may, in the opinion of the city council, be necessary for the better ordering and governing the said city, for the preservation of its health, or for the convenience, safety, and advantage of commerce and trade.

Duties of
city clerk.

13. *And be it enacted*, That the city clerk shall be clerk of the city council, and shall be sworn to the faithful performance of his duties; he shall perform such duties as shall be prescribed by the council, and, in addition to the duties in this act required of him, shall have charge of all the records, books, papers, and documents of the city (except when the city council shall by ordinance otherwise direct), and keep the record of the proceedings of the council, engross all the ordinances in a book to be provided for that purpose, which shall be deemed a public record of such ordinances, and each ordinance shall be signed by the mayor, or acting mayor, and said clerk; he shall also receive, and pay over to the treasurer, all moneys which by any law or usage are paid to the clerk of the city; he shall be chosen for one year, and continue in office until another shall be chosen and qualified in his place; and he shall deliver to his successor in office, as soon as he is qualified, all records, books, papers, documents, or property held by him as city clerk; his compensation shall be fixed by the council.

Duties of
treasurer.

14. *And be it enacted*, That the treasurer shall receive, safely keep, and disburse, under the direction of the city council, all moneys belonging to or under the control of the city; he shall also keep an accurate account of all receipts and payments, and make returns thereof monthly, or oftener if required, in such manner as the city council shall

direct; no money shall be paid out of the treasury, except on a warrant signed by the mayor or acting mayor, and countersigned by the city clerk, except for the payment of bonds of the city, and interest on the same, moneys paid into the treasury for the redemption of property sold for taxes and assessments, and the appropriation to schools; and no warrant shall be drawn on the treasurer by said officers, except in pursuance of an order of the city council, passed at a stated meeting of the board, and entered in their minutes; all such warrants shall be numbered and made payable to the order of the person or persons entitled to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid; it shall be the duty of the clerk, before he delivers any warrant so drawn, to enter in the margin of a book, to be provided for the purpose, opposite to said warrant, the number, date, and amount of the same, the date of the order or resolution authorizing it to be drawn, the purpose for which it was ordered, and the name of the person or persons to whom the same is made payable, and to take his or their receipt in said book, at the end of said marginal entry, for the said warrant; and such treasurer shall receive such compensation as the board shall deem reasonable and proper.

15. *And be it enacted*, That the overseers of highways shall have their divisions assigned by the city council, and they shall respectively perform such duties as by the laws of this state appertain to the overseers of highways in the several townships, except as changed by this act, or any ordinance passed by virtue thereof; the street commissioner, the marshal, and other subordinate officers, shall respectively perform such duties, and receive such compensation, as the city council shall by ordinance direct and award.

TITLE III.—*The city council, its powers, etc.*

16. *And be it enacted*, That the city council shall have power to establish, keep, and maintain one almshouse or workhouse, or more, for the relief of the poor, and to regulate the same, 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; and the application and expenditure of all moneys raised for the relief or maintenance of the poor of the said city shall be under the government, management, and direction of said city council, and of such overseer or overseers of the poor and other officers as they shall for that purpose constitute and appoint; and the overseers of the poor, appointed by the city council, shall possess the powers and perform the duties of the like officers of the townships of this state, so far as the same shall be consistent with the provisions of this act.

Qualification
of members
of council.

17. *And be it enacted*, That every member of the city council shall, at the time of his election, be a qualified voter, a resident of the ward from which he is elected, and have been for two years immediately previous a resident of the city, and a removal from the ward will be in itself a resignation of his office; the councilmen elect shall, on the first day of May, or if that is Sunday, then the next day, at seven o'clock in the evening, meet in convention, when the oath shall be administered to them by the mayor or the city clerk, and a certificate, setting forth that such oath has been taken, shall be entered on the journal of the board, they shall then proceed to business; the board shall be the judge of the elections of its own members, and in case of a failure of election, or in case of vacancy, shall order a new election; the official term of the councilmen, except a part of those first elected under this charter, shall continue two years from May first; every member of the city council shall have the power, and it shall be his duty, without warrant, to arrest, or cause to be arrested, any person engaged in his presence in disturbing the public peace, or violating any law of the state or ordinance of the city, for the preservation thereof, or of good order or morality, and to bring, or cause such person or persons to be brought before some magistrate, to be dealt with according to law.

May arrest
offenders.

Council to
be divided
into classes.

18. *And be it enacted*, That the city council first elected under and by virtue of this act shall, at their first meeting after their election, divide the members of the council of

each ward, by lot, into two equal classes, as near as may be, one of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year; and on the second Monday in April following the first election under this charter, and every year thereafter, the said wards shall respectively elect, as near as may be, one half of the whole number of councilmen designated for the ward; *provided*, that the city council, in assigning to the respective wards a number of councilmen in proportion to their population, shall in no case depart from the principle of securing the retirement of half the board at the expiration of each year; and said council may hold such adjourned and special meetings as they shall deem proper or shall by ordinance direct and appoint; and if at any meeting the mayor be absent, then one of the members may be appointed to act pro tempore by the members present; and said council shall have power to make and adopt such rules, regulations, and by-laws, for their own government and the despatch of business, as they shall think proper, and pass, by a majority of the whole board, all such by-laws, ordinances, regulations, and rules as are herein provided, and make all such appointments, and do and perform all such other acts as are herein provided for.

19. *And be it enacted*, That the city council shall cause to be made, at least once a year, and not more than thirty, nor less than twenty days before the annual election, full reports by the board of commissioners of schools, by the overseers of the poor, the chief of police, and the chief engineer of the fire department, which shall be forthwith published in such newspapers of the city as they may designate; and the said council shall therewith, and at the same time, publish a full statement of all the receipts and expenditures, of every description, for the fiscal year preceding such statement, including all the moneys which have passed through the hands of the treasurer for any purpose whatever, together with the different sources of city revenue, the amount received under each, the several appropriations made by the city council, the objects for which the same were made, and the sums expended for each; also,

Proviso.

Annual reports to be made.

any moneys borrowed upon the credit of the city, whether by temporary loans or by the issue of bonds, the terms upon which they were obtained, the authority under which they were borrowed, and the purposes to which they were applied, and how much of said loans or bonds has been paid, and by what means; the statement shall also include a detailed account of the city property, existing debts of every description, with all such other information as may be necessary for a full understanding of the financial concerns of the city.

Council authorized to borrow money.

20. *And be it enacted*, That no ordinance directing and setting forth the amount of any tax to be raised, or authorizing the borrowing of any money, or the issue or sale of any bonds, shall be read more than twice on the same evening, but said city council are authorized to borrow money, from time to time, for all purposes for which they are herein authorized to raise money by tax, and to secure the payment thereof, by bond or other instrument under the common seal and the signature of the mayor, and to provide by tax for the payment thereof; *provided*, that there shall not be a greater sum than five thousand dollars raised by loan in any one year, unless the repayment thereof shall be provided for from the taxes to be raised in said city in any such year; and the said city shall not owe more than twenty thousand dollars at any one time.

Proviso.

Duties and powers of city council.

21. *And be it enacted*, That the city council shall likewise have power, as follows: to manage, regulate, and dispose of the property of the city, and to construct and maintain all such buildings, purchase all such property, real or personal, and provide all such places as they may deem necessary for the objects of this charter; to organize, regulate, and control a city police and night watch, in such manner, not inconsistent with the laws of this state, as they shall deem most conducive to the preservation of good order and to the safety of the persons and protection of the property of the citizens; to organize, maintain, and control a fire department, prescribing, from time to time, its officers and the number of its members; to make such provisions in regard to the time and mode of appointment and removal

of either such officers or members ; to make such requisitions in respect to their qualifications and period of service ; to define their office and duties ; to fix and pay such compensation for their services ; and, in general, to make such regulations in regard to their conduct and management, and the management and conduct of fires, and persons attending fires, subject to the penalties provided for the breach of the city ordinances ; likewise, to make all such ordinances for the adoption and provision of suitable safeguards against fire as they shall deem expedient ; to secure a just and proper accountability, by requiring bonds, with sufficient penalties and sureties, from all persons intrusted with receipt, custody, or disbursement of money ; to make and lay out all alleys, streets, and public grounds or parks, to ascertain and establish the lines and boundaries of the same, and to prevent and remove all encroachments, encumbrances, and nuisances upon the same, and regulate the planting and protecting of shade trees ; and to regulate and determine the level, grade, and construction of the said streets, and the raising and levelling of all lots and grounds for buildings, private as well as public ; to pave, McAdamize, gravel, or plank and curb and gutter the streets, and make and repair bridges and culverts necessary to the same, and to light the same, and to make, grade, flag, and improve side walks, cross walks, gutters, &c., and to compel the occupiers and owners of lots to grade, curb, and flag the side walks opposite their lots, and to keep the same and the gutters swept, and clean and clear of snow and ice and other impediments ; to prevent horses, cattle, dogs, swine, or other animals, from running at large in the streets, and to provide for the impounding and sale of the same ; to prevent immoderate driving in any streets, and riding or driving over or on the side walks ; to regulate weights and measures, gauging of casks of liquors or liquids, also ordinaries, victualing houses, and the vending of meats and vegetables, also hawkers, pedlers, and petty showmen ; also to regulate and keep in repair all wharves, docks, and slips, and to prevent all obstructions in the waters opposite to such wharves, docks, and slips ; also to erect, maintain,

and regulate one or more public markets ; and to regulate the speed and running of locomotive engines and railroad cars through said city ; to construct and build sewers and drains in and from the public streets and squares ; to regulate the laying of gas or other pipes in or under the streets ; and, in every other respect, to secure to the public and the adjoining owners the safe and convenient use of the streets and side walks, squares and public grounds, for the purposes for which they are or may be laid out and dedicated ; also to regulate the erection of houses, factories, and other buildings, as to their materials and construction, in reference to the health, safety, and comfort of the occupants and of persons residing in the immediate neighborhood of the same ; to declare, by a general law, what are nuisances, and to cause the same to be abated or removed ; to provide health laws, establish a board of health, and to enact all such ordinances as they may deem necessary to protect the health of the city, and also to regulate slaughter houses ; to prevent or restrain riots, routs, disturbances, or disorderly assemblages, noisy, disorderly, or indecent conduct and drunkenness, in any street, house, or place in said city ; to restrain vagrants, mendicants, and beggars ; to prevent and suppress gaming and disorderly houses ; and said city council shall and may, from time to time, pass ordinances for the more effectual suppression of vice and immorality, for preserving peace and good order, and the welfare and prosperity of said city, and all such other by-laws and ordinances as they may deem expedient for the same, not repugnant to the constitution of this state and of the United States ; and to enforce the observance of all such laws or ordinances, by enacting penalties for the violation thereof, by fine or imprisonment, or both, the fine not to exceed two hundred and fifty dollars, and the imprisonment thirty days ; all said laws and ordinances shall be published, for the space of three weeks, in one or more newspapers of the said city, at least once a week.

Powers and
duties of po-
lice officers.

22. *And be it enacted*, That the marshal, police officers, and constables of the said city are hereby empowered to arrest and take into custody, without warrant, any offender

against the laws and ordinances of said city, or any person or persons disturbing the peace or quiet of said city, and to take such offenders immediately before any judge of the court of general sessions of the peace or justice of the peace, who are hereby empowered and authorized to hold courts and take cognisance of such offences, which said courts, so held, shall be courts of record; in case such arrest shall be made during the night or on Sunday, or when such courts cannot be held, to confine such offender or offenders in the jail, or in some other safe and convenient place in said city, until the same can be heard; and the said judges or justices of the peace may, upon a complaint made in writing, under oath or affirmation, issue a warrant, directed to the marshal or one of the constables, or one of the police officers of said city, commanding him to arrest such offender or offenders, and bring him, her, or them forthwith before such person issuing said warrant, who shall then proceed, in a summary manner, to hear and determine the same, and punish the offender or offenders, by imprisonment either in the city or county jail, there to remain until the term of his, her, or their imprisonment shall have expired and the cost of conviction be paid; or in case the said offender or offenders shall be sentenced to pay a fine, then either of the said judges or justices shall order him, her, or them to be committed, as aforesaid, until the fine and costs are paid, or issue a warrant directed to the marshal, or a constable, or a police officer of said city, commanding said officer to levy or 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 such offender or offenders to one of the jails aforesaid, there to remain until such fine and costs be paid or satisfied; *provided*, that any such offender or offenders, Proviso. convicted as aforesaid, may appeal for the remission of said penalty to the city council, upon such terms and conditions as said council may by ordinance prescribe and impose; but such appeal shall be made at the first meeting of said council after such conviction; *provided also*, that in Proviso. all cases when the fine or penalty shall exceed twenty dol-

lars, or when the punishment may be imprisonment, there may be a trial by jury, to be conducted as in cases now triable by jury in the courts for trial of small causes; and in all cases there shall be reserved to the party complained of the right of appeal to the court of general sessions of the peace; but no justice from whom such appeal is taken shall sit as a judge to try the same.

Members of council not to hold office when emoluments are paid from city treasury

23. *And be it enacted*, That no member of the city council shall, during the period for which he was elected, be appointed to or competent to hold any office the emoluments of which are paid from the city treasury, or be directly or indirectly interested in any work or business, or in the sale of any article, the expense, price, or consideration of which is paid from said city treasury or by any assessment levied by any act or ordinance of said council; nor shall any such member be directly or indirectly interested in the purchase of any real estate or other property belonging to the city council, or which shall be sold for taxes or assessments, or become security for any officer appointed by said council, or for any contractor under the city government, under the penalty of five hundred dollars for each offence, to be recoverable by suit in the name of the city clerk; and the said penalties, when received, shall be paid into the city treasury.

TITLE IV.—*Assessment and collection of taxes.*

Council authorized to raise money by tax.

24. *And be it enacted*, That the city council shall have full power to order and cause to be raised by tax, from year to year, such sum or sums of money as they shall deem expedient for regulating, paving, flagging, and grading streets, for supporting the poor, for repairing roads and highways, for supplying the city with water to extinguish fires and other purposes and maintaining a fire engine department, for erecting and maintaining school houses, and all other necessary buildings, or purchasing necessary real estate, maintaining public schools, lighting the streets, and supporting a night watch and a police department, for contingent expenses, and for all other objects and purposes authorized by this act; and the ordinance directing the

raising of said tax shall specify the amount required for each object; and so much of said taxes shall be raised for lighting the streets, establishing a night watch, furnishing water to extinguish fires, curbing, grading, flagging, and paving streets, and improving public grounds, shall be assessed and collected on and from persons residing in, and the owners of lands located within the watch and lamp district, to be from time to time established by the city council; and the amount of taxes shall not exceed, in any one year, five mills on a dollar of the actual value of property assessed, of which the school tax shall not amount to more than two mills on a dollar of the actual value of property assessed; all taxes for city purposes shall be assessed by the assessors of the respective wards, meeting together, within the time, and according to the manner prescribed by the statutes of this state for assessing township taxes; *pro-* Provide. *vided*, that they shall assess a poll tax on every white male resident over twenty-one years of age, who is not a pauper, of one dollar, which shall be a school tax, and appropriated to the support of public schools; and all taxes assessed for city purposes shall be collected by the ward collectors, respectively, in the same manner as is prescribed by law for the collection of township taxes, and paid over by them to the city treasurer, as soon as collected, and on or before the twenty-first day of October, in each year.

25. *And be it enacted*, That the collectors of the respective wards of the said city, in case of the nonpayment of taxes at the time appointed by law for the payment of the same, shall make out a list of the names of the delinquents in their ward, with the sums due from them, respectively, thereto annexed, and deliver the same to the clerk of the city council, on or by the twenty-fifth day of October, in every year, from which date they shall be chargeable with interest; and it shall be the duty of said clerk to lay the same before the city council, at the next meeting thereof; and thereupon the said city council may order the same to be delivered to a justice of the peace in the ward in which the delinquents reside, who shall issue thereon a warrant, as provided by law in the case of taxes in town- Collectors to make return of delinquent tax payers.

ships, which shall be directed to the collector of arrears of taxes for the ward, who shall proceed to collect the same in like manner, in all things, as the constables in townships are directed by law.

Former act amended.

26. *And be it enacted*, That the act entitled, "An act to make taxes a lien on real estate in the township of Elizabeth, in the county of Essex, and to authorize the sale of the same for the payment thereof," approved February eleventh, eighteen hundred and forty-seven, is hereby amended, by substituting the words mayor, treasurer, and clerk, for the words "township committee," and the word city, for the word "township;" and so much thereof as is not inconsistent with the provisions of this act shall remain and continue in full force and effect; *provided*, that the lands, tenements, or real estate so sold may be redeemed by the owner, mortgagee, or occupant, or person for and on behalf of the owner, mortgagee, or claimant, at any time within two years after the sale for either taxes or assessments, or for both, by paying to the treasurer of the city, for the use of said purchaser, the said purchase money, together with any other sum paid for tax or assessment which the said purchaser may have paid, and which he is hereby authorized to do, with interest thereon, at the rate of fifteen per centum per annum, in addition thereto; and the certificate of the treasurer of the city, stating the payment and the real estate it is intended to redeem, shall be evidence of such redemption.

Duties of collectors of arrears of taxes.

27. *And be it enacted*, That the collectors of arrears of taxes shall proceed without delay to execute all warrants issued and delivered to them, according to the command thereof, and pay over from time to time, at least once in each week, to the treasurer of said city, all moneys received by them; and shall, every two months, make a report to the city council, in writing, of their proceedings on all warrants, stating the amount of money received by them, the several sums then remaining unpaid, the names of the several persons then in arrear, and the sums due from each, respectively; and on or before the first day of March next after receiving any warrant, they shall, as fully as possible,

execute the same, and make return thereof to the justice who issued the same, with all their proceedings thereon; and each of said collectors of arrears of taxes shall be liable to the city council for the amount of taxes stated in any such warrant directed and delivered to him, respectively, with interest, or for any such part thereof as shall not have been paid to the treasurer of the city on or before the first day of March next after receiving any such warrant aforesaid, unless the deficiency happen without any neglect, fraud, or default on his part, to be recovered, with interest and costs, in an action on the case, for so much money had and received by said collector, for use of said city council of the city of Elizabeth.

TITLE V.—*Improving and opening streets, etc.*

28. *And be it enacted*, That the city council shall have exclusive control over all the highways, roads, streets, and alleys of said city, and may compel the owners of real estate in said city, or in such parts thereof as they by ordinance shall direct, to grade, pave, gravel, flag, and curb the side walks along and opposite to such owner or owners' property; and whenever a majority in value of the landholders of any street or alley, or of any part thereof, to be curbed, paved, gravelled, or otherwise permanently improved, the city council, on the petition of the said owners, shall order and direct the same to be done, and prescribe the manner in which the same shall be performed, and enforce such ordinances concerning the same, by enacting the fines and penalties for not complying therewith; *provided*, Council to have control over highways, streets &c. that the parties interested shall, if they desire, have an opportunity of being heard thereon before the city council, or their appropriate committee.

29. *And be it enacted*, That if the owner or owners of any real estate in said city shall refuse or neglect to comply with such ordinance in the last section above mentioned, for the space of sixty days from the time when the same is required to be done, it shall and may be lawful for the city council to cause the same to be done under their own, or the direction of such person or persons as they Proceedings in case owners refuse or neglect to pave, &c.

may designate for that purpose; and a particular statement and account of the costs or expense of said work shall be filed with the clerk of said city, which shall be and remain a lien upon said lot or lots, or real estate, until the same shall have been paid and satisfied, and shall have priority to any recognisance, mortgage, judgment, debt, or obligation which the said lot may become liable to from and after the time of filing such lien as aforesaid; and to enforce the payment of the said expenses, the said city council may, at their option, either bring an action on the case, in any court of competent jurisdiction, against the owner or owners of such real estate, 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 the said statement or account, filed as aforesaid, with the proof of the amount paid, shall, in every such action, be conclusive evidence for the plaintiff; or said city council may proceed to sell the said lot or lots, or real estate, in the same manner as they are, by section twenty-five of this act, authorized and empowered to do in case of taxes due and unpaid on real estate in said city; *provided*, that the said city council shall not proceed to make such sale until after two months from the filing of the lien as aforesaid; *provided also*, that if any owner or owners of real estate shall not reside in the city at the time when the said work is required to be done, then it shall be the duty of the city council, previous to having the same done, to cause a notice to be inserted in one or more of the newspapers of the city, at least once a week for four weeks, setting forth the name or names of the owner or owners, or reputed owners thereof, the street on which the property is situated, and that unless the said owner or owners shall comply with such ordinance within four weeks from the date of such notice, the city council will cause the same to be done at his, her, or their expense; *provided furthermore*, that nothing in this section contained shall be construed to affect any fines or penalties enacted for violating any ordinance in the last section above provided.

Proviso.

Proviso.

Proviso.

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

city council, before establishing the grade of any street, to ^{Grades of streets.} cause the levels above high water mark of all the principal streets and roads of the city to be taken, and profiles of the same to be made, and in accordance with these results, they shall establish such a system of grades of streets for the entire city as will secure the best drainage of the same; *pro-* ^{Proviso.} *vided*, that if any alteration shall be made in the grade of any street established by the corporation of the city of Elizabeth, it shall be in the discretion of the city council to indemnify the owners of property on such street or streets for any damages they may sustain or any expenses they may incur in consequence of such alteration; *provided also*, ^{Proviso.} that the city council shall not alter the grade of any street which may hereafter be lawfully established, and subsequently built upon, unless by the consent of the owners of three-fourths of the lots fronting on the part so altered, nor without paying to the owners of such building the damages sustained by the alteration of such grade.

31. *And be it enacted*, That if the tenant of any lot ^{Tenant may recover expense of paving &c., from landlord.} within the said city shall cause the side walk in front thereof to be levelled, graded, curbed, paved, repaved, flagged, or gravelled, in obedience to any such ordinance aforesaid, at his own expense, it shall be lawful for him to deduct the same out of the rent, or to recover the same from the landlord or owner, or his legal representatives, with interest and costs, in an action on the case, in any court having cognisance thereof, for so much money by him paid, laid out, and expended to and for his and their use; *provided*, that nothing herein contained shall affect ^{Proviso.} any contract or agreement between landlord and tenant respecting such charges or expenses.

32. *And be it enacted*, That the city council may lay ^{Proceedings in case council and owners of land cannot agree.} out and open any street, road, or highway, or park, in any part of the said city, cause any street, road, highway, or alley, already laid out in any part of said city, to be vacated, opened, widened, or altered, on the application, in writing, to said council of three-fourths in value of all the owners of land lying on said road, highway, or alley, so to be vacated, opened, widened, or altered, and may open any

alley or street through a block, whenever and so often as they shall judge the public good requires the same to be done, making such compensation as may be agreed upon, or as is herein after directed, for any lands or other real estate, with the appurtenances, necessary to be taken for either of the said purposes, to the owner or owners thereof; and if any such owner or owners shall refuse to treat for any such land or other real estate, with the appurtenances, or if the city council cannot agree with the owner or owners of said land or 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 the duty of the mayor of said city, upon presentation to him, by the clerk of said city council, of a statement in writing, specifying the street, road, highway, or alley proposed to be laid out, altered, or widened, with the alterations proposed to be made, and the land or other real estate, with the appurtenances, intended to be taken for such purpose, to appoint, with the approval of a majority of the city council, under his hand and seal, five disinterested freeholders of said city, as near as may be one from each ward, as commissioners to make an estimate and assessment of the damages any such owner or owners may sustain by laying out, altering, or widening any such street, road, highway, or alley; and in estimating and assessing such damages, the said commissioners shall have due regard as well to the value of the land or other real estate, with the appurtenances, as to the injury or benefit of the owner or owners thereof, by laying out, altering, or widening any such street, road, highway, or alley; *provided always*, that nothing in this act shall be construed to authorize the said city council to take and appropriate any grave yard, burial ground, or place used for burying the dead, for streets, roads, highways, or alleys, without the consent of all the owners or proprietors thereof.

Proviso.

Duties of
commission-
ers under
preceding
section.

33. *And be it enacted*, That it shall be the duty of said mayor, on making such appointment as aforesaid, to designate a time and place of the meeting of said commissioners, not less than two weeks from the date of such appoint-

ment, of which time and place a written notice shall be served upon the persons interested, by leaving the same at their residence at least five days previous to said meeting, if within said city, or if they are nonresidents, by placing the said notice in the post office, directed to their address, or if said address is not known, then by advertising such notice, for two weeks, in one or more of the city papers; and it shall be the duty of the said commissioners, or a majority of them, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer the same, fairly and impartially to examine the matter submitted to them, and all subsequent matters relating thereto to be submitted to them, and to make a just and true report, according to the best of their knowledge and ability, to meet at the time and place appointed; and they shall have power to swear and examine witnesses, and shall proceed, if necessary, to view and examine said premises, and to make a just and equitable estimate or appraisal of the value of the same, and assessment of damages, having due regard to the benefit, if any, to said owner or owners; and shall report what sum, if any, shall be paid by the said city council as damages to said owner or owners; and said report shall be made in writing, under the hands and seals of the said commissioners, or a majority of them, and filed, within ten days thereafter, with the clerk of said city, together with the aforesaid statement of said clerk presented to the mayor as aforesaid, there to remain of record; and the said report, upon being ratified by the city council, which ratification shall be endorsed thereon, shall be binding and conclusive upon the owner or owners of any such land or other real estate, with the appurtenances, subject only to the appeal herein after given; and upon payment of the damages so awarded, or a tender and refusal thereof, it shall be lawful for the said city council to enter upon, take, and convert, and use the said land or other real estate, with the appurtenances, for the purpose aforesaid.

34. *And be it enacted*, That if the said city council, or the owner or owners of said land or other real estate, shall Parties aggrieved may appeal.

feel aggrieved with the report of the commissioners aforesaid, the party so aggrieved may appeal to the circuit court of the county, at the next term after the filing of the report aforesaid, upon giving ten days' notice of such appeal to the opposite party, and the court shall have power, upon cause shown, to set the same aside, and to direct a proper issue for the trial of said controversy to be formed between the parties, and to order a jury to be empannelled and sworn, as in other cases, and a view of the premises to be had, if either party desire it, and the issue to be tried at the next term of said court to be holden in the county, upon 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 said land or other real estate, with the appurtenances and damages sustained, having regard to the benefits, as aforesaid; and if they shall find a greater sum than that awarded by said commissioners in favor of the owner or owners, then judgment thereon, with costs, shall be entered against the said city council, and execution may be awarded therefor; but if the said jury shall be empannelled on petition of the owner or owners, and shall find the same or a less sum than the said city council have offered; or the said commissioners awarded, then the said costs shall be paid by the said owner or owners, and deducted out of the sum found by said jury; *provided*, that said appeal to the circuit court shall not prevent the city council from entering upon and using the said land or other real estate, with the appurtenances, upon the filing of the aforesaid report of the commissioners, and tendering the amount of the valuation therein specified.

Proviso.

Payment of
damages.

35. *And be it enacted*, That in order to provide for the payment of the damages assessed, as aforesaid, for the laying out and opening of any street, road, highway, or alley, or for the altering or widening of any street, road, highway, or alley of said city already laid out, and of all other necessary expenses incident to such laying out, altering, or widening, said city council shall ascertain the whole amount of such damages and expenses, reckoning, as a part thereof, the sum or sums agreed to be paid by said city council to

any owner or owners of said real estate as aforesaid; and shall require the said freeholders, appointed as commissioners under the provisions of section thirty-one of this act, again to meet at such time and place as may be designated, and to make a just and equitable assessment of said damages and expenses among the owners of all the houses and lots, or other real estate, benefited thereby, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire; and in case any owner or owners of said real estate, to whom damages have been agreed upon by said city council, or assessed, shall have benefits accruing to them to a greater extent than the amount of said damages so agreed upon or assessed, the said commissioners shall assess such benefit or advantage against such owner or owners of said real estate, for the purpose of paying the damages and expenses aforesaid; and the report of said commissioners, or a majority of them, under their hands and seals, shall be forthwith made to the city council, and on being ratified by the same, and filed with the other papers in the case, shall be binding and conclusive upon the owner or owners of said lands or real estate, with the appurtenances; and the owner or owners of such real estate shall, respectively, on demand pay to the city treasurer the sums at which lands or other real estate, with the appurtenances, shall be assessed, to be applied to the payment of the damages and expenses of laying out, altering, or widening the said street, road, highway, or alley, as aforesaid; and in default of such payment, or any part thereof, it shall be lawful for the mayor and city council of said city, by warrant under their common seal, to levy the same by distress and sale of the goods and chattels of such owner or owners refusing or neglecting to pay the same, rendering the overplus, if any, after deducting the charges of such distress and sale, to such owner, or his or her legal representatives; or said city council, upon advertisement in one or more of the city papers for one month, requiring the owner or owners of said real estate, respectively, to pay the sums assessed as aforesaid, may proceed to sell the same in the same manner and mode as is provided in this act for

Proviso. the sale of real estate for taxes and assessments; *provided*, that nothing herein contained shall affect any agreement between landlord and tenant respecting the payment of

Proviso. any such assessments; *provided also*, that the compensation of said commissioners as aforesaid shall be fixed by the city council, and assessed as part of said damages and

Proviso. expenses aforesaid; *provided*, that if any owner or owners of land, as aforesaid, feels aggrieved with the appraisement of benefits, as above provided, they shall have the right to an appeal, upon the same terms and conditions as are provided in section thirty-four for an appeal from the appraisement of damages by said commissioners.

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

TITLE VI.—*Miscellaneous.*

**Officers to
take oath.**

37. *And be it enacted*, That all officers appointed under the authority of this act shall, before they severally take upon themselves the execution of their respective office, take and subscribe an oath or affirmation, before the mayor or city clerk (except where otherwise provided), who are hereby authorized to administer the same, faithfully and impartially to execute the duties assigned to them according to the best of their ability and understanding, which said oath or affirmation, when so taken and subscribed, shall be filed in the office of the city clerk; and if any such person shall neglect, within the same time, to give such security as may be required of him, he shall be considered as having declined such office, and the same shall be deemed vacant, and the city council shall proceed to fill the same, when not inconsistent with the provisions of this act.

**Compensa-
tion to offi-
cers.**

38. *And be it enacted*, That the city council may, from time to time, pay to the mayor of the city, for his services as mayor, any sum not exceeding two hundred dollars per year; and to the treasurer, clerk, and all the other officers

and agents of said city, such compensation for their services, or the time of service rendered, as said council shall deem reasonable and proper; *provided*, that all officers Proviso. whose duties are similar to corresponding officers in townships shall receive such compensation as is by the laws of this state prescribed to such officers; *provided also*, the Proviso. compensation of the mayor, for the first year under this act, shall be one hundred dollars, and the salary of no public officer be either increased or diminished during his official term.

39. *And be it enacted*, That all supplements to the act Former acts to remain in force. entitled, "An act to establish and confirm the charters, rights, and privileges of the borough of Elizabeth," or parts of supplements to the same, as are not inconsistent with the provisions of this act, shall remain and continue in full force and effect, and all ordinances of the mayor and common council of the borough of Elizabeth, as at present incorporated, that may be in force when this act shall go into effect, so far as the same may be applicable to the city hereby incorporated, and so far as not inconsistent with this act, shall be in force until altered or repealed by the city council hereby created; and all other acts not specified in this act are hereby repealed.

40. *And be it enacted*, That all actions to be brought Actions brought for recovery of penalty for breach of ordinance. for the recovery of any penalty imposed by any ordinance that may be passed by said city council may be prosecuted in the name of "the treasurer of the city of Elizabeth," without specifying the individual name of the treasurer of said city for the time being; and no such suit shall abate by reason of any change of the person holding such office; neither shall any suit, in which the mayor, aldermen, and commonalty of the borough of Elizabeth is a party, abate by reason of the adoption of this act; and said city council hereby created shall be bound and liable for all debts, actions, and causes of actions, which said mayor, aldermen, and commonalty of the borough of Elizabeth have contracted or are liable for.

41. *And be it enacted*, That the books of records of the Records of council to be received as evidence. ordinances and by-laws of the said city council shall be

taken and received as evidence of the due passage, by said council, of all ordinances and by-laws recorded therein, and the publication of their ordinances and by-laws, by authority of the said city, in a volume or pamphlet form, shall, in like manner, be taken and received as evidence of the due passage thereof; and it shall be the duty of the said city council to cause to be furnished to every member of the same, and to every officer appointed by or under authority of the same, at the time of his taking the oath of office, a printed copy of this act, and all supplements or amendments which may be made thereto, and all ordinances and by-laws made and adopted under and by authority of the said council.

Contracts
for work or
materials.

42. *And be it enacted*, That all contracts for doing work or furnishing materials for any improvements provided under this act, exceeding in amount one hundred dollars, and after being advertised for three weeks in one of the city papers, shall at all times be given to the lowest bidder, he or they giving ample security for doing the same according to contract.

Fines to be
paid into ci-
ty treasury.

43. *And be it enacted*, That all fines inflicted by any ordinance shall, when received, be paid into the city treasury.

Notice of
election.

44. *And be it enacted*, That the same notice in matters of election, that the clerk of the county of Essex is required to give to the clerks of the townships, shall be given to each of the clerks of the wards of said city.

Election to
be held for
adoption
or rejection
of charter.

45. *And be it enacted*, That this act shall not go into effect until the electors of the township and borough of Elizabeth, at a town meeting called for the purpose of approving or rejecting the same, shall, by a vote of a majority of the electors present, and voting by ballot, determine to adopt the same; such meeting shall be forthwith called by the mayor of the borough of Elizabeth, to be held under the direction of the officers of the last township election, and at the same place, and during the same hours, of which time and place the mayor aforesaid shall give, at least, one week's previous notice, by advertising it in the papers of said borough of Elizabeth, and posting it in five conspicuous places of the township; and the electors enti-

tled to vote for township and state officers, who are in favor of this act, shall each deposit a ballot with the words "City charter" written or printed thereon, and those who are opposed, shall each deposit a ballot with the words "No City charter" written or printed thereon; and a canvass and return of the votes shall be made by the judges of election to the mayor of said borough, who shall lay the same before the common council of said borough at their next meeting, whereupon said council shall, by a resolution, declare the result.

46. *And be it enacted*, That this act shall be deemed and taken to be a public act, and may at any time be amended, altered, or repealed by the legislature of this state, and shall take effect, according to its tenor and provisions, on and from the date of its adoption by the inhabitants of the township borough as aforesaid.

Act may be amended or repealed.

Approved March 13, 1855.

CHAPTER XCVI.

AN ACT to change the names of Charles Duch and Maria Duch, his wife, of Hoboken, in the county of Hudson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of Charles Duch, of Hoboken, in the county of Hudson, be changed to Charles Duke; and that the name of Maria Duch, his wife, be changed to Maria Duke; and that henceforth all business and other transactions had by or with the said Charles and Maria, or by or with either of them, shall be in the name or names given them, respectively, by this act; and that by such names they shall respectively be known in as full a manner as if the name of Duke had been the paternal name of the said Charles; *provided nevertheless*, that

Name of Charles and Maria Duch changed.

Proviso.

nothing herein contained shall, in any manner, affect any matter, thing, or transaction heretofore had by or with, in favor of or adverse to the said Charles and Maria, or either of them.

Approved March 15, 1855.

CHAPTER XC VII.

AN ACT ceding to the United States of America jurisdiction over certain land, and its appurtenances, situate in the city of Newark, and for other purposes therein mentioned.

Preamble.

WHEREAS the said United States have recently appropriated money for the purchase of a site in the city of Newark, for the erection of a building thereon, to be used as a custom house, &c., and whereas it is deemed, by the senate and general assembly, highly necessary to the interests of said city that such building should be erected—therefore,

Jurisdiction
ceded to U.
States.

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

Proviso.

Property ex-
empted from
tax.

2. *And be it enacted*, That the lands above described, with their appurtenances, and all buildings and other property that may be thereon, shall for ever hereafter be exempted from all state, county, and municipal taxation and assessment, so long as the same shall remain the property of the United States of America.

Approved March 15, 1855.

CHAPTER XCVIII.

AN ACT to correct a mistake made by the engrossing clerk of the house of assembly in the year one thousand eight hundred and fifty-four.

WHEREAS in the act of the legislature, approved February ^{Preamble.} tenth, one thousand eight hundred and fifty-four, entitled, "A further supplement to an act entitled an act to incorporate the Newark and Bloomfield Railroad Company," approved March twenty-sixth, eighteen hundred and fifty-two, the word "computed," in said act, was, by mistake of the engrossing clerk, written "completed," and is so printed in the volume of laws for eighteen hundred and fifty-four, page one hundred—therefore,

1. BE IT ENACTED *by the Senate and General Assembly* ^{Mistake corrected.} *of the State of New Jersey*, That the aforesaid mistake of the engrossing clerk be and the same is hereby corrected, and that the word "completed," printed in said act as aforesaid, shall be deemed and taken to be and mean "computed," in all courts and places whatsoever.

Approved March 15, 1855.

CHAPTER XCIX.

AN ACT to incorporate the Hope Hose Company of the city of Burlington.

1. BE IT ENACTED *by the Senate and General Assembly* ^{Names of corporators.} *of the State of New Jersey*, That Charles C. Myers, Charles T. Shepherd, James Marter, Daniel S. Thomson, Thomas Sisom, Michael W. Keegan, Peter Horn, Abraham Post, James H. Brick, John P. Frieng, junior, Michael Quigley,

Jacob E. Frieng, William Mathews, John Vansciver, Isaac Smith, John Peacock, John Rodman, John F. Lowden, John N. Williams, George W. Slocum, John C. Reed, Benjamin T. Green, William Curry, Ellwood Burr, Edward G. Keegan, and all other persons, not exceeding one hundred in number, as now are or hereafter shall become associates of the Hope Hose Company of the city of Burlington, be and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name of "the Hope Hose Company of the city of Burlington," and by such name they shall have succession, and be persons in law capable of pleading and being impleaded, suing and being sued, answering and being answered to, defending and being defended, in all courts of jurisdiction whatsoever; and that they and their successors may have a common seal, and shall have power to make, change, and alter the same at pleasure, and by their corporate name as aforesaid, and under their common seal, make, enter into, and execute any contracts or agreements touching and concerning the objects of such incorporation, and shall have power to purchase and hold real estate, not exceeding two thousand dollars in value, and to borrow such sum or sums of money, not exceeding fifteen hundred dollars, as may be necessary for the erection of a hose house or houses, and to secure the repayment thereof by bond and mortgage, or otherwise, on the said real estate, at a rate not exceeding the legal rate of interest in this state, 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 laws and constitution of this state or of the United States, as they shall think proper.

General
powers.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall not exceed the sum of two thousand five hundred dollars, which shall be exclusively and solely applied to procuring, maintaining, and repairing such hose carriage, hose, reservoirs of water, ladder, buckets, fire hooks, hose houses, and 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.

3. *And be it enacted*, That the said company shall have power to elect, annually, or oftener, if necessary, a president out of their own body, and such other officers and assistants as they shall deem necessary for conducting their affairs according to their constitution and by-laws; and that the said president shall keep in his custody the common seal of the said company, and, at the expiration of his term of office, shall deliver it over to his successor; and in their corporate name, may institute suits for the recovery of all fines, debts, and arrearages due the said company. Election of officers.

4. *And be it enacted*, That this act shall take effect immediately, and shall continue in force for twenty years, and it shall and may be lawful for the senate and general assembly of the state, at any time hereafter, to amend, modify, or repeal this act, as they shall think proper. Limitation.

Approved March 15, 1855.

CHAPTER C.

AN ACT to authorize the erection of a draw or swing bridge over the Mullicas river.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the boards of chosen freeholders of the counties of Burlington and Atlantic to build and maintain a good and sufficient bridge over the Mullicas river, at Green bank, in the township of Washington, in the said county of Burlington, to a point opposite in the township of Mullicas, in the county of Atlantic, with a suitable draw or swing therein, which said draw or swing shall be at least thirty-five feet in width, for the convenient passage of all vessels Freeholders authorized to construct bridge.

Proviso. navigating the said river; *provided*, that before the freeholders construct said bridge, the inhabitants of Greenbank and Weeksville enter into bond to construct the causeway connecting the bridge with the main land free of expense to said counties.

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

Approved March 15, 1855.

CHAPTER CI.

AN ACT for the protection and relief of mechanics and laborers.

Wages of
clerks, me-
chanics, &c.,
to be prefer-
red debts.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all assignments of property hereafter to be made, under and by virtue of the act entitled, "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors," approved April sixteenth, eighteen hundred and forty-six, the wages of clerks, minors, mechanics, and laborers, due at the time of making such assignment from the person or persons making the same, shall be preferred debts, and shall be first paid by the assignees of such debtor before any other debt or claim shall be paid; *provided nevertheless*, that such preferred debt shall not in any case exceed the sum of three hundred dollars.

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

Approved March 15, 1855.

CHAPTER CII.

AN ACT to change the time of holding the town meetings in the township of Hamilton, in the county of Mercer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time of holding the town meetings of the township of Hamilton, in the county of Mercer, shall hereafter be on the second Tuesday in March. Time of meeting changed.

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

Approved March 15, 1855.

CHAPTER CIII.

AN ACT to incorporate the Spruce Run Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John S. Davis, John O. Stearns, Ephraim Marsh, and Lewis Young, and such others as may be associated with them, are hereby declared to be a body politic and corporate, by the name of "the Spruce Run Railroad Company," and shall be capable of purchasing, holding, and conveying all property that may be necessary for the objects of this incorporation. Names of corporators.

2. *And be it enacted*, That the amount of the capital stock shall be three hundred thousand dollars, to be divided into shares of fifty dollars each, to be deemed personal property, and transferable as the corporation may direct. Amount of 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, at Clarksville, in Hunterdon Commissioners to receive subscriptions.

county, giving at least twenty days' notice, by publishing the same in a newspaper of the county of Hunterdon; five per centum shall be paid on each share when subscribed; and whenever two hundred thousand dollars shall be subscribed, the commissioners shall give like notice for a meeting of the stockholders to choose five directors, a majority of whom shall be residents of this state; and the time and place of holding the first meeting of directors shall be fixed by the commissioners; and the directors, or a majority of them, may choose out of their own number a president, who shall be a resident of this state, and may also appoint such officers and agents as they may deem necessary, and also make such regulations for the management of their affairs as may be useful and proper.

Directors
authorized
to construct
road.

4. *And be it enacted*, That the directors are invested with full power to lay out and construct a railroad, from a point in the Central Railroad of New Jersey within one mile of the Clarksville depot, or from a point in the Warren Railroad, near Changewater, running through the counties of Hunterdon and Morris, and terminating within one mile of the Schooley's mountain springs, with one or more tracks or rails; the land taken shall not exceed one hundred feet in width, excepting where it may be required for excavation or embankment; and the officers and agents of the company may, at all times, enter upon all lands and premises to survey and lay out the road, doing no unnecessary injury to private property; and when the route shall have been determined on, a survey of the same shall be filed with the secretary of this state.

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

5. *And be it enacted*, That when the company cannot agree with the owners of land or materials that may be required, or where there is legal incapacity on the part of such owners, a particular description thereof shall be given in writing, under oath or affirmation of some officer or agent of the company, and of the names of the occupants or owners, if known, and their residence, to a justice of the supreme court of this state, who shall cause the company to give notice thereof, as he shall direct, not less than ten days, for the appointment of commissioners; and upon evidence that

such notice has been given, he shall appoint one or more disinterested commissioners to examine and appraise the value of the land and materials, and assess the damages, upon the like notice to those interested; and it shall be the duty of the commissioners, having first been duly qualified for the discharge of the trust, to make an equitable assessment of damages to be paid by the company for such land or material, and report all their proceedings in writing, within ten days after the same shall have been closed, to be filed in the office of the clerk of the county where such land or materials may lie, a copy of which report, duly certified, shall be evidence of the company to hold such land and materials, or of the owners to recover the value thereof, if the company shall refuse to pay the same on twenty days' demand; and the costs are to be taxed by the justice for such duties, and on such notice as he shall think proper; *provided*, that the company or the owners may appeal to the circuit court of the county where the lands and materials may lie next after the decision of the commissioners.

6. *And be it enacted*, That such appeal shall be in writing, in the form of a petition, to be filed with the clerk, and notice thereof shall be given to the opposite party within ten days, and the court may thereupon direct a proper issue to be formed, and order a jury to be struck, and the premises to be viewed, to be tried at the next term, as other issues are tried; and if the jury shall assess the damages at a greater sum than were awarded by the commissioners, then judgment, with costs, shall be entered against the company, and execution may issue; but if a less sum shall have been awarded on appeal by the owners, then they are to pay all costs and charges, as the court shall direct; but such appeal shall not prevent the company from taking the land, upon filing the report of the commissioners; *provided*, that the company shall take possession of or occupy no lands for the use of the road, until they shall first have paid to the owner the amount of damages assessed by the commissioners, or, in case of appeal by the owner, shall have paid the same into court, and

given such security as the court might direct for the payment of any further damages.

Company to
construct
bridges.

7. *And be it enacted*, That the company shall construct and keep in repair bridges or passages, not less than sixteen feet in width, over or under the railroad, where any public road shall intersect or cross the same, and on private lands or farms, suitable wagon ways over or under the railroad.

What real
estate may
be held.

8. *And be it enacted*, That the amount of real estate which may be held for the purposes of the road shall not exceed five acres at its stations and terminus; and the directors may build and maintain such bridges and piers across any creeks or streams as the road may require.

Rates of
transporta-
tion.

9. *And be it enacted*, That the directors may construct and purchase, with the funds of the company, all fixtures and property necessary for the carrying of passengers or the transportation of freight, charging no more therefor than four cents a mile for each person, or five cents a ton a mile for all kinds of freight; and they may contract with corporations or individuals for such carrying or transportation.

Penalty
for injuring
works.

10. *And be it enacted*, That any person who wilfully may injure or destroy the use of the railroad, or any of its appurtenances, shall pay to the company fifty dollars and all damages, to be recovered in any court of competent jurisdiction.

Corporation
not dissolved
for failure to
elect on day
prescribed.

11. *And be it enacted*, That if directors should not be elected at the time herein mentioned, the corporation, for that cause, shall not be dissolved, but the election may be held at such other time as is prescribed by law, the directors for the time being holding office until others are chosen.

Dividends.

12. *And be it enacted*, That the directors may declare dividends from the net profits, and the road must be commenced within five years, and completed within ten years from the fourth of July, eighteen hundred and fifty-five, or this charter shall be void.

Certain offi-
cers to pass
free.

13. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors of this state, whilst travelling for the purpose of discharging the duties of their office, and the mem-

bers and officers of both houses of the legislature of this state, during their annual or other sessions, shall pass and repass on the railroad of said company, in their cars, free of charge.

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

Approved March 15, 1855.

CHAPTER CIV.

AN ACT to incorporate the Mount Holly and Pemberton South Turnpike Road Company.

1. BE IT ENACTED *by the Senate and General Assembly* ^{Names of} *of the State of New Jersey*, That the subscription books of ^{corporators,} the capital stock of the Mount Holly and Pemberton South Turnpike Road Company shall be opened by Job H. Gaskill, John L. N. Stratton, Isaac Hilliard, Joseph J. Budd, John G. Smalley, George Haywood, Benjamin R. Peacock, Joseph Campion, John Stiles, or a majority of them, who are hereby appointed to receive subscriptions to said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in the county of Burlington.

2. *And be it enacted*, That the capital stock of said com- ^{Amount of} ^{capital stock.} pany shall be ten thousand dollars, with the privilege of increasing it to fifteen thousand dollars, and shall be divided into shares of twenty-five dollars each, and that when three hundred shares shall be subscribed for and taken, the persons holding the same shall be and they are hereby incorporated into a company, by the name and style of "the Mount Holly and Pemberton South Turnpike Road Com-

pany ;" and by that name and style shall have, enjoy, and exercise all the rights, powers, and privileges appertaining to corporate bodies and necessary to carry the objects of this act into effect.

Payment of instalments.

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

Proviso.

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

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

Election of directors.

5. *And be it enacted*, That when three hundred shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as herein before directed with regard to the opening of said books, at which meeting the subscription books shall be

laid before the stockholders, who shall thereupon proceed to elect, by ballot, nine directors, a majority of whom shall be citizens of this state, to manage the affairs of the said company for one year, of which election the said commissioners, or a majority of them, shall be judges; and at the expiration of that term, and annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect, by ballot, the same number of directors, a majority of whom shall be citizens of this state, as aforesaid; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share, by the holder or holders thereof, either in person or by proxy; *provided nevertheless*, that no stockholder shall have more than twenty votes, although he or she may have a greater number of shares.

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

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

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

Proviso.

Annual statement to be made.

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

Special meetings.

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

Charter not defeated for failure to elect on day prescribed.

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

Company authorized to construct road.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road, either three or four rods wide, from the junction of

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

12. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in breadth, along the middle, as near as may be, of the said highway, and shall be sufficiently arched and drained to make and keep the same dry, and from fifteen feet to eighteen feet thereof shall be sufficiently bedded and faced with stone or gravel to make a solid, firm, and even road at all seasons of the year; and it shall be so graded, that in its progress no part of said road shall rise above an angle of four degrees with the plane of the horizon; and the said company shall take, hold, and keep in good and sufficient repair all bridges

Description
of road.

along the line of said road not less than twenty feet in breadth; and whenever the said road, in passing over low ground, shall be raised so much at the margin or side as to render carriages passing thereon liable to upset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off.

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

13. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers, and workmen, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosures thereof, and to make all ditches and underdrains across and through such lands and necessary for properly draining such road, and to take and carry away stone, gravel, clay, sand, earth, or other materials therefrom suitable for making or repairing said road; and that when the said company, or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of said road shall be given, in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, or to one of the judges of the court of common pleas of the county of Burlington, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners, herein after named, at which time, upon satisfac-

tory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice or judge making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath or affirmation, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands or materials; and make a just and equitable estimate or appraisement of the value of the same and assessment of damages to be paid by the 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 land or materials and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county of Burlington, to remain of record therein, and shall be recorded by the said clerk; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land or materials, after payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage; and the said justice shall tax and allow such costs, fees, and expenses, to the justice, commissioners, clerks, and other per-

sons performing any of the duties prescribed in this section as he shall think equitable and right, which shall in all cases be paid by the company.

Rates of toll.

14. *And be it enacted*, That as soon as the said company shall have constructed the said road in a workmanlike manner, according to the several directions in the twelfth section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the said road, not exceeding four in number, and to demand and receive a toll for travelling 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,	five mills.
For every dozen of horses, mules, or cattle,	two cents.

Proviso.

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

Milestones
to be erect-
ed.

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

stone or post is from Mount Holly ; and shall cause to be fixed, and always kept up at the gates or turnpikes afore-said, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board, on which shall be printed in large letters, "Keep to the right, as the law directs."

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

Penalty
for injuring
works.

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

Penalty for
illegal tolls.

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

Penalty for
obstructing
passage.

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

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

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 Burlington, who may be disinterested, the said justice shall immediately appoint, by writing, under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons, being disinterested in said road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice may appoint, and, having taken an oath or affirmation to act impartially, shall proceed to view and examine said road so complained of, and to report to the said justice, in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road, the said justice shall immediately, under his hand and seal, order the keeper of the said gate or turnpike to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said justice to open the said gate or turnpike, exact toll of travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same in an action of debt, with costs of suit; and the justice shall be allowed for his services fifty cents, and the persons appointed one dollar, each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said road, and report, as aforesaid, their opinion to the said justice, who shall, if authorized by the report of said persons, or any two of them, by license, under his hand and seal,

directed to the tollgatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the said fees shall be allowed and paid as before directed; but if on the first view, as before mentioned, the report of the persons appointed shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the persons making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint, in the same manner above 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 the said corporation shall possess the several powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable. Restrictions
and liabilities.

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

Approved March 15, 1855.

CHAPTER CV.

AN ACT relative to the public printing.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edmund Morris, of Trenton, be employed to execute the printing of the bills of both houses of the present legislature during the sitting thereof, Printer of
bills.

Proviso.

and that the price paid for the said printing be as follows, viz : for said bills three dollars and fifty cents per sheet, on pica type, of thirty-one lines per page, on the best foolscap paper that can be procured at three dollars per ream ; one hundred and twenty copies of each bill for the use of the legislature ; *provided*, that the bills heretofore printed by David Naar be paid for upon the same terms as those above mentioned.

Printer of pamphlets.

2. *And be it enacted*, That John F. Babcock, of Middlesex county, be employed to execute the pamphlet printing of the present legislature, at the rate of fifty-five cents per thousand ems for composition, and fifty cents per token (two hundred and fifty copies) for press work, on as good medium paper as can be procured for three dollars per ream, the work to be done in a neat and expeditious manner.

Printer of house journal.

3. *And be it enacted*, That Sharp and Chew, of Salem county, be employed to print the Journal of the House, and an index thereto, for the current year, and that they print one thousand copies thereof, at sixteen dollars and thirty-five cents per sheet, the size of the sheet and type to correspond with the journals of the Assembly for the year eighteen hundred and fifty-four ; and that the secretary of state inspect the work and audit the accounts before payment be made.

Printer of senate journal.

4. *And be it enacted*, That Josephus Shann, of Middlesex county, be employed to print the Journal of the Senate and Proceedings of Joint Meeting, and an index thereto, for the current year ; and that he print one thousand copies thereof, at sixteen dollars and thirty-five cents per sheet, the size of the sheet and type to correspond with the journal of the Assembly for eighteen hundred and fifty-four ; and that the secretary of state inspect the work and audit the accounts before payment be made.

Printer of laws.

5. *And be it enacted*, That Phillips and Boswell, of Trenton, be employed to print two thousand copies of the laws which shall be enacted at the present sitting of the legislature, in as condensed a form as a proper execution thereof will admit, on large octavo pages, trimmed and

bound, and in all respects corresponding with those heretofore printed, at thirty-two dollars per sheet.

6. *And be it enacted*, That John H. Jones, of Camden county, be employed to print the Law and Chancery Reports for one year, or until otherwise ordered; that sixteen hundred copies of each book be printed, on large octavo pages, trimmed and bound in workmanlike manner, and similar to those heretofore printed, and that he be paid therefor twenty-seven dollars per sheet.

Printer of
law and
chancery
reports.

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

Approved March 15, 1855.

CHAPTER CVI.

AN ACT to incorporate the Lambertville Water Company.

WHEREAS a sufficient supply of good and wholesome water is of great necessity to the growth and prosperity of the town of Lambertville, and it is represented that persons are willing to associate for the object of supplying such water—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas B. Carr, Ingham Coryell, William McCready, Burroughs Hunt, Ashbel Welch, Amos Moore, Alexander Coryell, James D. Stryker, and Samuel Lilly, and their associates, and all other persons who shall become subscribers to the capital stock hereby created, and their successors, shall be and they are hereby incorporated and made a body politic and corporate, in fact and in law, by the name of “the Lambertville Water Company.”

Names of
corporators.

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, with liberty to in-

Amount of
capital stock.

crease the same to fifty thousand dollars, which shall be divided into shares of ten dollars each, and paid in by the stockholders at such times, in such manner, in such instalments, and upon such notice, as the directors of said company, by their by-laws or otherwise, may direct and appoint; and in case of failure by any stockholder to pay his or her instalments at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and of all previous payments thereon, for the use of the company; and such shares shall be deemed personal property, and be transferable in such manner as the said company, by their by-laws, may appoint; *provided*, that notice in writing shall be given to each of the stockholders of the time when the shares are required to be paid in.

Proviso.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books and receive subscriptions to the capital stock of said company, at such time or times, and place or places, in the town of Lambertville, as they, or a majority of them, may think proper, giving notice thereof, at least three weeks prior to the time for receiving subscriptions, by publishing the same for three weeks, successively, once in each week, in some newspaper published in this state and circulating in said town, and also by setting up notices for said period in at least five public places in said town; and the said commissioners, or a majority of them, shall be authorized to declare what amount shall be paid on each share at the time of subscribing, and to appoint some suitable person from among them, as treasurer, to receive the same; and as soon as five hundred shares of said stock shall be subscribed, shall give like publication for a meeting of the stockholders to choose nine directors, a majority of whom shall reside within the limits of the town of Lambertville, and who shall hold their offices for one year and until others are elected.

Money to be paid over to directors.

4. *And be it enacted*, That the said election shall be certified by the said commissioners, or a majority of them, who shall thereupon deliver over to said directors the sub-

scriptions, books, and moneys paid in, first deducting the expenses of the said commissioners, 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.

5. *And be it enacted*, That the affairs of the company shall be managed by nine directors, to be chosen by the stockholders annually, at such time and place in said town, in such manner, and upon such notice as by the by-laws of said company may be directed, who shall serve for one year and until others are chosen in their stead; and the said directors shall from time to time elect a president from their body, and shall also elect and employ such other officers as they may deem convenient and necessary, and make all such by-laws, rules, and regulations as they may think proper, not inconsistent with the constitution or laws of this state or of the United States.

Duties and powers of directors.

6. *And be it enacted*, That the said company shall have power to purchase and hold such real estate, and to construct, keep up, and maintain such wells, reservoirs, aqueducts, pipes, water works, fixtures, and apparatus as may be necessary or useful to supply the town of Lambertville with good and wholesome water, in quantities sufficient for all the purposes which may conduce to the safety of the town and to the health and comfort of the citizens.

Objects of incorporation.

7. *And be it enacted*, That the company be and they hereby are authorized and empowered to lay pipes for conducting the water beneath the public streets, lanes, and alleys of said town free of all charge, and to place such hydrants and fire plugs as may be necessary, subject to such regulations as the said company and the town council of said town may from time to time agree upon and adopt; the tapping of the mains and the insertion and placing of all branch pipes to be under the sole control of the said company, by such persons as they may employ and appoint.

Company authorized to lay down pipes.

8. *And be it enacted*, That if any person shall wilfully and maliciously injure any of the said works of the said

Penalty for injuring works.

company, such person or persons shall forfeit and pay therefor, to the said company, double the amount of damages, to be recovered in an action of trespass on the case, in any court having cognisance thereof.

Company
may sell wa-
ter.

9. *And be it enacted*, That the said company may sell and dispose of the water to be conveyed by their pipes under such regulations and upon such terms and conditions as they may, by their by-laws, from time to time regulate and adopt.

Act may be
repealed, &c.

10. *And be it enacted*, That the legislature may alter or repeal the same, whenever, in their opinion, the public good shall require the same.

Approved March 15, 1855.

CHAPTER CVII.

AN ACT to incorporate the Burlington County Iron Manufacturing Company.

Names of
corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That John S. Irick, John Black, junior, John W. Black, Edward Black, William Irick, Thomas E. Morris, David B. Coles, and Barclay Haines, and their associates and successors, are hereby made and created a body politic and corporate in law, by the name of "the Burlington County Iron Manufacturing Company," for the purpose of manufacturing iron and other commodities, and articles of which iron forms a constituent part, and for the transaction of such other business as may be properly connected therewith; and may raise, by subscription, a capital of one hundred thousand dollars, in shares of one hundred dollars each, with the privilege of increasing it, as herein after provided; and that the manufacturing of the said company shall be located in or near

Amount of
capital stock.

the village of Lumberton, in the county of Burlington; but it may, nevertheless, be lawful for said corporation to manufacture or procure the raw materials used by said foundry or manufactories at such points and places as the said corporation shall deem most advantageous.

2. *And be it enacted*, That the said corporation may purchase, use, hold, possess, and enjoy any such real estate, machinery, goods, effects, and chattels whatsoever, as shall be necessary to said corporation to carry on its business; and whenever it shall see fit, the said corporation may sell, mortgage, lease, and otherwise dispose of the same at pleasure.

What real estate may be held.

3. *And be it enacted*, That it shall and may be lawful for the associates 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 one hundred thousand dollars shall have been subscribed, and, at least, fifty thousand dollars actually paid in, and an affidavit thereof, made by two or more of the directors of said corporation, shall be filed in the office of the secretary of state, it shall and may be lawful for the said corporation to commence and carry on its said business under the provisions of this act.

Commissioners to open books of subscription.

4. *And be it enacted*, That the said corporation may, by a vote of the stockholders, from time to time increase its capital stock, until it amounts to the sum of two hundred thousand dollars; 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 times and in such proportions as the said directors shall (shall) see fit, under the pain of forfeiture of their shares, and all previous payments thereon, to the said corporation, the said stockholders being notified, at least, thirty days previous to the time of payment of each instalment; and at each increase of capital, an affidavit thereof shall be filed in the office of the secretary of state, as before provided; and the capital stock of said corporation shall be deemed personal estate, and be transfera-

Capital stock may be increased.

ble upon the books of said corporation ; and no part of the said capital stock shall be, at any time or upon any pretence whatever, divided among the stockholders for dividends, neither shall it be withdrawn or refunded to the stockholders, until all debts and liabilities of the company are fully paid, and an affidavit thereof, and of the amount of capital proposed to be withdrawn or refunded to said stockholders, filed in the office of the secretary of state ; and all stockholders may, in all questions submitted to them, and in all elections, be entitled to one vote for every share he holds in the stock of said corporation, which vote may be cast in person or by proxy ; and all matters before said stockholders shall be decided by a majority of votes cast.

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 five, nor more than nine directors, one of whom shall be president ; and the said directors shall be stockholders in said company, and shall hold their offices for one year and until others shall be chosen to fill their places ; they shall be elected at the annual meeting of the stockholders, to be held on the first Monday in April, 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, the associates named in this act, with such others, being stockholders, as they shall appoint, shall be the directors of the said corporation ; a majority of the directors shall, on all occasions when assembled at such place as the by-laws shall prescribe, constitute a board competent to transact business, and all questions before them shall be decided by a majority of votes ; and in case any vacancy shall occur in the board of directors, by death, resignation, or failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

Annual state-
ment to be
made.

6. *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written statement of the officers of said company, setting forth the

amount of the capital stock paid in, the amount of money due to and from the corporation, as nearly as the same can be ascertained, and shall accompany the same by an oath or affirmation that the same is correct, to the best of their knowledge and belief.

7. *And be it enacted*, That dividends of so much of the profits as the directors may think advisable may be declared soon after the settlement of the books, on the first Tuesday in January and July, in every year, and to be paid to the stockholders, or their legal representatives, at any time, on demand, after the expiration of thirty days from such declaration. Dividends.

8. *And be it enacted*, That in case it shall happen that an election of directors should not be made upon the day 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' notice being given of the time and place of such election. Corporation not dissolved for failure to elect on day prescribed.

9. *And be it enacted*, That any land or property, or materials used in manufacturing up, which may be received in payment for subscription for stock, shall be taken at a valuation approved by the majority of the board of directors or by a majority of the stockholders. Land, &c., taken in payment for stock.

10. *And be it enacted*, That regular books of account shall be kept at the office of the said company, in or near the village of Lumberton, to which books any stockholder may have free access, at all seasonable times, for the purpose of inspection; and that books of transfer of stock shall be also kept, and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation. Books of account to be kept.

11. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the restrictions and liabilities, set forth in "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same are applicable. Restrictions.

12. *And be it enacted*, That the legislature may alter, amend, or repeal this act, when they may deem the public good to require it. Act may be amended.

Approved March 15, 1855.

CHAPTER CVIII.

AN ACT to change the name of the Union Presbyterian Church of Georgetown and Lambertville, in the county of Hunterdon.

Preamble. WHEREAS the religious society heretofore known by the corporate name of "the Union Presbyterian Church of Georgetown and Lambertville," desire to change the name thereof; and whereas no such place as Georgetown is at present known in the bounds of that congregation, as there formerly was—now therefore,

Corporate name changed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the religious society heretofore incorporated by the name of "the Union Presbyterian Church of Georgetown and Lambertville," shall hereafter be known and distinguished by the corporate name and style of "the trustees of the First Presbyterian Church of Lambertville," and by that name shall be deemed a body politic and corporate, possessing the usual powers and privileges of incorporated religious societies; and all the real and personal estate now belonging to said church shall be vested in the trustees thereof and their successors, duly elected, in trust for said society.

Approved March 15, 1855.

CHAPTER CIX.

AN ACT to incorporate the Pennsgrove Pier Company.

Names of corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Elkinton, John Summerill, Samuel Plummer, Charles Kidd, William S. Vanneman, Robert Walker, Joseph H. Clark, Thomas

Flanagin, Calvin Belden, Garnett Summerill, Uriah Sheets, John M. Smith, Francis Walker, Michael K. Dalbow, Moses Wright, John R. Justice, Matthias Kiger, and David Peterson, together with such other persons as shall subscribe to the stock hereby authorized, 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 Pennsgrove Pier Company."

2. *And be it enacted*, That the capital stock of the said corporation shall be seven thousand dollars, and shall be divided into shares of fifty dollars each; and the said stock shall be deemed personal property, transferable only on the books of said corporation, and shall be paid in at such times and in such manner, and upon such notice, as the directors of the corporation may appoint; and in case of failure by any stockholder to pay his or her instalments at the time and place appointed therefor, or within thirty days thereafter, the stockholder so in default shall incur a forfeiture of his or her share or shares, and of all previous payments thereon, to the use of the said corporation.

3. *And be it enacted*, That the business of the said corporation shall be conducted by not less than five, nor more than fifteen directors, all of whom shall be stockholders, one of whom shall be president; the said directors shall hold their office one year and until others are elected in their stead; the elections 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.

4. *And be it enacted*, That the said corporation shall have power to build, maintain, and keep in repair a wharf or pier, extending from the main land into the river Delaware, at the village of Pennsgrove, in the county of Salem, for the accommodation of boats and vessels, and the same from time to time to enlarge, extend, and rebuild, and may purchase, lease, and hold such and so much land as is necessary for that purpose, and may take, receive, and collect dockage or wharfage from all persons, boats, and vessels

Proviso. using the same; *provided*, that nothing in this act shall confer any right of ferry upon said corporation, or authorize the extension of said wharf or pier so far into said river, as to injure or impede the navigation of the same.

Annual statements to be made.

5. *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.

Act void if wharf is not kept in repair.

6. *And be it enacted*, That if the said corporation shall refuse or neglect to keep the said wharf and pier in sufficient repair, and shall suffer the same to become and remain unfit for use for the space of six months, their corporate powers shall cease, and this act become void.

Approved March 15, 1855.

CHAPTER CX.

A further supplement to the act entitled, "An act authorizing the removal of certain mill dams from Rahway river and its branches, within the limits of the townships of Rahway and Woodbridge, in the counties of Essex and Middlesex," approved March third, eighteen hundred and fifty-four.

Additional trustees appointed.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the number of the agents or trustees provided for by the act, to which this is a supplement, be and the same is hereby increased to five, and that, in addition to the three trustees named in said act, William B. Crowell, of the township of Rahway, in the county of Essex, and Joseph T. Crowell, of the township of Woodbridge, in the county of Middlesex, be and are hereby appointed trustees, and the said five trustees, and a

majority of them, shall have the same powers and perform the same duties, in all things, as are conferred upon and required of the trustees named in the said act, to which this is a supplement; and in case three vacancies shall occur, by reason of the death, resignation of office, removal from the district described in said act, or refusal to act of three of the said trustees, it shall be the duty of the remaining trustees for the time being to apply to a judge of the inferior court of common pleas, of either of the counties of Essex or Middlesex, to fill one of the said vacancies; and the said judge is hereby empowered to appoint, in writing under his hand and seal, a trustee from among the inhabitants of the taxable district defined in said act; and when there are only three trustees in office, a majority of them shall have power to act in all things pertaining to the duties imposed upon or required of the trustees by the said act, and supplements thereto.

2. *And be it enacted*, That the commissioners appointed under the provisions of the second section of the said act, to which this is a supplement, shall also examine, estimate, and fix a valuation on the estate and interest which lessees and others, not owners of the fee, have and may have acquired in each and any of the water privileges of the respective mill sites mentioned in said act before the passage of the act, to which this is a supplement; and the said commissioners shall make an assessment of the damage which, in their opinion, the said lessees and others, not owners of the fee, will sustain by reason of the removal of said dam or dams; and in estimating such valuation, and making such assessment of damages, the said commissioners shall, in all respects, proceed and act in the same manner as they are authorized or directed to act by the act to which this is a supplement, in fixing a valuation and making an assessment of damages to the owners of said mill sites and water privileges; and compensation for such damages shall be made to the said lessees and others, not owners of the fee, in like manner, in all things, as is provided by the act, to which this is a supplement, to compensate the owners of the said mill sites and water privileges for

Commissioners to make estimate and assessment.

the removal of said dams ; and on making compensation to said lessees and others, not owners of the fee, they shall execute and deliver to the said trustees proper receipts and releases of all their estate and interest in the said mill sites and water privileges.

Appoint-
ment of as-
sessors.

3. *And be it enacted*, That the two persons to be appointed assessors by a judge of the court of common pleas, as provided for by the fifth section of the act, to which this is a supplement, shall be appointed from among the inhabitants and residents of the taxable district defined in said act ; and the persons so appointed assessors shall not be disqualified to perform the duties imposed upon them by the said act by reason of their being interested in property which may be assessed or be liable to be assessed by them for any of the purposes mentioned or authorized by the said act, or any supplement thereto ; and all estimates and valuations of the said mill sites and water privileges heretofore made by the commissioners appointed for that purpose under the provisions of the said act, and all assessments of the damages the owner or owners of any dam or dams will sustain by the removal of the said dam or dams heretofore made by the said commissioners, and all the assessments heretofore made by the assessors mentioned in the said act, or either of them, are hereby annulled and made void ; and the said commissioners and assessors shall proceed anew to discharge the duties imposed upon them by the said act, and the supplement thereto, approved March seventeenth, eighteen hundred and fifty-four, the same as if they had never, in any respect, proceeded therein ; and any valuation or assessment hereafter made shall not be invalid for any defect or irregularity in the form or manner of making the same.

Commission-
ers of appeal
in cases of
taxation.

4. *And be it enacted*, That the said trustees, or a majority of them, are hereby authorized and required to apply to one of the judges of the inferior court of common pleas, of either of the counties of Essex or Middlesex, to appoint three suitable persons, being freeholders and residents of the district aforesaid, as commissioners of appeal in cases of taxation under the said act, and the supplements thereto,

who shall meet at a time and place within said district, of which meeting previous notice shall be given by the said commissioners, or a majority of them, by advertisement thereof in two newspapers published and circulated in said district for two successive weeks prior to said meeting; and the said commissioners, or a majority of them, when met as aforesaid, shall be authorized and required to hear and determine all complaints against the assessment of said assessors, or either of them, with full power to correct all errors and omissions of said assessors, or either of them, and to alter their assessments in any respect which they, or a majority of them, may deem equitable and just; and the said commissioners of appeal shall have power to adjourn from time to time, and, before entering upon the discharge of their duties, shall, respectively, make oath or affirmation, before any person authorized to administer an oath, truly and faithfully to perform the duties of their office, according to the best of their ability and understanding, without fear, favor, or partiality; and the said commissioners, respectively, shall be entitled to receive from the said trustees, as a compensation for their services, two dollars for every day's service in the duties of their said office.

5. *And be it enacted*, That the said assessors, after having made and completed their valuation and assessment under the provisions of the said act, and supplements thereto, shall make a full and correct copy of the same, and deliver it to the said trustees, for the use of the said commissioners of appeal; and the said commissioners of appeal, within ten days after they have completed their alterations, amendments, and corrections of the said assessments, shall cause four correct copies to be made of the said assessments, so altered, amended, and corrected, and signed by a majority of said commissioners, and file one copy thereof in the office of the clerk of each of the said counties of Essex and Middlesex, and deliver a copy thereof to each of the said collectors.

6. *And be it enacted*, That within thirty days after a delivery to the said collectors of a copy, or duplicate, of said assessments, it shall be the duty of the said collectors

Copies of
assessments
to be filed.

Proceedings
in case of
nonpayment
of assess-
ments.

to make out and deliver to a justice of the peace, of the county in which the collectors respectively reside, a true list of all the persons who have failed to pay their assessment, with the respective amounts assessed against the said delinquents, accompanied with the oath or affirmation of the said collectors, respectively, that they have given the notice and made the demand of payment of said assessments required of said collectors, whereupon it shall be the duty of the said justices of the peace, within five days thereafter, to make out and deliver, to any constable or constables of their respective counties, a warrant or warrants, under his hand and seal, directed to said constable or constables, commanding them to levy upon and sell so much of the goods and chattels of the said delinquents as will be sufficient to raise and satisfy the amount assessed against the said delinquent, with costs, and the said justices and constables shall proceed thereon in enforcing the payment of said assessments and costs by the said delinquents, in like manner, in all respects, as near as may be, and under the same penalties and liabilities, and be entitled to the same fees for their services, as is provided in relation to justices and constables, in the collection of taxes from delinquents, by the act entitled, "An act concerning taxes," approved April fourteenth, eighteen hundred and forty-six; and whenever any of the said justices or constables shall receive to the amount of twenty-five dollars, and upwards, of the said assessments, they shall immediately thereupon deposit the same in the Farmers and Mechanics Bank at Rahway, to the credit of the said trustees; and it shall be the duty of the said constables to collect the said assessments from the said delinquents, having goods and chattels whereof to make the same, within forty-five days after the receipt of said warrant; and it shall also be the duty of the said constables, at the expiration of the said forty-five days, to return the said warrant to the justice who issued the same, with the names of the said delinquents who have not paid their said assessments; and immediately after such return of said warrant to the said justice by the said constables, the said trustees shall proceed to sell the lands, ten-

ements, hereditaments, and real estate of said delinquents, in the manner directed by the supplement to said act, approved March seventeenth, eighteen hundred and fifty-four.

7. *And it be enacted*, That the said trustees shall pay ^{Trustees to pay damages awarded.} to the said lessees and others, not owners of the fee, having any estate or interest aforesaid in the said mill sites and water privileges, to whom any award of damages shall be made, or to their legal representatives, the sum awarded to them; respectively, taking receipts for the same, and proper releases and conveyances for the estate, interest, rights, and privileges to be surrendered by them for the compensation awarded to them for the same.

8. *And be it enacted*, That if on a tender of payment to said mill owners, lessees, and other persons having an estate or interest aforesaid, of the sum awarded to them as ^{Proceedings in case owners refuse to receive award.} aforesaid, they refuse to accept the same, and to execute and deliver to the said trustees a good and sufficient release and conveyance of the estate, interest, right, and privilege for which the said sum was awarded as a compensation, the said trustees may deposit the said sum with the clerk of the county in which said mill and water privilege is situated, for the use of the party in whose favor the same was awarded, and the clerk of said county shall receipt to the said trustees for the same, which receipt shall be a full discharge to the trustees for the payment of said sum to the party entitled thereto; and thereupon it shall be lawful for the said trustees and their agents to enter upon the said mill sites, water privileges, and all other lands, and to take down and remove the said mill dams and water privileges, without the consent and against the hinderance or interference of the said owners, lessees, or others having any estate or interest therein; and the said clerk shall pay to the party entitled thereto the sum deposited with him for their use, upon the said party executing and delivering to the said clerk a good and sufficient release and conveyance as aforesaid; and the said county clerks shall be paid a reasonable compensation for their services by the party who shall receive from the clerk the money deposited with him as aforesaid.

Land owners to make drains, &c.

9. *And be it enacted*, That when any land, from which the water is drained by the taking down and removal of any of the said dams, is not, in the opinion of the said trustees, or a majority of them, sufficiently drained by the removal of the said dam, it shall be the duty of the owners of the said land to drain the same, so as to prevent water from remaining stagnant thereon; and upon being requested so to do by the said trustees, or a majority of them, the said land owners shall make and keep open such ditches and drains in the same, as, in the opinion of the said trustees, or a majority of them, is necessary to accomplish the object of removing the said dams; and if the land owner shall refuse to comply with such request within the time appointed by the said trustees, then it shall be lawful for the said trustees and their agents to enter upon the said lands, and to make and keep open such ditches and drains therein as they shall deem necessary, at the cost and expense of the said land owners; and the said trustees may sue for and recover, in an action of debt in their own names, from the said land owners the said cost and expense, with costs of suit, in any court having cognisance of that sum.

Fourth section of former act repealed.

10. *And be it enacted*, That so much of the fourth section of the act, to which this is a supplement, as provides for the appointment of three additional commissioners to examine the said mill sites, and review the assessments made by the commissioners first appointed, is hereby repealed; and the number of the said additional commissioners shall be two instead of three, as before provided.

Limits in former act altered.

11. *And be it enacted*, That the limits in the act named be so altered that the line shall run from the southeasterly corner of Jacob Flatt's farm south, as the road runs, to the road leading to Goosetown; thence north, along said road, to a road leading to a bridge near the house of John Tucker; thence east, along said road, (excluding said Tucker) to the road leading from Rahway to Westfield; thence east, on a direct line to a bridge near the mill of John Florence; thence east, as the road runs, to a corner of the farm of Joseph Lee and Caleb Pierce; thence, on a direct line, to the forty acre road; thence south, as the road

runs (including the estate of David C. Stiles), to the Edgar road.

12. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same Part of former act repealed. are hereby repealed; and this act shall be deemed and taken as a public act, and shall take effect immediately.

Approved March 15, 1855.

CHAPTER CXI.

A supplement to the act entitled, "An act to prevent fraudulent trusts and assignments," approved March seventh, eighteen hundred and fifty.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That whenever a certiorari Proceedings may be amended. shall be brought to remove any proceedings had under the act to which this is a supplement, the court out of which the certiorari issued may amend the proceedings in matters of form, and shall give such judgment and make such order as the judge before whom the proceedings were had ought to have given or made.

Approved March 15, 1855.

CHAPTER CXII.

A supplement to "An act to incorporate the Lumberville Delaware Bridge Company," passed February twelfth, eighteen hundred and thirty-six.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the president and managers of the Lumberville Delaware Bridge Company shall be and they are hereby authorized to borrow, Corporation authorized to borrow money. for the pur-

poses of the company, any sum not exceeding four thousand dollars ; and, for the purpose of securing the payment of the same to the lender or lenders, may issue certificates of loan, in sums not less than twenty-five dollars, each, to be signed by the said president and treasurer, and sealed with the seal of the corporation, to be payable at such time and upon such terms as may be agreed upon between the parties ; and, in order to secure to the lenders, their executors, administrators, or assigns, the amount of said certificates, as they shall become due and payable, the said president, managers, and company are hereby authorized and empowered to make and execute to a trustee or trustees, to be appointed by the president, managers, and company, a mortgage, in the manner herein after provided for, of the whole of the said bridge, with its appurtenances, as the same shall be at the time of the mortgage executed, or at any time thereafter, and of all stock, rights, and privileges of the said president, managers, and company, and of all and each of the stockholders thereof ; and in case it shall happen that any certificate of loan aforesaid shall remain unpaid for thirty days after the time appointed for the payment of the same, that it shall be lawful for any holder of such certificate to sue out a scire facias on the mortgage aforesaid, and proceed to obtain judgment thereon ; and the judgment so obtained shall stand as a security for all such certificates as shall then remain unpaid ; and the holder of any certificate may proceed to issue a levavi facias, and sell the said bridge, and all the rights, stock, and privileges of the said president, managers, and company therein, and all the stock, rights, and privileges of the stockholders of the said company, and a sale under such levavi facias shall vest absolutely in the purchaser the whole rights and privileges of the stockholders therein, as effectually as real estate is vested in a purchaser when sold on a mortgage ; and the said sale shall wholly divest the said president, managers, and company, and each and every stockholder, of all corporate powers, rights, title, interest, estate, privileges, or stock in said company, and all corporate powers, rights, title, interest, estate, privileges, or stock, as well of the said

president, managers, and company as that of each and every stockholder, shall be vested in the purchaser or purchasers thereof; and from thenceforth all the provisions of the act of incorporation of the said company, with the corporate powers conferred, and of the several laws of this state in relation to bridge companies, shall be for the benefit and government of the said purchaser and purchasers, in like manner as if they were the original corporators; and if, at any time, the interest agreed to be paid shall remain unpaid for thirty days after the time appointed for the payment thereof, the court of common pleas of Hunterdon county shall, on the application of a holder of a certificate to whom interest is due, order that all the tolls received upon the said bridge be paid to a receiver, appointed by the said court, until sufficient toll is collected to pay such interest, and shall enforce such order against all and every receiver of tolls, if necessary, by attachment, and shall direct the interest aforesaid to be paid out by such receiver to those entitled to receive it; and all the proceedings to effect these purposes shall be in such form as the court aforesaid may direct; *provided*, that, be- Proviso. fore proceeding to obtain the loan aforesaid, the said president, managers, and company shall, by resolution of the board, determine precisely the amount of the loan to be made, which shall not be exceeded; and thereupon they shall execute to the trustees aforesaid the mortgage aforesaid, conditioned as aforesaid, which shall be for the use of all and every the holders of the certificates of loan, in manner as aforesaid; and then the said president, managers, and company may from time to time, as they may deem best, borrow any portion of the said amount, for which they shall issue certificates of loan as aforesaid.

2. *And be it enacted*, That the said Lumberville Dela- Rate of toll ware Bridge Company is hereby authorized to demand and receive for every foot passenger the sum of two cents; and that the first proviso in the eleventh section of the act aforesaid, which relates to the exemption of persons paying toll on going to and from meeting or church, be so altered as to limit such exemption only to persons going to or from meeting or church on the sabbath day, or Sunday.

When act to
take effect.

3. *And be it enacted*, That this act shall not take effect or go into operation until the legislature of the commonwealth of Pennsylvania shall pass a law vesting like power and authority in the president and managers of the Lumberville Delaware Bridge Company to borrow money on mortgage, as are hereby given.

Approved March 15, 1855.

CHAPTER CXIII.

Supplement to the act entitled, "An act respecting coroners," approved April seventeenth, eighteen hundred and forty-six.

State to pay
expenses of
burial.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where dead bodies shall be thrown upon any of the shores or coasts of this state by shipwreck, it shall be the duty of the treasurer of this state to pay the fees for the view of the body, and burial of the same by the coroner, that are now payable by law ; and the coroner or coroners of the county in which the said bodies shall be found shall make out a written statement containing the name of the ship, the date of the wreck, and the place where the same occurred, together with as full a description of the body as he can give, and also the time and place of the burial, which statement shall be made under the oath or affirmation of the said coroner, and shall be filed by the treasurer in his office ; and if any money, goods, or other property shall be found on the body of of any persons so drowned as aforesaid, or shall in any way come to the possession of the coroner, he shall first pay all the expenses out of and from the said property, and the balance, if any, that may be left shall be delivered by the said coroner to the treasurer of this state, to be by him kept for the benefit of the heirs or legal representatives of such dead

person as may or shall apply for and make good his or her claim to the same.

2. *And be it enacted*, That it shall and may be lawful for the governor of this state to draw his warrant on the treasurer for the payment of the expenses heretofore incurred by the respective counties of Atlantic, Monmouth, and Ocean, in the view of and burial of the dead bodies that were wrecked from the ships Powhatan, New Era, and Argyle, the past year, the governor having first satisfied himself, by proof laid before him by the coroners of the said counties, under oath or affirmation, of the real amount by them severally expended and paid by their respective counties for the purpose aforesaid. Payment of expenses heretofore incurred.

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

Approved March 15, 1855.

CHAPTER CXIV.

A supplement to an act entitled, "An act to incorporate the Sterling Zinc Company," 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 the name of the Sterling Zinc Company be and the same is hereby changed to that of the Franklinite Steel Company. Name of corporation changed.

Approved March 15, 1855.

CHAPTER CXV.

AN ACT supplement to "An act to establish a uniform standard of weights and measures in this state," approved April seventeenth, eighteen hundred and forty-six.

Weight of
bushel of
potatoes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the bushel of potatoes shall consist of sixty pounds.

Approved March 15, 1855.

CHAPTER CXVI.

AN ACT to simplify the pleadings and practice in courts of law.

Dates of
writs and
process.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all writs and process shall bear date on the day on which the same shall be issued, and may be on paper or parchment, and the date shall be prima facie evidence that they were issued on that day, but such date may be disproved whenever the same shall come in question; and if any person shall antedate any original process, he shall forfeit one hundred dollars to the party aggrieved, to be recovered by action of debt, with costs, and also be liable to him for all damages which he may sustain thereby, to be recovered in an action of trespass on the case, with costs.

Partners
may prosecute.

2. *And be it enacted*, That attorneys at law and solicitors in chancery, who are partners in their business as such attorneys and solicitors, may, as such partners, and in their partnership name, appear and prosecute or defend any action in any court of judicature of this state.

3. *And be it enacted*, That if the action be prosecuted by the plaintiff in person, then the summons, or *capias ad respondendum*, shall be endorsed with a memorandum, expressing that the same has been sued out by the plaintiff in person, and mentioning the place of his abode. Prosecution by plaintiff in person.

4. *And be it enacted*, That any attorney whose name shall be endorsed on any summons or *capias ad respondendum* shall, on demand in writing made by or on behalf of any defendant, declare forthwith, in writing, whether such writ has been issued by him, or with his authority or privity, and also the place of abode of the plaintiff; and if such attorney shall declare that the writ was not issued by him, or with his authority or privity, or shall refuse to declare the place of abode of the plaintiff, then no further proceedings shall be taken in the action without leave of the court. Attorney to declare residence of plaintiff, &c.

5. *And be it enacted*, That the return of the officer serving any writ or process may, in the same action, be shown to be untrue by either party. Return of officer may be shown to be untrue.

6. *And be it enacted*, That if the defendants in any action in the supreme court reside in different counties, original process may issue at the same time to each county in which any of the defendants reside; the names of all the defendants shall be inserted in each process, and it shall be the duty of the proper officer to serve the same upon such defendants as he can find in his county, and make return thereto in the manner now provided by law. Service and return of process.

7. *And be it enacted*, That if the plaintiff, or his attorney, shall omit to insert in, or endorse on, any writ or process, any of the matters required to be inserted or endorsed, such writ or process shall not on that account be held void, but it may be set aside as irregular, or amended, on such terms as to the court may seem fit; and such amendment may be made upon any application to set aside the writ. Process may be amended.

8. *And be it enacted*, That no warrant of attorney, or copy thereof, need be filed in any action, except in cases of judgment by confession in actions not commenced by process. Warrant of attorney, when to be filed.

9. *And be it enacted*, That the non-joinder or misjoinder

Proceedings
in case of
non-joinder
of a plaintiff.

of a plaintiff shall not be objected to by the defendant, unless he give written notice of such objection to the plaintiff, within five days after filing his plea or demurrer, and state in such notice the name of the person alleged to have been omitted or improperly joined; and it shall be lawful for the court, or a judge, at any time before the trial of the issue, whether of law or of fact, to order, upon such terms as they or he shall think proper, that any person not joined as plaintiff in such cause shall be so joined, or that any person originally joined as plaintiff shall be struck out from such cause, if it shall appear that injustice will not be done by such amendment, and that the person to be added, as aforesaid, either in person or by writing under his hand, consent to be so joined, or that the person to be struck out, as aforesaid, was originally made a party without his consent, or that such person consent, in manner aforesaid, to be struck out; and upon making and filing such order and written consent, the previous proceedings in the cause on the part of the plaintiff shall be amended in conformity thereto, and when any such amendment shall be made, the liability of any person who shall be added as co-plaintiff shall, subject to any terms imposed as aforesaid, be the same as if such person had been originally joined as plaintiff; and the defendant shall plead to such amended declaration in thirty days after a service of a copy thereof on him.

Proceedings
in case of
joinder of
too many de-
fendants.

10. *And be it enacted*, That the joinder of too many defendants in any action upon contract shall not be objected to on the trial of the cause, unless the defendant, within five days after filing his plea or demurrer, give written notice to the plaintiff of such intended objection; and upon such notice being given, it shall be lawful for the court, or a judge, at any time before the trial of the cause, to order, upon such terms as they or he shall think proper, that the name of one or more of such defendants be struck out, if it shall appear that injustice will not be done by such amendment; and upon making and filing such order, the previous proceedings in the cause, on the part of the plaintiff, shall be amended in conformity thereto, and the

defendant shall plead de novo in thirty days after service of a copy of the amended declaration.

11. *And be it enacted*, That in any action on contract, commenced by summons, where the non-joinder of any person as a co-defendant shall be pleaded in abatement, the plaintiff shall be at liberty, without any order, to amend the writ and declaration, by adding the name of the person named in such plea in abatement as a joint contractor, and to serve the amended writ upon the person so named in such plea in abatement, and to proceed against him and the original defendant; and they shall plead to the amended declaration in thirty days after service of a copy thereof, but the date of such amendment shall, as between the person so added and the plaintiff, be considered for all purposes as the commencement of the action; *provided*, that if the person so added do not reside within the jurisdiction of the court, then the amended writ and declaration need not be served upon him; *and provided further*, that all pleas in abatement of the non-joinder of any other defendant shall state the place of residence of the person whose non-joinder is pleaded.

12. *And be it enacted*, That in all cases after such plea in abatement and amendment, as is provided for in the next preceding section, if it shall appear upon the trial of the action that the person so named in such plea in abatement was jointly liable with the original defendant, the original defendant shall be entitled, as against the plaintiff, to the costs of such plea in abatement; but if, at such trial, it shall appear that the original defendant is liable, but that one or more of the persons named in such plea in abatement is or are not liable as a contracting party or parties, the plaintiff shall nevertheless be entitled to judgment against the other defendant or defendants who shall appear to be liable; and every defendant who is not so liable shall have judgment, with his costs, as against the plaintiff, who shall be allowed the same, together with his costs, on the plea in abatement and amendment, as costs in the cause against the original defendant who shall have so pleaded in abatement the non-joinder of such person; *provided*, that any

Writ and declaration in actions on contract may be amended.

Proviso.

Proviso.

Proceedings in case of plea in abatement.

Proviso.

defendant so pleading in abatement shall be at liberty, on the trial, to prove the liability of the defendant or defendants named by him in such plea in abatement.

Actions by
man and
wife.

13. *And be it enacted*, That in any action by a man and his wife for an injury done to the wife, in respect of which she is necessarily joined as co-plaintiff, it shall be lawful for the husband to add thereto claims in his own right arising ex delicto, and separate actions brought in respect to such claims may, by order of the court, or a judge, be consolidated; *provided*, that in case of the death of either plaintiff, such suit shall abate only so far as relates to the cause or causes of action, if any, which do not survive.

Proviso.

Actions on
bills of ex-
change or
promissory
notes.

14. *And be it enacted*, That it shall be lawful for the holder of any bill of exchange or promissory note, instead of bringing separate actions against the parties separately liable thereon, to include all or any of them in one action, and to proceed to judgment and execution, in the same manner as though all the defendants were joint contractors, subject, however, to the qualifications herein after provided.

Declarations
on bills of
exchange or
promissory
notes.

15. *And be it enacted*, That in every such action, the plaintiff may declare on the money counts alone, annexing to the declaration a notice containing a copy of the bill or note, with the endorsements, and stating that the action is brought to recover the amount due thereon; but he shall not declare against any several drawer, maker, endorser, or acceptor, not served with process, or a copy of the declaration; and any joint drawer, maker, endorser, or acceptor, may plead in abatement the non-joinder of any other joint drawer, maker, endorser, or acceptor; and no judgment shall be rendered, or record made up against any several drawer, maker, endorser, or acceptor, not served with process, or a copy of the declaration, which copy shall be served on or before the filing of the same, and an affidavit of such service shall be annexed to and filed with the declaration; but judgment may be obtained against joint contractors, some only of whom have been served with process, and such judgment shall have the same effect against the joint contractors as heretofore.

16. *And be it enacted*, That in any such action, judg-

ment may be rendered for the plaintiff against some one or more of the defendants, and also in favor of some one or more of the defendants against the plaintiff, according as the rights and liabilities of the respective parties shall appear, either upon confession, default in pleading, or on a trial; and any person sued shall be entitled to set off his demands against the plaintiff in the same manner as though such defendant had been sued in the form heretofore used; and when judgment shall be rendered in favor of any defendant, he shall recover his costs against the plaintiff in the same manner as though judgment had been rendered for all the defendants.

17. *And be it enacted*, That if, upon the trial of any such action, the whole amount of the set-off allowed shall equal or exceed the amount allowed to the plaintiff, then, in the first case, the verdict or report shall be in favor of the defendants generally, and in the last case for the excess, and in all cases the verdict or report shall certify the amount allowed to each defendant as a set-off.

18. *And be it enacted*, That the rights and responsibilities of the several parties to any such bill or note, as between each other, shall remain as heretofore, saving only the rights of the plaintiff, so far as they may have been determined by the judgment; and any one or more of the defendants shall be entitled to the testimony of any co-defendant as a witness in all cases where he or they would be entitled to his testimony had the suit been brought in the form heretofore used; and the plaintiff shall be entitled to the testimony of any defendant as a witness in all cases where he would be entitled to his testimony against the other parties to the bill or note had the suit been brought in the form heretofore used.

19. *And be it enacted*, That it shall not be necessary for the plaintiff to include in the same record a judgment against all the parties to said bill or note; but judgment may be entered against any of them whenever the plaintiff would have been entitled to the same had the suit been commenced against such party only; and if the trial or hearing of such cause be put off by any of the parties to

said bill or note, or if a judgment by default shall have been obtained against part of the defendants, the plaintiff may proceed to the trial or hearing against the other parties in the same manner as if the suit had been commenced against the other parties only.

Parties sued
may apply
for relief.

20. *And be it enacted*, That it shall be lawful for any party to any promissory note or bill of exchange, who shall be sued jointly with any other party thereto, to apply to the court, or a judge thereof, for any order or relief to which he would be entitled if he had been separately sued, and the court or judge may, in their discretion, grant to him such order or relief as would be granted to such party if separately sued.

Proceedings
in case of
execution is-
sued.

21. *And be it enacted*, That whenever an execution against goods, or against goods and lands, shall issue in any such action upon a bill or note, as is herein before provided for, it shall be the duty of the sheriff, or other officer, after making a levy upon the property liable to the execution, to make the money out of the property of the defendant or defendants primarily liable, as between themselves, for its payment, according to the terms of the bill or note, if it can be done before selling the property of the person or persons secondarily liable; and for the information of such officer, it shall be the duty of the plaintiff or his attorney to endorse on the execution the order in which the defendants, according to the terms of the bill or note, are liable, as between themselves, for its payment; and if such endorsement be omitted, or be untruly made, it shall be the duty of the court to set aside the execution as irregular; and if the judgment be paid by a defendant or defendants secondarily liable, as between themselves, it shall not be considered satisfied as against the defendant or defendants liable over on the bill or note to the defendant making such payment, but he shall have, on application to the court or a judge, giving notice thereof to the other parties to the judgment, and subject to such regulations as may be imposed, the full benefit and control of such judgment for the purpose of compelling repayment from the defendant or defendants liable to him for such re-

payment, and on this application the court or judge may order an issue to try the question in controversy.

22. *And be it enacted*, That the assignee for a valuable consideration of any chose in action, heretofore or hereafter assigned, if the assignor be dead, may sue for and recover the same in his own name; and the defendant in any such action may set up and avail himself of any defence thereto, arising before he shall have received due notice of such assignment, in the same manner, and with the like effect, as if the assignor had been living, and the action had been brought in his name.

Proceedings in case of death of assignor.

23. *And be it enacted*, That no pleading shall be deemed insufficient for any defect which could heretofore be objected to only by special demurrer; and where issue is joined on a demurrer, the court shall give judgment according as the very right of the cause and matter in law shall appear, without regarding any imperfection, omission, defect in, or lack of form; and no judgment shall be arrested, stayed, or reversed, for any such imperfection, omission, defect in, or lack of form.

Judgment not stayed or reversed for imperfection.

24. *And be it enacted*, That if any pleading be so framed as to prejudice, embarrass, or delay the fair trial of the action, the opposite party may apply to the court, or a judge, to strike out or amend such pleading; and such order shall be made respecting the same, and also respecting the costs of the application, as such court or judge shall see fit.

Court may order pleadings to be amended.

25. *And be it enacted*, That it shall be lawful for the plaintiff or defendant in any action, to aver performance of conditions precedent generally; and the opposite party shall not deny such averment generally, but shall specify in his pleading the condition precedent the performance of which he intends to contest.

Parties may aver performance of conditions, &c.

26. *And be it enacted*, That in actions of libel and slander, the plaintiff shall be at liberty to aver that the words or matter complained of were used in a defamatory sense, specifying such defamatory sense, without any prefatory averment to show how such words or matter were used in that sense, and such averment shall be put in issue by the denial of the alleged libel or slander; and where the words

Actions of libel and slander.

or matter set forth, with or without the alleged meaning, show a cause of action, the declaration shall be sufficient.

Bill of particulars, &c., to be annexed to declaration.

27. *And be it enacted*, That there shall be annexed to the declaration a copy of the account, and a bill of the particulars of the demand, and a copy of any writing, with the name of the subscribing witness or witnesses, if there be any, whereon the declaration is founded; and no evidence thereof shall be given on the trial, unless so annexed, and the same shall be copied as a part of the circuit record, and recorded with the pleadings.

Plaintiff to state conditions, and assign breaches thereof.

28. *And be it enacted*, That in all actions upon bonds with a condition the plaintiff shall state the condition and assign breaches thereof in his declaration; and no evidence shall be given of any breach not so assigned.

Special traverses not necessary.

29. *And be it enacted*, That express color and special traverses shall not be necessary in any pleading.

Right by virtue of private way.

30. *And be it enacted*, That a right by virtue of a private way may be pleaded generally, in the same manner as in pleading a public way.

Pleading in cases of set-off.

31. *And be it enacted*, That if the defendant plead or give notice of a set-off, he shall annex to his plea a copy of the account, and a bill of particulars of the demand, and a copy of the note, or other writing, so intended to be set off, with the names of the subscribing witness or witnesses, if there be any; and if in the plea, or any subsequent pleading, profert be made of any writing, a copy thereof shall be annexed to such pleading, with the name of the subscribing witness or witnesses, if there be any; and no evidence thereof shall be given on the trial, unless so annexed; and the same shall be copied as a part of the circuit record, and recorded with the pleadings.

Parties may plead as many several matters as may be necessary.

32. *And be it enacted*, That the plaintiff in any action may, by leave of the court or a judge, plead in answer to the plea, or the subsequent pleading of the defendant, as many several matters as he shall think necessary to sustain his action; and the defendant in any action may, by leave of the court or a judge, plead in answer to the declaration, or other subsequent pleading of the plaintiff, as many several matters as he shall think necessary for his defence, upon

an affidavit of the party making such application, or his attorney, that he is advised and believes that he has just ground to traverse the several matters proposed to be traversed by him, or that the several matters sought to be pleaded by way of confession and avoidance are respectively true in substance and fact; *provided*, that the costs Proviso. of any issue, either in fact or law, shall follow the finding or judgment upon such issue, and be adjudged to the successful party, whatever may be the result of the other issue or issues.

33. *And be it enacted*, That the following pleas, or any two or more of them, may be pleaded together as of course, without leave of the court or a judge; that is to say, a plea denying any contract or debt alleged in the declaration, a plea of tender as to part, a plea of the statute of limitations, set-off, discharge under an insolvent act, plene administravit, plene administravit præter, infancy, coverture, payment, accord and satisfaction, release, not guilty, a denial that the property, an injury to which is complained of is the plaintiff's, leave and license, son assault demesne, performance, justification in actions of libel and slander, and any other pleas which the justices of the supreme court shall order and direct, by any rule or order to be by them from time to time made. What pleas may be pleaded together.

34. *And be it enacted*, That if either party plead several pleas, replications, avowries, cognisances, or other pleadings, without leave of the court or a judge, except in the cases herein specifically provided for, the opposite party shall be at liberty to sign judgment; *provided*, that Pleadings without leave of court. such judgment may be set aside by the court or a judge, upon an affidavit of merits and payment of costs, and such other terms as they or he may think fit. Proviso.

35. *And be it enacted*, That the defendant in every action at law shall file with his plea or demurrer an affidavit that the same is not intended for the purpose of delay, and that the affiant verily believes that the defendant hath a just and legal defence to said action on the merits of the case, which affidavit shall be made by the defendant, or in his absence may be made by his attorney or agent in the Defendant to file affidavit with plea.

action, and for want of such affidavit the plea or demurrer shall be treated as a nullity ; and if the plaintiff, after the defendant is in court, files his declaration sooner than now required by law, and serves a copy thereof on the defendant, he shall file his plea or demurrer in thirty days after such service, or on failure thereof judgment shall be entered against him; in which case the plaintiff, before entering the judgment, shall file an affidavit of such service ; *provided however*, that the court, or a judge, may give the defendant leave to plead or demur without filing any affidavit therewith.

Proviso.

Notice to be given of special matter to be offered in evidence.

36. *And be it enacted*, That in all actions where the defendant pleads the general issue, and gives notice with it of special matter which he intends to give in evidence in bar of the action, the plaintiff shall, within thirty days after filing such plea, or within such further time as may be granted by the court or a judge, file a written notice to the defendant of any special matter which he intends to give in evidence in denial or avoidance of such special matter so given notice of by the defendant, and which it would have been necessary to reply specially had the defendant's defence been specially pleaded, or else be precluded from giving the same in evidence ; and such notice, both of plaintiff and defendant, shall be copied as a part of the circuit record, and recorded with the pleadings.

When pleading concludes to the country.

37. *And be it enacted*, That whenever any pleading concludes to the country, issue shall be considered as joined thereon, unless a demurrer be filed thereto, and a similiter, when necessary, may be added at any time.

Parties may be called on to admit execution of document.

38. *And be it enacted*, That either party may, by written notice, to be served at least fifteen days before the trial, call on the other party to admit, in writing, the execution of any document, saving all just exceptions ; and in case of refusal or neglect to admit for ten days after such service, the costs of proving the document shall be paid by the party so refusing or neglecting, whatever the result of the cause may be, unless at the trial the judge shall certify that the refusal or neglect to admit was reasonable ; and an affidavit of the attorney in the cause of the due signature

of any admissions made in pursuance of such notice, and annexed to the affidavit, shall be in all cases sufficient evidence of such admission.

39. *And be it enacted*, That in actions in the supreme court, not tried at bar, the party obtaining the verdict may, by order of the justice who tried the cause, subject to such terms as he may impose, two days' notice being given of the application for such order, file the circuit record and postea, enter judgment, and issue execution forthwith after the making of such order; but in case a rule nisi for a new trial be granted, the proceedings on such judgment and execution shall be stayed until the determination of the same.

Actions in
supreme
court not
tried at the
bar.

40. *And be it enacted*, That in all actions against a principal and surety, where an execution against goods, or against goods and lands, has been issued, it shall be lawful for the court or a judge, on application of the surety, and notice of the application to the principal debtor, and to the plaintiff, to direct the sheriff, or other officer, after making a levy upon the property liable to the execution, to make the money out of the property of the principal, if it can be done, before selling the property of the surety; and if the judgment be paid by a surety, it shall not be considered satisfied, except as to such surety; and he, on like application to the court or a judge, and like notice, and subject to such regulations as may be imposed, shall have the full benefit and control of the judgment, for the purpose of compelling repayment from the principal or contribution from his co-surety, and on this last application, the court or judge may order an issue to try the questions in controversy.

Actions a-
gainst prin-
cipal and
surety.

41. *And be it enacted*, That upon all judgments recovered or docketed in the supreme court, executions may issue at the same time to any county or counties in which the defendants, or any of them, may reside or be, or in which the defendant or defendants, or any of them, may have any property liable to be taken in execution, without any suggestion of the issuing of a prior execution to the county in which the venue may be laid; *provided*, that if

Executions
on judg-
ments in su-
preme court.

Provide.

more than one execution be levied at the same time, there shall not be any sale made of the defendant's property under more than one of them, except to satisfy a deficiency remaining after a sale under that one; and if any sale be made contrary to this provision, the plaintiff and his attorney shall be liable to the defendant, as trespassers, for all damages he may sustain thereby, to be recovered in an action of trespass; and the court or a judge may, on application of the defendant, and for good cause shown, stay the proceedings on any one or more of such executions, or direct under which a sale shall first be made, or order the proceeds of any sale to be paid into court.

Execution may issue without revival.
Proviso.

42. *And be it enacted*, That execution may issue, without a revival of the judgment by scire facias, at any time within twenty years from its recovery; *provided*, the parties to the judgment, or those of them during whose lives execution may now issue without a scire facias, be then living; *and provided further*, that if more than six years have elapsed since the recovery of the judgment, a special order of the court shall be necessary before the execution issue, to be made upon ten days' notice to the defendant of the application therefor, and proof to the satisfaction of the court of the amount remaining due upon the judgment.

Proviso.

Variance between allegation and proof.

43. *And be it enacted*, That no variance between the allegation in a pleading and the proof shall be deemed material, unless it have actually misled the adverse party, to his prejudice, in maintaining his action or defence upon the merits; whenever it shall be alleged that a party has been so misled, that fact shall be established to the satisfaction of the court trying the cause, and thereupon the court may order the pleading to be amended upon such terms as shall be just.

Where variance is not material.

44. *And be it enacted*, That where the variance is not established to be material, as provided in the last section, the court may order an immediate amendment of the pleading, without costs; but where, however, the allegation of the cause of action, or defence, to which the proof is directed, is untrue, not in some particular or particulars only, but in its entire scope and meaning, it shall not be deemed a case of variance, but a failure of proof.

45. *And be it enacted*, That any pleading may be amended by the party of course, without application to the court, without costs, and without prejudice to the proceedings already had, at any time before a pleading in answer thereto has been filed ; and in such case a copy of the amended pleading shall be served on the adverse party within five days after filing the same, who shall plead thereto in thirty days after such service. Pleadings may be amended.

46. *And be it enacted*, That, in order to prevent the failure of justice by reason of mistakes and objections of form, it shall be lawful for the court, or any judge thereof, at all times, to amend all defects and errors in any proceeding in civil causes, whether there is any thing in writing to amend by or not, and whether the defect or error be that of the party applying to amend or not, and all such amendments may be made with or without costs, and upon such terms as to the court or judge may seem fit ; and all such amendments as may be necessary for the purpose of determining in the existing suit the real question in controversy between the parties shall be so made. Court may amend defects in pleadings.

47. *And be it enacted*, That in actions of ejectment commenced after this act takes effect, the consent rule, and all the fictions heretofore used in such actions, be and the same are hereby abolished, and the action shall be commenced by summons, in the name of the person claiming the premises in question, as plaintiff, and against the tenant in possession thereof, as defendant ; the summons shall describe the premises with such certainty as will distinctly apprise the defendant of their description and situation, and so that from such description possession thereof may be delivered ; and if the plaintiff claims only an undivided interest therein, it shall also state such interest ; and it shall be served in the same manner as declarations in ejectment have heretofore been served, or in such manner as the court may order, and may be made returnable in term time or vacation, and shall be according to form number one, in the schedule to this act annexed, or to the like effect. Proceedings in cases of ejectment.

48. *And be it enacted*, That the defendants named in the summons, or either of them, shall be allowed to plead Defendants may plead jointly or severally.

Proviso.

to and defend the action, either jointly or separately ; and that the landlord of the tenant in possession, or other proper person, shall, by leave of the court or a judge, be admitted to appear and defend the action, in all cases where the same would have been allowed heretofore ; *provided*, the application therefor be made in twenty days after the return day of the summons, or within such further time as may be granted by the court or a judge, and five days' notice of such application, and of the taking of affidavits to be used thereon, be given to the plaintiff ; and any person admitted to defend as landlord, in respect of property whereof he is in possession only by his tenant, shall state, in his plea, that he defends as such landlord, and such person shall be at liberty to set up any defence which he has heretofore been allowed to set up, and no other.

When pleadings to be filed.

49. *And be it enacted*, That the pleadings shall be filed within the times limited for filing the same in personal actions.

Declaration, how drawn.

50. *And be it enacted*, That the declaration shall describe the premises claimed with the same certainty as the summons, and shall state the time when the plaintiff's right to the possession thereof accrued, and may contain several counts ; and if the landlord, or other proper person, be admitted to defend the action, the plaintiff shall declare against him and the defendant named in the summons, and such declaration shall be according to one of the forms of declarations contained in said schedule, as the circumstances of the case may require, or to the like effect.

Landlord may join with tenant in defence.

51. *And be it enacted*, That when the landlord, or other proper person, is admitted to defend, he or they may join with the tenant in possession in the defence, or may defend separately, and the defendants, or either of them, may defend for a part only of the premises in question, and when for a part, it shall be described in the plea with the same certainty as is required in the summons ; the plea shall be according to one of the forms of pleas contained in said schedule, as the circumstances of the case may require, or to the like effect, and, under such plea, the defendant may give in evidence any lawful defence to the action, not inconsistent with the other provisions of this act.

52. *And be it enacted*, That the plea of the defendant shall, for the purposes of that action, be construed as an admission that he was in possession of the premises for which he defends at the time of commencing the action. Plea of defendant.

53. *And be it enacted*, That if the premises in question be not described with sufficient certainty in the declaration or plea, the court or a judge may order it to be amended so as to be so described, and if either party fail to comply with such order, judgment may be entered as for want of a declaration or plea, according to the circumstances of the case. Premises to be described in declaration.

54. *And be it enacted*, That if no plea be filed within the time limited, the plaintiff shall be entitled to a judgment that he recover possession of the premises claimed in the declaration, upon which a writ of possession may issue; and he shall also recover his costs by the same judgment, and have execution therefor, including the costs on the writ of possession, against the defendant named in the summons, which execution for costs may be included in the writ of possession, and be of the like nature as heretofore used, provided it appear by the affidavit of service of the summons that he was actually in possession of the premises claimed, or some part thereof, at the time of such service, and that the same was served personally upon him, or some member of his family above the age of fourteen years, at his dwelling house or place of abode; and if it do not so appear, then the plaintiff may recover his costs in an action for mesne profits against the defendant named in the summons, as heretofore. Proceeding in case plea is not filed in time.

55. *And be it enacted*, That if a plea be filed limiting the defence to a part only of the premises in question, the plaintiff shall be entitled to a judgment that he recover possession of the part not defended for, upon which a like writ of possession may issue, and in such case he may recover his costs in an action for mesne profits against the defendant named in the summons as heretofore; and where a part only of the premises are defended for, the plaintiff may enter a discontinuance of the action as to that part, and enter judgment for the residue, without thereby becoming liable to pay costs to the defendants, or any of them. Proceedings in case defence is limited to part of premises.

Proceedings
after issue
joined in e-
jectionment.

56. *And be it enacted*, That after issue joined in ejectionment, either party may demand in writing of the other a bill of particulars of his claim or title to the premises in question, which bill shall include an abstract of such documentary evidences of title as the party may intend to give in evidence on the trial; and if any such documents may by law be recorded, it shall also state where they are recorded, or if not recorded, then it shall include copies of such thereof as are in the possession of the party, with the name or names of the subscribing witness or witnesses, if any; and such bill of particulars shall be delivered in twenty days after the same shall be demanded, or within such further time as the court or a judge, on good cause shown, may grant, and in default thereof, no evidence of such title shall be given on the trial, but the court or a judge may, upon good cause shown, allow either party to serve an amended bill of particulars; and in all cases the evidence of title shall be confined to the matters contained in the bill of particulars.

Trial in ejection-
ment cases.

57. *And be it enacted*, That after issue is joined, the parties shall proceed to the trial thereof, as in other actions; and if the plaintiff appears at the trial, and the defendant does not, the jury shall render a verdict of guilty against the defendant, without any proof of title by the plaintiff; and if the defendant appears, and the plaintiff does not, the plaintiff shall be nonsuited; if both parties appear, the question at the trial shall be, whether the plaintiff or plaintiffs, or either, and which of them, is entitled to recover the possession of the premises in question, and whether of the whole or of part, and if of part, then of which part; and if the jury shall find the defendant guilty as to part only, their verdict shall particularly specify such part; and if a verdict be found for the plaintiff or plaintiffs, or either of them, for the whole or a part, judgment shall be entered thereon, that he or they recover the possession of the same, either in whole or in part, as the case may be, with costs, upon which a writ of possession may issue, and it may include an execution for the costs, as heretofore, or a separate execution may issue for the costs, as heretofore.

58. *And be it enacted*, That if at the trial the title of the plaintiff shall appear to have existed as alleged in the declaration, in such manner that the plaintiff or plaintiffs, or one of them, was, at the commencement of the action, entitled to recover possession of the premises in question, or of some part thereof, but shall also appear to have expired at the time of the trial, the plaintiff or plaintiffs so entitled shall, notwithstanding such expiration, be entitled to a verdict, according to the fact, that he was so entitled at the commencement of the action, and to a judgment accordingly, with his costs of suit; and as to the premises claimed, the judgment shall be, that the defendant go thereof without day.

Proceeding when plaintiff's title expired at time of trial.

59. *And be it enacted*, That in ejectment, the successful party shall in all cases, except where it is otherwise provided in this act, recover his costs of the other party, and may have the like executions therefor as in personal actions ex delicto.

Costs in ejectment.

60. *And be it enacted*, That in case such action be brought by some one of several persons entitled, as joint tenants, tenants in common, or coparceners, any joint tenant, tenant in common, or coparcener, defending the action, may give notice with his plea that he defends as such, and admits the right of the plaintiff to an undivided share of the property (stating what share), but denies any actual ouster of him from the property; and such notice shall be copied as a part of the circuit record, and recorded with the pleadings; and upon the trial of such an issue, the additional question of whether an actual ouster has taken place shall be tried; and if, upon the trial of the issue, it shall be proved that the defendant is such joint tenant, tenant in common, or coparcener, with the plaintiff, and no such actual ouster shall be proved, then the plaintiff shall be nonsuited, with costs; but if it shall be proved either that the defendant is not such joint tenant, tenant in common, or coparcener, or that an actual ouster has taken place, then the jury shall so find by their verdict, and the plaintiff shall have judgment, in accordance with the verdict, for the recovery of possession and costs.

Actions by joint tenants, tenants in common, or coparceners.

Action not to
abate in case
of death.

61. *And be it enacted*, That the death of a plaintiff or defendant in ejectment shall not cause the action to abate, but it may be continued, as herein after provided.

Proceedings
in case of
death of
plaintiff.

62. *And be it enacted*, That in case the right of the deceased plaintiff shall survive to another plaintiff, a suggestion may be made of the death, which suggestion shall not be traverseable, but shall only be subject to be set aside if untrue, and the action may proceed at the suit of the surviving plaintiff; and if such suggestion be made before the trial, then the plaintiff shall have a verdict, and recover such judgment as aforesaid, upon its appearing that he was entitled to bring the action, either separately or jointly with the deceased plaintiff; and in case of the death before trial of one of several plaintiffs, whose right does not survive to any other of the plaintiffs, if the legal representatives of the deceased plaintiff shall not become a party to the action, in the manner herein after provided, a suggestion may be made of the death, which shall not be traverseable, but only subject to be set aside if untrue, and the action may proceed at the suit of the surviving plaintiff, for such share of the property as he is entitled to, and costs.

Proceedings
in case of
verdict for
two or more
plaintiffs.

63. *And be it enacted*, That in case of a verdict for two or more plaintiffs, if one of such plaintiffs die before execution executed by delivery of possession thereupon, the other plaintiff may, whether the legal right to the property shall survive or not, suggest the death, in manner aforesaid, and proceed to judgment and execution for recovery of the possession of the whole of the premises in question to which the right of possession may be found by the verdict, and the costs; but nothing herein contained shall affect the right of the legal representative of the deceased plaintiff, or the liability of the surviving plaintiff to such representative; and the entry and possession of such surviving plaintiff, under such execution, shall be considered as an entry and possession on behalf of such representative, in respect of the share of the premises in question to which he shall be entitled as such representative, and the court may direct possession to be delivered accordingly.

64. *And be it enacted*, That in case of the death before

trial of a sole plaintiff, or of one of several plaintiffs whose right does not survive to any other plaintiff, the legal representative of such deceased plaintiff may, by leave of the court, enter a suggestion of such death, and that he is such legal representative, and the action shall thereupon proceed; and the truth of the suggestion shall be tried on the trial of the action, together with the title of the deceased plaintiff; and such judgment shall follow upon the verdict in favor of or against the person making such suggestion, as is herein before provided with reference to a judgment for or against such deceased plaintiff.

Proceedings
in case of
death of sole
plaintiff be-
fore trial.

65. *And be it enacted*, That in case a sole plaintiff die after a verdict in his favor and before execution executed by delivery of possession thereon, judgment shall nevertheless be entered in his favor, and have the same effect as if entered in his lifetime; and the court, upon suggestion of such death, and application of the legal representative of the deceased plaintiff, may order that a writ issue for the delivery to such representative of the possession of the premises recovered, and the same shall be delivered accordingly, subject, however, to such terms as the court may impose; and the personal representatives of such deceased plaintiff shall have the like remedies for the collection of the costs recovered by such judgment as they would have upon any other judgment for money in favor of said deceased.

Proceedings
in case of
death of sole
plaintiff after
verdict.

66. *And be it enacted*, That if, after a verdict in favor of a defendant, a sole plaintiff, or one of several plaintiffs, die before judgment, the defendant shall nevertheless be entitled to judgment as if no such death had happened; and in case of a sole plaintiff, the defendant may proceed for the recovery of his costs, in like manner as upon any other judgment for money, against such deceased; and in case of several plaintiffs, the defendant may have execution against the surviving plaintiff for his costs; and if, after such verdict in favor of a defendant, and before judgment, he should die, judgment shall nevertheless be entered in his favor, and have the same effect as if entered in his lifetime.

Proceedings
in case of
death of
plaintiff be-
fore judg-
ment.

67. *And be it enacted*, That in case of the death before

Proceedings
in case of
death of de-
fendant be-
fore judg-
ment.

judgment of one of several defendants who defends jointly, a suggestion may be made of the death, which suggestion shall not be traverseable, but only be subject to be set aside if untrue, and the action may proceed against the surviving defendant to judgment and execution; but if such death happen before trial, the court, in their discretion, may order that notice be given to the legal representative of such deceased defendant to appear and defend the action within a time to be limited by the court, the notice to be served in such manner as the court may direct; and in case such representative appear and plead he shall plead the same plea, and the same proceedings may be taken against him as if he had been originally admitted to defend the action; and if no such order be made, or if one be made, and such representative do not so appear and plead within the time so limited, and an affidavit be filed of the due service of such notice, then the plaintiff suggesting the death, in manner aforesaid, may proceed against the surviving defendant to judgment and execution.

Proceedings
in case of de-
fendant be-
fore trial.

68. *And be it enacted*, That in case of the death of a sole defendant, or of all the defendants, before trial, a suggestion may be made of the death, which suggestion shall not be traverseable, but only be subject to be set aside if untrue, and the plaintiff shall be entitled to a judgment for recovery of the possession of the premises in question, unless some other person shall appear and defend within the time to be appointed for that purpose by the order of the court, to be made on the application of the plaintiff; and it shall be lawful for the court, upon such application, to order that the plaintiff shall be at liberty to sign judgment within such time as the court may think fit, unless the legal representative of the deceased defendant or defendants shall, within such time, appear and plead to the action; and such order may be served in such manner as the court, under the circumstances, may direct; and in case such person shall appear and plead, he shall plead the same plea, and the same proceedings may be taken against him as if he had been originally admitted to defend the action; and if no plea be filed within the time limited, then the plain-

tiff, upon filing an affidavit of the due service of such order, shall be at liberty to sign judgment pursuant thereto.

69. *And be it enacted*, That in case of the death of a sole defendant, or of all the defendants, after verdict against him or them, the plaintiff shall nevertheless be entitled to judgment as if no such death had taken place, and to proceed by execution for the recovery of possession without suggestion or revivor, and to proceed for the recovery of the costs in like manner as upon any other judgment for money against such defendant or defendants. Proceedings in case of defendant after verdict.

70. *And be it enacted*, That in case of the death of one of several defendants, who defends separately for a portion of the premises in question, for which no other defendant defends, before trial, or after a verdict against him, the same proceedings may be taken as to such portion as in case of the death of a sole defendant, or the plaintiff may proceed against the surviving defendant in respect of the portion of the premises in question for which he defends. In case of death of defendant, who defends separately.

71. *And be it enacted*, That in case of the death before trial of one of several defendants who defends separately in respect of property for which a surviving defendant also defends, it shall be lawful for the court, at any time before the trial, to order that notice be given to the legal representative of such deceased defendant to appear and defend the action within a time to be limited by the court, the notice to be served in such manner as the court may, under the circumstances, direct; and in case such representative appear and plead, he shall plead the same plea, and the same proceedings may be taken against him as if he had been originally admitted to defend the action; and if no such order be made, or if one be made, and such representative do not so appear and plead within the time so limited, and an affidavit be filed of the due service of such notice, then the plaintiff suggesting the death, in manner aforesaid, may proceed against the surviving defendant to judgment and execution. In case of defendant who defends separately in respect to property which surviving defendant also defends.

72. *And be it enacted*, That if, after verdict, a new trial be granted, then, for the purpose of preventing an abatement of the action, the same proceedings may be had as if there had been no trial. Proceedings in case of new trial granted.

Action may
be discon-
tinued.

73. *And be it enacted*, That the plaintiff may, at any time, discontinue the action, as to any or all of the defendants, upon payment of his or their costs; and if one of several plaintiffs desires to discontinue, he may apply to the court to have his name struck out of the proceedings, which may be ordered upon such terms as the court may think just, and the action shall thereupon proceed at the suit of the other plaintiff.

Proceedings
in case de-
fendant re-
tracts plea.

74. *And be it enacted*, That if one of several defendants, who defends separately for a portion of the property, retracts his plea, and confesses the plaintiff's action as to such portion, the plaintiff may forthwith enter judgment, and issue execution for the recovery of the possession of that portion, and for the costs occasioned by the defence relating to the same, and the action may proceed as to the residue;

Proviso.

provided, that if any other defendant defends for the same portion, then the plaintiff shall not be at liberty to issue execution for the recovery of the possession of that portion, until he has recovered a judgment against all the defendants who defend therefor.

Writ of error

75. *And be it enacted*, That error may be brought in like manner as in other actions upon any judgment in ejectment.

Proceedings
in case where
defendant in
ejectment is
liable for da-
mages, &c.

76. *And be it enacted*, That in all cases where the defendant in ejectment would be liable for mesne profits and damages, the plaintiff may declare for and recover the same in the same action, under such regulations, as to the pleadings and proceedings, as the justices of the supreme court may prescribe, which regulations shall be applicable to actions of ejectment brought in the circuit court, as well as in the supreme court, or, after a judgment in ejectment, an action may be brought for the mesne profits and damages, as heretofore.

Judgments
in action of
ejectment.

77. *And be it enacted*, That a judgment in an action of ejectment, commenced after this act takes effect, shall be conclusive, as to the right of possession established by such judgment, upon the party against whom it is recovered, and upon all persons claiming from, through, or under such party, by title arising after the commencement of such ac-

tion; *provided*, that if any person against whom such judgment is recovered shall be, at the time of its recovery, an infant, married woman, idiot, or lunatic, the judgment shall be no bar to an action commenced by such person, or any one claiming from, through, or under such person, within three years after the removal of such disability.

78. *And be it enacted*, That in all proceedings under the ninth, tenth, eleventh, and fifteenth sections of the act, approved April the fifteenth, eighteen hundred and forty-six, and entitled, "An act concerning landlords and tenants," the said sections shall be considered as so amended, that the provisions thereof may apply to actions of ejectment prosecuted in the manner directed by this act, and all courts shall construe the same accordingly.

79. *And be it enacted*, That the several courts in which actions of ejectment may be brought, or be depending, shall and may exercise over the proceedings therein the like jurisdiction and control as heretofore exercised in the action of ejectment, so as to insure a trial of the title only, and of actual ouster when necessary, and for all other purposes for which such jurisdiction may at present be exercised, and shall and may make such regulations concerning the said actions as may be necessary more fully to carry into effect the intention of this act; and the provisions of all statutes not inconsistent with the provisions of this act, and which may be applied to the altered mode of proceeding, shall remain in force and be applied thereto; *provided*, that nothing in this section contained shall authorize the said courts to exercise any control or jurisdiction, or make any regulations inconsistent with the true intent and meaning of this act.

80. *And be it enacted*, That all issues in fact may, by the consent of the parties, be tried by the court, or if the action be depending in the supreme court, then by a justice thereof, at the circuit court in the proper county; and the report or determination of the court or justice upon such issue shall be entered in the minutes of the court, or annexed to the circuit record as a *postea*, and judgment given thereon in like manner as in case of a verdict, and

either party may allege an exception, and have the same sealed, or move for a new trial, as in case of a trial by jury.

Actions in
matters of
account.

81. *And be it enacted*, That all actions in which matters of account are in controversy may, by rule of the court, be referred to some competent person, as a referee, to state and report an account between the parties, and the amount that may be due from either party to the other, which report, when confirmed by the court, shall be final and conclusive between the parties, and judgment entered thereon, and execution issued, in the manner now provided by law in cases of reference; but either party may, at the time of ordering such reference, enter in the minutes of the court his dissent therefrom, and, at the same term in which the report is filed, may demand a trial by jury, in which case the action shall be tried by jury, as heretofore, the costs of the reference to abide the result; and upon such trial, the report of the referee shall be prima facie evidence of all the facts therein found and reported; and the party demanding a trial by jury shall file his exceptions to the report in twenty days after the same shall be filed, and no other exceptions shall be considered on the trial.

Auditors
may be as-
signed in
case defend-
ant does not
plead.

82. *And be it enacted*, That when a defendant in the action of account shall be summoned to appear, the plaintiff may file his declaration as in other actions; and if the defendant do not plead or demur, as in other cases, the plaintiff, without proceeding to attach him, may enter judgment against him that he account, and the court or a judge may thereupon assign auditors to take the account; and no pleas shall in any case be allowed before auditors in the action of account, but they shall proceed as referees are required to do in other cases; and if the defendant does not plead to the action, or shall neglect or refuse to account before the auditors, the plaintiff may prove his account against the defendant before the auditors, who shall investigate and report thereon as if the parties had both appeared before them.

Application
to set aside
writ in ac-
tions found-
ed on con-
tract.

83. *And be it enacted*, That whenever, in actions founded upon contract, application shall be made to set aside the writ upon which the defendant was arrested, or to dis-

charge him from arrest, the court or judge hearing the application shall consider and determine the sufficiency, in fact, as well as in law, of the proof upon which the order for issuing such writ was founded.

84. *And be it enacted*, That in any action in which the right to real estate or to goods and chattels is in controversy, it shall be lawful for the court, or any judge thereof, to make an order for the protection of the property in controversy from waste, destruction, or removal beyond the jurisdiction of the court, upon satisfactory proof being made of the necessity for such order, and to enforce such order by an attachment for contempt. Action on right to real estate.

85. *And be it enacted*, That in actions for assault, battery, or imprisonment, or for slander or libel, if the plaintiff shall not recover damages to the amount of fifty dollars, he shall recover no more costs than damages. Actions for assault and battery.

86. *And be it enacted*, That where judgment shall be rendered by any circuit court, in conformity to a certified opinion of the supreme court, given upon a case certified by the judge of such circuit court, and a writ of error shall be brought to reverse such judgment, such certified opinion shall be returned with the writ of error as a part of the record, and errors may be assigned thereon; and if error be found therein, the judgment may be reversed therefor. Certified opinion of court to be returned with writ of error.

87. *And*, in order to enable the courts and judges to carry this act thoroughly into effect, and to enable them from time to time to make rules and regulations, and frame writs and proceedings for that purpose, *be it enacted*, That it shall be lawful for the justices of the supreme court, from time to time, to make all such general rules for the effectual execution of this act, and of the intention and object hereof, and for fixing the costs to be allowed for and in respect of the matters herein contained, and the performance thereof, where said costs are not fixed by law, and for apportioning the costs of issues, as in their judgment shall be necessary and proper; and it shall also be lawful for the said justices, from time to time, to provide for the hearing and argument of any litigated or unlitigated motions before any one of said justices in vacation, whenever, in their judgment, it Supreme court to make rules for execution of act.

may be expedient so to do, and under such regulations as they may prescribe; and all rules and regulations made in pursuance of this section shall be applicable to the several circuit courts, unless otherwise directed by the said justices; and all such rules and regulations shall be printed with the laws.

Applications
for rules or
orders.

88. *And be it enacted*, That wherever it is provided by this act, that application may be made to a judge, as distinguished from the court, for any rule or order touching any action, such application may be made before any judge of the court where the action is pending, in vacation or term time, and in all such cases five days' notice shall be given of such application, and of the taking of affidavits to be used thereon; *provided*, that the justices of the supreme court may, by rule, alter the length of time of such notice; *and provided further*, that if, from the exigency of the case, the motion do not admit of five days' notice, the judge may, in his discretion, dispense with such notice, and make such order as the ends of justice may require.

Previso.

Previso.

Construction
of portions
of act.

89. *And be it enacted*, That in the construction of this act, whenever, in describing or referring to any person, party, matter, or thing, any word importing the singular number or masculine gender is used, the same shall be understood to include, and shall apply to several persons and parties, as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing, unless it be otherwise provided, or there be something in the subject or context repugnant to such construction; and wherever, in this act, the words "legal representative" of a deceased party, plaintiff or defendant, occur in relation to the effect of the death of such party in an action of ejectment, they shall be understood to mean such heir, devisee, or other representative of the deceased person, as upon his death becomes seized or possessed of, or otherwise entitled to, the estate or interest in the premises in question of which he was seized, possessed, or entitled unto at the time of his death.

90. *And be it enacted*, That the fifty-sixth and fifty-

seventh sections of the act entitled, "An act to regulate the practice of the courts of law," and the two supplements to the said act, one approved March the seventeenth, eighteen hundred and fifty-two, and the other approved March the seventeenth, eighteen hundred and fifty-four, and all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed; but such repeal shall not affect any actions pending when this act takes effect.

Part of act to regulate practice in courts of law repealed.

91. *And be it enacted*, That nothing in this act contained shall in any way affect any proceedings by virtue of the act entitled, "An act constituting courts for the trial of small causes," except that the forty-third, forth-fourth, and forty-sixth sections hereof shall apply to actions in the several courts of common pleas by appeal from any court for the trial of small causes.

Act not to affect proceedings under act constituting courts for the trial of small causes.

SCHEDULE REFERRED TO IN THE FOREGOING ACT.

No. I.

Form of summons in ejectment.

New Jersey, ss.—The State of New Jersey to the sheriff of the county of Mercer, greeting:

We command you to summon C. D. to appear before our supreme court of judicature, at Trenton, on the [L. s.] first day of February next, to answer to the complaint of A. B., who demands of him the possession of the equal undivided one-fourth part of a tract of land, with the appurtenances, situate in the township of Hopewell, in said county, containing fifty acres, more or less, bounded, on the north, by lands of E. F., on the south, by lands of G. H., on the east, by lands of I. K., and on the west, by lands of L. M.

And in default of his appearing and defending this action, judgment will be entered against him, and he will be turned out of possession of said land.

And have you then and there this writ.

Witness, Henry W. Green, esq., Chief Justice, at Trenton, the tenth day of January, eighteen hundred and fifty-five.

W. M. FORCE, Clerk.

W. H., Attorney.

No. II.

Form of declaration against the defendant named in the summons.

New Jersey Supreme Court.—Of the [here insert the date of the summons].

Mercer County, ss.—A. B., the plaintiff in this action, by W. H., his attorney, demands of C. D., the defendant therein, the possession of the equal undivided one-fourth part of a tract of land, with the appurtenances, situate in the township of Hopewell, in said county, containing fifty acres, more or less, bounded, on the north, by lands of E. F., on the south, by lands of G. H., on the east, by lands of I. K., and on the west, by lands of L. M. And the plaintiff says that his right to the possession of the same accrued on the second day of April, eighteen hundred and fifty-four, and that the defendant wrongfully deprives him of the possession thereof, to his damage one hundred dollars.

W. H., Attorney of plaintiff.

No. III.

Form of declaration where the landlord, or other person, is admitted to defend.

State the title of the court, and time of commencing the action, as in number two, and then proceed as follows:

Mercer County, ss.—A. B., the plaintiff in this action, by E. F., his attorney, demands of C. D. and R. S., the defendants therein, [the summons having been issued against the said C. D., and the said R. S. having been admitted to defend,] and then proceed as in form number two, to the end.

No. IV.

Form of plea by the tenant in possession, where he defends for the whole premises claimed.

New Jersey Supreme Court.

C. D.

Adsm.

A. B.

} In Ejectment, Plea,

And the said C. D., by B. G., his attorney, appears and

defends this action, and says that he is not guilty of the injury whereof the said A. B. hath complained in his declaration, nor of any part thereof, and of this he puts himself upon the country, and the said A. B. doth the like.

B. G., Attorney of defendant.

No. V.

If the tenant in possession defends only for a part of the premises, then, after stating the court and action, say :

And the said C. D., by B. G., his attorney, appears and defends this action as to a part of the premises claimed by the plaintiff in his declaration, to wit, ten acres thereof, situate and described as follows, to wit :

and as to the part so defended for, he says that he is not guilty of the injury whereof the said A. B. hath complained in his declaration, and of this he puts himself upon the country, and the said A. B. doth the like.

B. G., Attorney of defendant.

No. VI.

Form of plea by the landlord when defending separately.

State the court and action, as in form number four, and then say :

And R. S., who is admitted to defend this action as landlord, by J. W., his attorney, appears and defends the action, &c., [as form number four or five, according to the circumstances of the case].

No. VII.

Form of plea by any other person than the landlord admitted to defend, and defending separately.

State the court and the action, as in number four, and then say :

And N. O., who is admitted as a proper person to defend this action, by S. R. H., his attorney, appears and defends the action, &c., [as in form number four or five, according to the circumstances of the case].

No. VIII.

Form of plea by the landlord when defending jointly with the tenant in possession.

State the court and action, as in form number four, and then say :

And the said C. D., together with R. S., who is admitted to defend this action as landlord, by J. W., their attorney, appear and defend the action, &c., [as in form number four or five, according to the circumstances of the case].

No. IX.

If any other person than the landlord be admitted to defend, and defend jointly with the tenant in possession, then, after stating the court and action, as in form number four, say :

And the said C. D., together with N. O., who is admitted as a proper person to defend this action, by S. R. H., their attorney, appear and defend the action, &c., [as in form number four or five, according to the circumstances of the case].

Approved March 17, 1855.

CHAPTER CXVII.

AN ACT to authorize the trustees of the incorporated district of Chester to sell their school house and lot.

Trustees authorized to sell property.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the trustees of the incorporated district of Chester, of the township of Chester, in the county of Morris, are hereby authorized and empowered to sell, at public or private sale, the house and lot be-

longing to the said district, and to execute and deliver to the purchaser a good and sufficient deed for the same.

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

Approved March 17, 1855.

CHAPTER CXVIII.

AN ACT to incorporate the Passaic Paint Company.

1. BE IT ENACTED *by the Senate and General Assembly* Names of corporators. *of the State of New Jersey*, That Philip A. Van Riper, George Brodhead, John P. Fowler, John Brodhead, and Jacob R. Ammerman, their present and future associates, their successors and assigns, be and they are hereby created a body corporate and politic, in fact and in name, by the name of "the Passaic Paint Company," for the purpose of manufacturing paint; with power to lease, purchase, and hold such mineral deposits, mining rights, and real and personal estate as may, by said corporation, be deemed necessary and advantageous for exploring, mining, conveying, cleansing, and manufacturing paint, and to sell, lease, and mortgage the same, or any portion thereof, together with all the powers and privileges, and subject to such restrictions, limitations, and conditions, as are specified in the act entitled, "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, except as otherwise granted in and by this act of incorporation.

2. *And be it enacted*, That the capital stock of this company shall be three hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, divided into shares of ten dollars each; and the said shares shall be deemed and considered personal estate; and it shall be lawful for said company to grant certificates Amount of capital stock.

New Jersey State Library

of shares, in full or part payment, for the real and personal estate and mining rights that may be purchased or leased, and, by the by-laws, to compel payments of instalments, not exceeding three dollars on each share at any one time, not deemed or declared full stock; and on failure to pay any instalment, to forfeit the stock, and all previous payments made thereon, giving at least sixty days' previous notice of such call and demand in a newspaper published in the county of Sussex and in the county of Passaic, and in a paper published in the city of New York.

First directors.

3. *And be it enacted*, That Philip A. Van Riper, George Brodhead, John P. Fowler, John Brodhead, and Jacob R. Ammerman shall be the first directors to organize and manage the affairs of said company, and shall continue in office until the second Tuesday in January, eighteen hundred and fifty-six, and until others are elected or appointed in their stead.

Election of directors.

4. *And be it enacted*, That the affairs of the company shall be managed by five directors, three of whom shall be residents of this state, 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 a newspaper published in the county of Passaic, and one published in the county of Sussex; the said directors shall, from time to time, elect a president from their number, and shall also elect and employ such other officers as may be convenient or necessary, who shall receive such compensation as the by-laws may direct; and that the directors shall have power to make all needful by-laws, not inconsistent with the laws of this state or of the United States.

Stock transferable.

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

6. *And it be enacted*, That the manufacture of paint,

under the authority of this act, may be carried on in the Place of business. counties of Sussex and Passaic, in this state.

7. *And be it enacted*, That this act shall continue in Limitation. force for thirty years, and that the legislature may alter, modify, or repeal the same, whenever, in their opinion, the public good may so require.

Approved March 17, 1855.

CHAPTER CXIX.

AN ACT to encourage the emigration and settlement of the free people of color of New Jersey in Liberia.

1. BE IT ENACTED *by the Senate and General Assembly* Former act revived and extended. of the State of New Jersey, That the act, approved twenty-fourth of March, one thousand eight hundred and fifty-two, appropriating money to the New Jersey Colonization Society, and which act expired by its own limitation, be revived, and extended for five years from the date of expiration.

2. *And be it enacted*, That the treasurer be directed to Treasurer authorized to pay appropriation. pay, to the order of the New Jersey Colonization Society, the unexpended appropriation of the year one thousand eight hundred and fifty-three, as well as the appropriation of one thousand eight hundred and fifty-four, and the current year, to be applied by them in building houses and other necessary expenditures for the reception and accommodation of emigrants previously to their arrival in Liberia.

Approved March 17, 1855.

CHAPTER CXX.

AN ACT to secure to the owners lumber found adrift in the river Delaware.

Compensation for taking up drift logs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons taking up drift lumber in any of the rivers running through or bordering on this state, and securing the same, and who shall, in all things, comply with the regulations herein after contained, shall be entitled to demand and have of the owners of the same, as a full compensation for their expense and labor, the following sums, that is to say: for single logs, twelve and a half cents; for sections of rafts, containing not less than ten, nor more than twenty, ten cents for each log; for sections containing over twenty, and less than one hundred, six and a quarter cents for each log; and for a whole raft, the sum of five dollars; and for boards, as follows, viz: for all parts of rafts containing five thousand feet and less than ten thousand feet, twenty-five cents for each and every thousand feet; and for all parts of rafts over ten thousand feet, and less than twenty thousand, twenty cents for each and every thousand feet; and for full rafts, the sum of five dollars.

Compensation for taking up drift boards.

2. *And be it enacted*, That it shall be the duty of each and every person taking up such drift lumber or boards, to secure the same in some convenient place within twenty yards of the margin of the river in which the same may be found, there to remain for the space of six days; and if, within the said period, the same shall not be claimed by the owner thereof, then if the said boards or lumber shall be of the value of five dollars or over, to advertise the same, by advertisements giving a true description thereof, and notice where the same is located, to be inserted for the period of six weeks, at least once a week, in a newspaper circulating in the neighborhood; and in case the owner of the said boards or lumber shall not lay claim thereto during the said six weeks, then the person or persons so having

saved and secured the same, may sell and dispose thereof, either at public or private sale, at a fair and reasonable price; and the proceeds of such sale or sales shall remain in the hands of the said seller for the period of one year after each sale, subject to the claim of the said owner of the said boards or lumber so sold, after deducting the compensation above mentioned, given by the first section of this act, for saving and securing the same, and the expense of such advertisements and sale, and upon due proof of property in said boards and lumber being first made; and if no owner of said property shall appear to claim said proceeds of said sale or sales, or having appeared, shall fail to make due proof of property in manner aforesaid, then and in such case the said proceeds of sale shall be and become the property of the person or persons having preserved and sold the boards or lumber aforesaid; and if the said boards or lumber shall be under the value of five dollars, if the same shall not be claimed by the owner thereof within the period of ninety days from the time at which they shall have been taken up and secured as aforesaid, then it shall be lawful for the person or persons having taken up and secured the same to appropriate them to his or their own use, without making any advertisement or sale thereof.

3. *And be it enacted*, That any person or persons claiming to be the owner or owners of any drift lumber or boards found in any of the rivers aforesaid, or his or their agent, shall, at the time of making claim thereto, if thereunto required by the person having taken up and secured the same, verify said claim by his oath or affirmation, to be taken before any officer of this state now qualified by law to administer oaths and affirmations; and any person making a false claim to such lumber or boards under his oath or affirmation shall be deemed guilty of the crime of perjury, and, on conviction thereof, shall be subject to all the forfeitures and punishment with which such crime is punishable in this state.

Owners to
make proof
of owner-
ship.

4. *And be it enacted*, That any person or persons who shall take up and secure any drift lumber or boards in any of the said rivers, and shall carry away the same to a

Penalty for
carrying off
lumber.

greater distance than twenty yards from the margin of the river in which the same may be found, or who shall secrete the same in any place whatever, or who shall fail or neglect to advertise the same, if over the value of five dollars, in manner aforesaid, or who shall appropriate the same, or any part thereof, to his own use, without having first complied in all respects with the requirements of the second section of this act, or who shall aid in, assist, or procure the same to be done, shall be held and deemed guilty of a misdemeanor, and, on conviction thereof, shall be liable to a fine, not to exceed two hundred dollars, or imprisonment at hard labor, not to exceed two years, or both, at the discretion of the court.

Persons presenting claim to lumber, and paying demands, entitled to possession.

5. *And be it enacted*, That any person or persons, his, her, or their agent, upon presenting to the person having taken up any drift lumber or boards, as aforesaid, a written claim thereto, verified by oath or affirmation in manner aforesaid, and paying the compensation for having saved the same, provided by the first section of this act, together with the expenses of having advertised the same, shall be entitled to the immediate possession thereof, and, as against the person or persons having taken up such lumber or boards, such claim, verified as aforesaid, shall be, in all courts of this state, conclusive evidence of title; *provided*, that nothing in this section contained shall be so construed as in any wise to affect the title to the said lumber or boards, as between such claimant and any other claimant of the same.

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

Approved March 17, 1855.

CHAPTER CXXI.

A supplement to the act entitled, "An act for the relief of the state of New Jersey, in relation to the estate of John G. Leake, deceased," passed the fifteenth day of March, in the year of our Lord one thousand eight hundred and thirty-seven.

WHEREAS, by the act to which this is a supplement, com-
missioners were appointed to ascertain and determine
who were the heirs-at-law or next of kin of John G.
Leake, deceased, and the attorney general was autho-
rized and directed to release the right, title, and interest
of the state to and in the lands of which said John G.
Leake died seized, and which had escheated to the state,
to such heir or next of kin, upon payment of the costs
and expenses of the state relative thereto; and whereas
said commissioners determined James Thompson to be
such heir and next of kin, and such releases were exe-
cuted to him, upon payment of such expenses to the
state; and whereas it was the intention of said act to
convey the right of the state in said lands to such person
so authorized to be such heir or next of kin; and whereas
it has been doubted if the words of said act are sufficient
to convey such right of the state, and such doubts ought
to be cleared—therefore,

1. BE IT ENACTED *by the Senate and General Assembly* Title of heirs
made valid.
of the State of New Jersey, That said act, to which this is
a supplement, shall be construed to have authorized the
attorney general to convey and grant all the right, title,
and interest which was vested in the state in said lands
unto such person or persons as should be determined to be
the heir or heirs or next of kin of said John G. Leake, and
that the deeds heretofore executed by the attorney general
of New Jersey to the person so adjudged by said commis-
sioners to be such heir and next of kin, shall be held and
construed to have granted and conveyed to him all the
right, title, and interest of the state in said lands.

Approved March 17, 1855.

CHAPTER CXXII.

Supplement to an act entitled, "An act to incorporate the Burlington Gas Light Company," approved the tenth day of March, one thousand eight hundred and fifty-two.

Capital may
be increased.

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 Burlington Gas Light Company, at any time or times hereafter, to increase the capital stock of said company to any sum not exceeding in the whole one hundred and fifty thousand dollars.

Corporation
may borrow
money.

2. *And be it enacted*, That the said company shall have power to borrow money, at any time or times, not exceeding one half their capital paid in; and to secure any money so borrowed, to give bond or bonds, or other evidences of debt, and mortgage or mortgages upon their property, franchises, and privileges, or by such other assurance or assurances as they may deem expedient.

Approved March 17, 1855.

CHAPTER CXXIII.

A supplement to an act entitled, "An act to incorporate the White Horse Turnpike Company."

Road may be
extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the White Horse Turnpike Company to extend their turnpike road from its present termination, along what is known as the White Horse road to the White Horse tavern, subject to the restrictions and provisions of the act to which

this is a supplement, except in such points as are herein after provided.

2. *And be it enacted*, That at the first annual meeting of the stockholders of said company after the passage of this act, and annually thereafter, they shall elect nine directors, to manage the affairs of the company, instead of seven, as heretofore. Number of directors increased.

3. *And be it enacted*, That the capital stock of said company may be increased to any sum not exceeding twenty-five thousand dollars, but no dividend shall be declared on moneys used in constructing this extension, until the same shall have been completed. Capital stock may be increased.

Approved March 17, 1855.

CHAPTER CXXIV.

A supplement to the act entitled, "An act to incorporate the Hoboken Land and Improvement Company," passed the twenty-first day of February, Anno Domini eighteen hundred and thirty-eight.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the Hoboken Land and Improvement Company be and they are hereby authorized to construct works for the supply of the inhabitants of Hoboken with pure and wholesome water, and to make contracts with any persons or corporations for that purpose. Company authorized to construct works for supplying water.

2. *And be it enacted*, That said company may take and hold any lands or other real estate necessary for the construction of any canals, aqueducts, reservoirs, or other works for conveying or conducting water, or for the erection of any buildings or machinery, or for laying pipes or conduits for carrying such water, and to do any other act convenient or necessary for such purpose, and may distribute such water throughout Hoboken. Company may hold real estate.

Proceedings
in case com-
pany and
owners of
land cannot
agree.

3. *And be it enacted*, That in case of any disagreement between said company and the owner of lands which may be required for said purposes, or affected by any operation connected therewith, as to the amount to be paid to such owner, or in case such owner shall be an infant, or married woman, or insane, or absent from this state, the circuit court in and for the county of Hudson shall, on the application of either party, nominate and appoint three disinterested persons commissioners to examine such property, and estimate the value thereof or the damage sustained thereby, who shall, upon reasonable notice to the parties of the time and place where they will be heard in relation to the matter, proceed without delay, and make their report thereon to said court, at the next term thereof; and in case the owners of such lands are unknown, or cannot be found, or reside out of this state, said court may direct notice of the application and meeting of commissioners to be given, by advertisement or otherwise, in such manner as they may deem proper.

Payment of
damages as-
sessed.

4. *And be it enacted*, That whenever such report shall be confirmed by said court, said company shall, within sixty days thereafter, pay to said owner, or to such person as the court shall direct, the sum mentioned in said report; and in case such owner be an infant, feme covert, an idiot, or insane, or shall not be known, or shall reside out of the state, or his residence not be known, the court may direct the same to be paid into court for his use, which shall be in full compensation for the property so required, or the damage sustained, as the case may be, and upon such payment, said company shall become seized in fee of said 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 when the land is taken or the damage suffered.

Company
authorized
to lay pipes.

5. *And be it enacted*, That said company may lay their pipes and construct their works under any highway, river, road, railroad, street, alley, lane, or court, on condition that they cause the surface of such highway, road, railroad, street, alley, lane, or court to be restored to its original

state, and all damages done thereto to be repaired, under the direction and to the satisfaction of the officer or authority having charge or supervision of the same.

6. *And be it enacted*, That if any person shall, without Penalty for injuring works. authority from said company, maliciously or wilfully divert the water, or any part thereof, from said works, or corrupt or pollute the same; or shall injure or destroy any part of said works, such person, and his aiders and abettors, shall be guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding one thousand dollars, and imprisonment, not exceeding one year, or both, at the discretion of the court; and said company may likewise sue for the damage caused thereby, and shall recover three times the amount of the damages actually sustained, as found by the court or jury, with costs.

Approved March 17, 1855.

CHAPTER CXXV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the president and council of the city of Paterson, and their successors, shall, by virtue of this act, become and be absolutely vested with all the lands, tenements, hereditaments, property, rights, causes of action, and estate whatsoever, both in law and in equity, in possession, reversion, or remainder, which at the time of the passing of this act are vested in or belong to "the Paterson Fire Association," in their corporate capacity, and be liable to pay all the debts of the said fire association which they owe in their corporate capacity. Property of fire association vested in mayor and council.

Fire department.

2. *And be it enacted*, That the fire department of the city of Paterson shall henceforth be under the management and supervision of the president and council of the city of Paterson; and it shall be lawful for the said council to purchase or lease, from time to time, all necessary building lots, and to erect thereon such engine houses and other buildings as they may deem necessary for the use of the fire department of the said city, to rebuild and repair the engine houses which now do or hereafter shall belong to said city, to purchase, repair, and keep in good order all such fire engines and other apparatus generally used for the extinguishing of fires as they shall deem necessary for the use of said city, and from time to time to appropriate and raise such sums of money as they may deem expedient to defray the expenses of the fire department of said city, at the same time and in the same manner as the other expenses of said city are raised and paid.

Organization of fire companies.

3. *And be it enacted*, That it shall be lawful for the said president and council, or a major part of them, in council assembled, to organize and enroll from among the residents of said city such and so many fire companies as they shall judge proper, and to pass ordinances for the general regulation, management, and government thereof; *provided*, such ordinances shall not be inconsistent with the laws of this state or of the United States.

Proviso.

Firemen exempt from jury duty.

4. *And be it enacted*, That, for the purpose of inducing a sufficient number of persons to attach themselves to such fire companies, as the said council shall organize and enroll, every fireman regularly connected with, and serving in any company in said city, shall, during such connection and service, be exempt from duty as a jurymen in all the courts of the county of Passaic; and every fireman, after a faithful service in any of the said companies during seven years in succession, to be evidenced by a certificate under the hand of the president of the city council, shall for ever thereafter be exempt from service as a jurymen in all the courts of the county of Passaic; and it shall be the duty of the city clerk to keep a correct list of all the firemen of each company in said city, and, on or before the first Mon-

day in May, in each and every year, to file in the clerk's office of the county of Passaic a true copy of such list, under a penalty of fifty dollars for every neglect, to be recovered, for the use of the city, in an action of debt, in any police court of said city, in the name of the president and council of the city of Paterson.

5. *And be it enacted*, That within ten days after the annual election, the firemen of said city shall elect by ballot, at such place as the city council shall for that purpose appoint, one person to be chief engineer, and two persons to be assistant engineers, and one person to be judge of election of the fire department of said city, who shall hold their respective offices for one year and until others are elected; that the clerk of the city shall be clerk of the said election; and at the first election to be held in pursuance of this section, and thereafter whenever the judge of election shall refuse to serve, or shall be absent at the time and from the place of opening the polls, it shall be the duty of the firemen present, who shall be legal voters at such election, to elect, viva voce, from among the by-standers, a suitable person to be judge of election, who shall possess the same qualification of other judges of election under the laws of this state; and the said judge of election, before entering upon the duties of his office, shall take an oath or affirmation, before the clerk of election, who is hereby authorized to administer the same, that he will faithfully and impartially perform all the duties of a judge of election, and that he will not admit any person to vote at such election who is not legally entitled to a vote; and no person shall vote at such election who shall not be twenty-one years of age, and who shall not have been, at the time of such election, during three months, at least, a member of one of the fire companies of said city; and the polls shall be opened and closed at the same hours, and the election conducted in the same manner, as near as may be, as the election for city officers in said city is conducted; and the judge of election and clerk shall be entitled to the same compensation for their services as the like officers of the city elections are entitled to receive; and it shall be the duty of the

Officers of
fire department, how
elected.

said judge and clerk, within three days after such election, to make out, under their respective hands, and deliver to the city council, to be filed in the office of the city clerk, a certificate of the result of such election.

Former acts
repealed.

6. *And be it enacted*, That the act entitled, "An act to incorporate the Paterson Fire Association," passed November third, Anno Domini eighteen hundred and twenty-one, and the several supplements thereto, be and the same are hereby repealed.

President,
and council
authorized
to lay out
streets.

7. *And be it enacted*, That the president and council of the city of Paterson be and they hereby are invested with all the rights and powers necessary to enable them to survey, lay out, widen, extend, grade, paye, and construct such street or streets as in the judgment of said council the good of the city of Paterson requires to be surveyed, laid out, widened, extended, graded, paved, or constructed; and it shall be lawful for the said president and council of the city of Paterson, their agents, contractors, engineers, and workmen, to enter upon any lands in said city, and to take down and remove, in whole or in part, any dwelling house, store house, barn, or other building or erection, for the purpose of surveying, laying out, widening, extending, grading, and constructing any street or streets in said city, not exceeding sixty-six feet in width, doing no unnecessary injury to private or other property; and when the location of such street or streets, or the alteration or extension thereof, shall have been determined on, and a survey thereof deposited in the clerk's office of the county of Passaic, then it shall be lawful for the said president and council, by their agents, contractors, engineers, and workmen, to enter upon, take possession of, hold, use, and occupy such lands, and take down and remove such buildings, and to excavate and erect embankments and build bridges, and do all other works necessary for the widening, extending, and constructing of such street or streets, subject to such compensation to the owners of such lands and buildings as is herein after provided; *provided always*, that payment, or tender of payment, of all damages for the occupation of lands or buildings through which the said street or streets may be

Proviso.

laid out be made before the said president and council, or any person in their employment or under their direction, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said street or streets, unless the consent of the owner or owners of such lands or buildings be first had and obtained.

8. *And be it enacted*, That when the said president and council, or its agents, cannot agree with the owner or owners of such required lands or buildings for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of such land or lands and buildings, so required for the purpose of widening, extending, or constructing the said street or streets, shall be given in writing, under the oath or affirmation of the city surveyor, 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 residences, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said city council to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than six days, and to assign a particular time and place for the appointment of the commissioners, herein after named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, not resident within the city of Paterson, commissioners to examine and appraise the said land and buildings, and to assess the damages, upon such notice, to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than six days; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report according to the best of

Proceedings
when council and owners
cannot agree.

their skill and understanding), to meet at the time and place appointed, and proceed to view and examine the said land and buildings, and to make a just and equitable estimate or appraisal of the value of the same, and assessment of damages, which shall be paid by said president and council for such lands, buildings, 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 buildings, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county of Passaic, therein to remain of record; 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 the president and council of the city of Paterson to have, hold, use, and occupy the said lands, and to take down and remove the said building or buildings, or of said owner or owners to recover the amount of said assessment, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the said president and council, if they shall neglect or refuse to pay the same for twenty days after demand made of the treasurer of said city; and the said justices of the supreme court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees, and expenses, to the justices of the said court, commissioners, clerks, and other persons performing any of the duties prescribed in this section of this act, as he shall think equitable and right, and to order and direct by whom the same shall be paid, under the circumstances of the case.

Parties aggrieved may appeal.

9. *And be it enacted*, That in case the said the president and council of the city of Paterson, or the owner or owners of the said land and buildings, 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 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 the said county of Passaic, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land and building or buildings, if any there be, and the damages sustained, and if they shall find a greater sum than the commissioners have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said president and council, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the said city council have offered or the said commissioners awarded, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the sum found by said jury, or execution awarded therefor, as the court shall direct; *provided*, that such applica- Proviso. tion shall not prevent the said president and council from taking the said land, and taking down and removing the said building or buildings, and constructing the said street or streets, upon the filing of the aforesaid report.

10. *And be it enacted*, That it shall be lawful for the said president and council to appropriate and raise, from President and council may raise money for assessments. time to time, such sums of money as shall be required to pay for the lands and buildings which shall be taken and the damages which shall be assessed in pursuance of the three preceding sections of this act, at the same time and in the same manner as the other moneys of said city are appropriated and raised.

11. *And be it enacted*, That all that part of the city of Boundaries of the fifth ward. Paterson included within the following bounds, to wit: beginning in the middle of Congress street, at the point where it crosses the centre line of Main street, and running thence easterly along the middle of Congress street to Market street; thence easterly along the middle of Market street to the boundary line between the city of Paterson and the township of Acquackanonk; thence westerly along the said boundary line, the several courses thereof, to the

middle of Marshall street; and thence northerly along the middle of Marshall street to the middle of Oliver street; thence easterly along the middle of Oliver street to the middle of Cross street; thence northerly along the middle of Cross street to the middle of Congress street, and thence easterly along the middle of Congress street to the place of beginning, shall be and the same is hereby erected into and constituted a separate ward, to be called the fifth ward of said city; and the said ward shall constitute a part of the first assembly district of the county of Passaic.

Inhabitants
incorporated

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

Election for
ward officers

13. *And be it enacted*, That an election by ballot shall be held in the ward hereby constituted, on the second Monday in April in every year hereafter, at such place as the city council shall appoint, of which they shall cause public notice to be given and published, as prescribed in the third section of the act, to which this is a supplement, at which election there shall be voted for and chosen, from among the citizens residing therein and entitled to vote at such elections, two district committeemen, one assessor, one collector, one judge of election, one commissioner of appeal in cases of taxation, two chosen freeholders, one clerk of the ward, three school committeemen, and one constable; and the city council shall appoint a judge and two inspectors of election, and one person to be clerk of such board of election in the ward hereby created, under whose direction the first election in said ward for the election of city and ward officers shall be conducted; and the said election shall be conducted in the same manner and be subject to the same rules as are prescribed with respect to the elections in the wards of the said city heretofore constituted; and the respective officers elected in the ward hereby constituted shall be entitled to the same rights, powers, and privileges, and be subject to the same duties and liabilities

as the like officers in the other wards of the city are entitled or subject to ; and the city clerk shall procure an election box for said ward, on or before the time appointed for the first election therein ; *provided however*, that after the Proviso. next election to be held in said ward, there shall be elected but one district or ward committee.

14. *And be it enacted*, That the school committeemen to School committeemen incorporated. be elected in the ward hereby constituted, and in the north ward of said city, and their successors in office, are each hereby constituted a body politic and corporate in law ; those of the fifth ward shall be known by the name of "the school committeemen of the fifth ward of the city of Paterson," and those of the north ward shall be known by the name of "the school committeemen of the north ward of the city of Paterson," and they may purchase and hold, in their corporate name, such real and personal estate as may be necessary for the purpose of establishing and maintaining public schools in said ward, and may erect one or more public school houses thereon, and, with the concurrence of the city council, may sell or exchange the same, as may best promote said purpose, and may employ teachers for said schools who are duly licensed in said city, and may mortgage the said real and personal estate for the purpose of securing such sums of money as may be necessary for the erection, alteration, or repairing the said school houses.

15. *And be it enacted*, That at the election, to be held Election of ward committeemen. on the second Monday in April next, in the respective wards of the city of Paterson, for the election of city and ward officers, there shall be elected, in each of the said wards, two district or ward committeemen, one of which shall continue in office two years, and the other one year, and till others are elected and enter into office ; and at every election thereafter there shall be elected, in each of the said wards, one district or ward committeeman, who shall continue in office two years and until others are duly elected and enter into office in their stead ; and it shall be the duty of the city council, immediately after the next election, and at the same time that they shall add together the votes cast for the respective candidates for city officers,

and determine who are elected to fill the said offices, to determine by lot, in such manner as they shall see fit, and to certify and declare which of the respective ward committeemen elected in each of the said wards shall continue in office for one year, and which for the term of two years, and such determination shall be binding upon the members elect of said council, and shall determine the period for which they shall, respectively, continue in office; and every election that shall be held to fill a vacancy in the city council shall be for the unexpired term of the party whose seat is vacated.

Construc-
tion of sew-
ers.

16. *And be it enacted*, That, for the purpose of constructing sewers in the city of Paterson, by virtue of the second section of an act entitled, "A further supplement to an act entitled, an act to incorporate the city of Paterson," approved March nineteenth, eighteen hundred and fifty-one, the president and council of the city of Paterson may issue such bonds as they are authorized to issue by the third section of said act, bearing interest at seven per centum per annum.

Police jus-
tices.

17. *And be it enacted*, That it shall be lawful for the president and council of the city of Paterson to appoint, from time to time, as many special police justices as there are or shall be wards in said city, who shall be commissioned in the same manner, and hold their offices for the same term of years as is provided by the ninth section of the act, to which this is a supplement; and in case of the death, resignation, inability, disqualification, or refusal to serve, or removal out of the bounds of said city of any (of any) of the said special police justices, the said city council may fill the vacancy so created by appointing a police justice for the unexpired term, who shall be commissioned in the same manner, as near as may be, as other special police justices of said city are commissioned; and the police justices appointed by virtue of this act shall possess the same powers and perform the same duties as other police justices of said city have heretofore possessed and performed under the act to which this is a supplement.

18. *And be it enacted*, That each and every of the po-

lice magistrates of said city be and they are hereby empowered, upon satisfactory information, based upon oath or affirmation, that any person or persons has or have been guilty of a violation of any ordinance of said city concerning inns and taverns, or other ordinances of said city to regulate, control, or prevent the sale of intoxicating drinks, to issue a process, in the corporate name of said city, in the nature of a summons, against the person or persons against whom such information shall be had or given, which shall be returnable within the same time, and be proceeded under to judgment in the same manner, as is provided in the thirteenth section of the act to which this is a supplement.

Powers and duties of police magistrates.

19. *And be it enacted*, That it shall be the duty of the school committeemen elected in each ward to meet together in joint meeting; at the call of the superintendent of public schools, within two weeks after their election to office, and in such joint capacity they shall constitute a board of education for the city of Paterson, with authority to devise and sustain a uniform and efficient system of procedure in all the public schools of said city; and it shall be the further duty of the said school committeemen to visit, in such joint capacity, each school organized in said city, at least once in every term, to examine the schools, and consult with each other in all matters relating to their character and current management.

Powers and duties of school committeemen.

20. *And be it enacted*, That the school committeemen in each and every ward of the city of Paterson be and they are hereby authorized, in their corporate capacity, to issue bonds to an amount not exceeding six thousand dollars, for the purpose of erecting suitable buildings in which to educate the children of said city; *provided*, that no bond shall be issued for a less sum than one hundred dollars, or for a longer term than six years from the time of the passage of this supplement.

Bonds may be issued for erection of school houses.

Proviso.

21. *And be it enacted*, That hereafter, instead of the corporate authorities of said city being known and designated as the President and Council or Committeemen of the City of Paterson, they shall hereafter be known, designated, and called by the name of the Mayor and Aldermen of the City

Corporate name of city authorities.

of Paterson, and by that name shall hereafter be elected and possess all the powers and discharge all the duties that are now incumbent upon them as president and council of the city of Paterson, under the said act entitled, "An act to incorporate the city of Paterson, and the several supplements thereto."

Notice to be given of application for alteration of city charter.

22. *And be it enacted*, That before application shall hereafter be made to the legislature for any alteration in the charter of the city of Paterson, notice containing the alterations to be applied for shall be published in said city, at least three weeks before the meeting of the legislature.

Parts of former acts repealed.

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

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

Approved April 17, 1855.

CHAPTER CXXVI.

A further supplement to the act, approved April fifteenth, eighteen hundred and forty-six, and entitled, "An act to prevent, in certain cases, the abatement of suits and reversal of judgments."

Executors and administrators may have action for trespass.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That executors and administrators shall and may have an action for any trespass done to the person or property, real or personal, of their testator or intestate against the trespasser or trespassers, and recover their damages in like manner as their testator or intestate would have had if he or she was living.

Action for trespass may be had against executors, &c.

2. *And be it enacted*, That where any testator or intestate shall, in his or her lifetime, have committed any tres-

pass to the person or property, real or personal, of any person or persons, such person or persons, his or her executors or administrators, shall have and maintain the same action against the executors or administrators of such testator or intestate as he, she, or they might have had or maintained against such testator or intestate, and shall have the like remedy and process for the damages recovered in such action as are now had and allowed in other actions against executors or administrators.

3. *And be it enacted*, That the third section of the act, ^{Action not to abate on death of parties.} to which this is a supplement, is hereby so amended, that if the plaintiff or defendant die after filing the declaration, although before issue joined, then the action shall not abate in those cases where it would not abate in case such death happened after issue joined.

Approved March 17, 1855.

CHAPTER CXXVII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the New Jersey Frank-linite Company be and is hereby authorized to increase its capital stock to fifteen hundred thousand dollars, to be divided into shares of twelve dollars and fifty cents each. ^{Capital stock increased.}

2. *And be it enacted*, That said company be and is hereby authorized to subscribe for and take any portion of the capital stock of any railroad, plank road, or other road chartered, or which may be chartered, by this state; *provided*, said road shall run within one mile of the property of this com- ^{Company may take stock of other corporations. Proviso.}

Proviso. pany in Sussex county, in this state; *and provided further,* that such subscription of stock shall not exceed in amount the sum of three hundred thousand dollars.

Number of directors increased. 3. *And be it enacted,* That the directors of said company may be increased to thirteen, a majority of whom shall be residents of this state.

Approved March 17, 1855.

CHAPTER CXXVIII.

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

Inventories to be specific in details.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That no inventory shall be received or admitted to be proved before the surrogate or orphans' court or ordinary which is not full and specific in its details.

Persons aggrieved by proceedings of surrogate may appeal.

2. *And be it enacted,* That any person aggrieved by any order or proceeding of a surrogate in proving an inventory or granting letters of administration, may, by filing a petition of appeal with the surrogate within thirty days after such order or proceeding, appeal therefrom to the orphans' court, which appeal the said court shall hear in a summary way at the next term thereafter, and affirm or reverse the order or proceeding complained of, either wholly or in part.

Court may order settlement of accounts of executor, &c., when removed.

3. *And be it enacted,* That whenever any executor, administrator, guardian, or trustee shall be removed by order of the orphans' court, the said order shall also require the person so removed to state and settle his account, as such executor, administrator, guardian, or trustee, at the next term of said court, and to pay and deliver the balance due, and the goods, chattels, effects, and choses in action in his

hands, to the person that may be entitled to receive the same, within sixty days after such settlement; and the court may enforce the performance of such order by fine, not to exceed the amount of the estate in his hands, or by attachment for contempt, or both, at the discretion of the court, the payment of which fine may be enforced by attachment, or by execution against the goods and chattels, or the goods and chattels and lands, of such defaulter, and in favor of the person to whom the defaulter should have made such payment as aforesaid, who shall be entitled to receive such fine, and shall account for the same as assets of the estate.

4. *And be it enacted*, That in case of the marriage of any female executrix, administratrix, guardian, or trustee under a will, her power, as such, over the estate or property shall immediately cease and be suspended, and the orphans' court, at its next term, shall revoke the letters testamentary of administration or of guardianship, or the power and authority of such trustee, and remove her from office, unless her husband give bond to the ordinary, with two or more sufficient sureties, and in such sum as the court may direct, conditioned for the faithful execution by him and his wife of the trust reposed, in which case the said power shall be continued in the name of him and his wife; *provided*, that nothing herein contained shall be construed to release or discharge said husband and wife, or either of them, from any previous neglect, default, or breach of trust, or from any liability to account as heretofore; or to release or discharge the sureties of such female (if any there be) from their liability; and if the husband fail to give such bond, the court shall have full power to appoint some suitable person in the stead of such female, who shall have the same power and authority that she had before her removal; *provided*, that before he enters upon the duties of his appointment, he shall give bond to the ordinary, with two or more sufficient sureties, and in such sum as the court may direct, conditioned for the faithful execution of the trust reposed.

5. *And be it enacted*, That it shall be lawful for the or-

Court may
require ex-
ecutor, &c.,
to give bond
to co-execu-
tor.

orphans' court, at any time upon good cause shown, to require any executor, administrator, guardian, or trustee under a will, to give bond, in such sum and with such sureties as the court may approve, to his co-executor, administrator, guardian, or trustee, conditioned to indemnify him from all loss that may happen to him by the neglect, default, or breach of trust of such executor, administrator, guardian, or trustee, or the like bond to the ordinary, conditioned for the faithful performance of his duties as such executor, administrator, guardian, or trustee, and for the payment and delivery, to the person that may be entitled to receive the same, of any money or property that may then or thereafter be in his hands, as such executor, administrator, guardian, or trustee; *provided however*, that twenty days' notice be given to such executor, administrator, guardian, or trustee, of such application to the court, and of the reasons therefor; and on failure to give such bond, the court shall have full power to revoke the letters testamentary of administration or guardianship, or the power and authority of such trustee, and remove such executor, administrator, guardian, or trustee from office, and appoint some suitable person in his stead, who shall have the same power and authority as the one so removed, and before he enters upon the duties of his appointment shall give bond to the ordinary, in the manner required in the fourth section of this act; *provided*, that nothing herein contained shall be construed to release or discharge the person so removed from any previous neglect, default, or breach of trust, or to release or discharge his sureties, if any there be, from their liability.

Proviso.

Proviso.

Settlement
of accounts
of executors,
administrators,
&c.

6. *And be it enacted*, That it shall be the duty of every executor, administrator, guardian, or trustee under a will, to state and settle his account in the surrogate's office of the proper county within one year after his appointment, or at the first regular term of the orphans' court after the expiration of the said year, unless the court, for good cause shown, allow further time therefor; and in case of failure to make such settlement within the time so limited or so allowed by the court, it shall be the duty of the surrogate, without any application or order therefor, to cite such ex-

ecutor, administrator, guardian, or trustee, to make such settlement at the ensuing term of the court, and the costs of such citation and of the proceedings thereon shall be paid by such executor, administrator, guardian, or trustee out of his own private estate, and if he fail to state and settle his account, according to such citation and the order of the court, the court shall revoke the letters testamentary, of administration, guardianship, or the power and authority of such trustee, and remove such executor, administrator, guardian, or trustee from office, and appoint some suitable person in his place, which person so appointed shall, before he enters upon the duties of his appointment, give bond to the ordinary in the manner required in the fourth section of this act, and shall have all the power of the person so removed; and the person so removed shall not be entitled to any commissions or compensation for his past services.

7. *And be it enacted*, That it shall be the duty of the orphans' court, on the settlement of any account by an executor, administrator, guardian, or trustee, which is not a final settlement, to order when a further account shall be settled; and if he fail to make such settlement at the time so ordered, the court, for good cause shown, unless further time be granted, shall proceed to remove him, and appoint a suitable person in his place, as provided in the next preceding section of this act.

Court may remove executor on failure to make settlement.

8. *And be it enacted*, That no account of any executor, administrator, guardian, or trustee shall be audited or stated by the surrogate, or allowed by the orphans' court, unless, in addition to the notice now required by law, such executor, administrator, guardian, or trustee give notice to all the legatees, next of kin, wards, or cestui que trusts, who may be interested in the account to be settled, and reside in this state, of his intention to present such account; such notice shall be served on the parties personally, or left at their place of abode, at least thirty days before the first day of the term at which the settlement is to be made, and due proof of such service shall be made and filed with the surrogate.

Executor, &c., to give notice of intention to present account.

9. *And be it enacted*, That on the settlement of the ac-

Commissions of executors, administrators, &c.

counts of executors, administrators, guardians, and trustees under a will, their commissions, over and above their actual and necessary expenses, shall not exceed the following rates: on all sums not exceeding one thousand dollars, received and paid out, seven per cent.; if over one thousand dollars, and not exceeding five thousand, four per cent. on such excess; if over five thousand dollars, and not exceeding ten thousand, three per cent. on such excess; and if over ten thousand dollars, two per cent. on such excess; and in all cases such allowance shall be made for their actual and necessary expenses as shall be reasonable and just; *provided*, that this section shall only apply to such executors, administrators, guardians, and trustees as may enter upon the discharge of their duties, as such, after this act takes effect; *and provided further*, that the ordinary expenses, commissions, and fees paid out shall in no case exceed in the aggregate the one-fifth part of the estate settled.

Proviso.

Proviso.

Specific compensation.

10. *And be it enacted*, That where provision shall be made by a will for specific compensation to an executor, trustee, or guardian, the same shall be deemed a full satisfaction for his services in lieu of the allowance aforesaid, or his share thereof, unless he shall, by writing filed with the surrogate, renounce all claim to such specific compensation.

Proceedings in probate of will may be appealed from.

11. *And be it enacted*, That all proceedings of surrogates respecting the probate of a will of a person dying after this act takes effect, and not brought before the orphans' court by virtue of the sixteenth section of the act to which this is a supplement, shall be subject to an appeal to the orphans' court by any person interested, or other person legally representing him, and to proceeding thereon as if the will had not been proved; *provided*, that such appeal be brought within six months after such proceedings before the surrogate, or within one year after such proceedings in cases where the person appealing resides out of this state at the death of the testator.

Proviso.

Costs on trial respecting probate of will.

12. *And be it enacted*, That whenever a cause respecting the probate of the will of a person dying after this act

takes effect shall be tried, if probate of such will be refused, such decree or order may be made respecting the costs as might have heretofore been made; but if probate thereof be granted, then the costs of both parties shall be paid by the person or persons contesting the validity of the will, and the successful party shall have a decree for such costs and fees as the court may allow against the other party, which decree may be enforced by the court making it, by attachment, or execution, or any other lawful process or proceeding, as fully and amply as the judgment of any court of this state; *provided however*, that if, upon the trial Proviso. or hearing of such cause, the party contesting the validity of such will does not offer any evidence other than the subscribing witnesses to the will, then he shall not be liable to pay the costs of the successful party.

13. *And be it enacted*, That it shall and may be lawful Bonds of administrator, &c., may be prosecuted. for the ordinary to cause any bond that may be executed in pursuance of this act to be prosecuted in any court of record at the request and expense of any person aggrieved by the forfeiture of such bond, and the moneys recovered thereon shall be applied towards making good the damages sustained by the not performing the conditions thereof, in such manner as the ordinary shall, by his sentence or decree, direct.

14. *And be it enacted*, That the masters and examiners Masters and examiners in chancery to be masters and examiners in orphans' court. of the court of chancery shall be, ex officio, masters and examiners of all the orphans' courts in this state, and in all suits or proceedings authorized by this act shall have the same powers, perform the same duties, and be governed by the same rules as in suits and proceedings in the court of chancery.

15. *And be it enacted*, That it shall be the duty of the clerk of the orphans' court to keep regular minutes of the trials and proceedings had in said court, and to enter all decrees, and all sentences or orders whereby any fine is imposed, or a sum of money is ordered to be paid by one party to another, in a book to be by him kept for that purpose, which decrees, sentences, and orders shall be signed by the president judge of the court, and the record thereof, Clerk to keep minutes.

or a duly certified copy of such record, shall be evidence in all courts of this state; and the said decrees, sentences, and orders shall have the same liens and priorities as judgments of the circuit court of the same county, and the like executions may issue thereon, or if need be, the president judge of the court may enforce performance of the same by writs of attachment, injunction, and ne exeat, in the same manner as may be done by the court of chancery, and all executions against lands shall be recorded in the manner now provided by law.

Accounts
may be re-
ferred to
master for
restatement.

16. *And be it enacted*, That it shall be lawful for the orphans' court, or the president judge thereof, to refer it to a master and examiner to take or restate an account, or to refer to him any other matter or question upon which it may be necessary or proper to have the report of a master, or to direct the testimony in any matter pending before the court to be taken before a master and examiner, instead of before the court, as heretofore.

Court to
have juris-
diction over
suits for re-
covery of le-
gacies, &c.

17. *And be it enacted*, That the orphans' court shall have jurisdiction over suits for the recovery of legacies and distributive shares, in cases where the will has been proved in the same court or before the surrogate, or a decree of distribution has been made in the same court, and such suits shall be commenced by petition, setting forth concisely the petitioner's claim and the relief prayed for, and verified by the oath of the petitioner, or his agent or solicitor in the matter, and on the filing thereof, a citation or citations, under the seal of the court, and signed by the clerk and the petitioner, or his solicitor, shall issue of course, or any other lawful writ prayed for, if allowed by the court or the president judge, may issue thereon, returnable in term time or vacation, and directed to the parties named in the petition as defendants, and that for obtaining from the president judge such writ, or any other necessary order relating to the business of the court, and which he may make, the court shall be considered as always open.

Court may
issue cita-
tions and
writs.

18. *And be it enacted*, That such citations and writs may be issued into any county of this state, and such citations shall be served in like manner as subpoenas issued out

of the court of chancery, and such other writs in the same manner as similar writs issued out of the court of chancery, and the court may enforce obedience to all such citations and writs by attachment or in any other lawful manner.

19. *And be it enacted*, That, in order to prevent fraud upon the estate of any deceased person, by any executor, administrator, guardian, or trustee, who may be intrusted with the management of such estate, or any part thereof, and to prevent such executor, administrator, guardian, or trustee from embezzling, wasting, or mismanaging the estate so intrusted to him, the orphans' court, or the president judge thereof in vacation, may, by order or decree, compel discovery to be made, on examination or otherwise, in relation to the same estate, and may order such proceedings, or the issuing of such lawful writs or process as may be necessary for the foregoing purposes, and may enforce obedience to all such orders, decrees, writs, and process as fully and amply as may be done by the court of chancery, and such writs and process may be issued into any county of this state, and shall be served in like manner as similar writs and process issuing out of the court of chancery; *provided however*, that this section shall apply only to those cases where letters testamentary or of administration upon such estate have been issued out of the same orphans' court or by the surrogate of the same county.

Proceedings to prevent fraud upon estate of decedent.

Proviso.

20. *And be it enacted*, That in all suits and proceedings by virtue of the next preceding section, such proceedings shall be commenced by petition, setting forth concisely the petitioner's claim and the relief prayed for, and verified by the oath of the petitioner or his agent or solicitor in the matter; and in all suits and proceedings by virtue of the seventeenth and nineteenth sections of this act, the orphans' court shall, except where it is otherwise provided by this act, proceed in the same manner as the court of chancery is or may be authorized to do, and shall be governed by the rules of the court of chancery, so far as the same are applicable; *provided however*, that any question arising in any such suit or proceeding may be tried and determined in a summary way before the court without being referred

Made of commencing suits.

Proviso.

Proviso. to a master; *and provided further*, that the justices of the supreme court may, from time to time, make such rules and orders to regulate the pleadings and practice in such proceedings as may, in their judgment, render the practice and proceedings therein more simple, expeditious, and efficient, and prevent unnecessary costs and delay, and for that purpose they shall have full power to change and regulate such pleadings and practice.

Fees of clerk and solicitor. 21. *And be it enacted*, That in suits and proceedings by virtue of the seventeenth and nineteenth sections of this act, the clerks of the orphans' court shall perform the same duties as are required to be performed by the clerk of the court of chancery in similar cases, and in such suits and proceedings the fees of the solicitor for drawing and engrossing a petition, or answer thereto, shall in no case exceed three dollars, and all other fees and costs shall be the same as are allowed for similar services in the court of chancery, except that the fees of the court and clerk shall be two-thirds of the sum allowed for like services in the court of chancery.

Limitation of creditors. 22. *And be it enacted*, That the orphans' court, or the surrogate of the proper county, is hereby empowered to order executors and administrators to give public notice to the creditors of the estate of the decedent to bring in their debts, demands, and claims against the same, under oath, within nine months from the date of such order; by setting up such notice in five of the most public places in said county for the space of two months, and also by advertising the same, for the like space, in such one or more of the newspapers of this state as may be directed in said order, and any further notice, in case the court or surrogate shall judge the same necessary, which order may be made at any time, in term time or vacation, after the granting of letters testamentary or of administration, whether the estate be insolvent or not, and such notice shall be given and advertised within twenty days after the date of such order; and if any creditor shall neglect to bring in and exhibit his or her debt, demand, or claim within the time so limited, after public notice given as aforesaid, such creditor shall be

for ever barred of his or her action therefor against such executors or administrators; *provided however*, that in case Proviso. such creditor, so failing to bring in his debt, demand, or claim, shall, before decree of distribution, find some other estate not inventoried or accounted for by the executor or administrator, he shall receive his ratable proportion out of the same.

23. *And be it enacted*, That the act, approved February the twenty-eighth, eighteen hundred and forty-nine, and entitled, "An act for the relief of legatees and next of kin in the recovery of legacies and distributive shares," be and the same is hereby so amended that the same shall apply to all proceedings by virtue of the next preceding section of this act, to the same extent that it now applies to proceedings by virtue of the fifteenth section of the act entitled, "An act for the limitation of actions."

24. *And be it enacted*, That when such order shall be obtained, and notice given, as is provided in the twenty-second section of this act, the executor or administrator, if he shall at the time of obtaining such order, or within ten months thereafter, by application in writing, under oath, represent to the orphans' court of the proper county that, according to the best of his knowledge and belief, the real and personal estate of the decedent is insufficient to pay the debts of the deceased, may take all proceedings, and make, by order of the court, all sales of real estate that may be necessary for the settlement of the estate, and that may be authorized by the act entitled, "An act concerning the estates of persons who die insolvent," without proceeding as is required in the third section of that act.

25. *And be it enacted*, That if any guardian fail to deliver to the proper surrogate an inventory of the estate of the ward in the time and manner required by law, such surrogate shall, without any application or order therefor, cite such guardian to deliver in such inventory at the ensuing term of the orphans' court, and the costs of such citation and of the proceedings thereon shall be paid by such guardian out of his own private estate; and if he fail to deliver in such inventory, according to such citation and

Act for relief
of legatees,
&c., amend-
ed.

Proceedings
in case estate
of decedent
is insufficient
to pay debts.

Guardian
may be re-
moved on
failure to
file invento-
ry.

the order of the court, the court shall revoke the letters of guardianship, and remove him from office, and appoint some suitable person in his place, who shall have all the power of the person so removed, and, before he enters upon the duties of his appointment, shall give bond to the ordinary, in the manner required in the fourth section of this act; and the person so removed shall not be entitled to any commissions or compensation for his past services.

Approved March 17, 1855.

CHAPTER CXXIX.

AN ACT to authorize the sale of perishable property transported on canals and railways in certain cases.

Goods may
be sold when
owners can-
not be found.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the consignee of perishable goods, wares, and merchandise, transported by any canal or railroad company in this state, and still in possession of such company, cannot be found, or shall neglect or refuse to receive the same, or to pay the costs and expenses of the transportation thereof, application may be made, in writing, by said company, or their agent, to two justices of the peace of this state, and said justices upon proof, made to their satisfaction, that said goods, wares, and merchandise have been transported by said company, and are perishable, that the consignee thereof cannot be found, or neglects or refuses to receive the same, or to pay the costs and expenses of the transportation thereof, shall issue an order, under their hands and seals, commanding a constable to sell said goods, wares, and merchandise by public vendue, at the time and place therein named, due notice whereof shall be given by advertisement, signed by said constable, at such places and for such time as said justices shall direct.

2. *And be it enacted*, That the fees of said justice and constable, and costs and expenses of said transportation, shall be first paid out of the proceeds of said sale, and the balance (if any) shall be paid over to the clerk of the county, who shall pay the same to the person or persons entitled thereto, (if claimed by such person or persons within two years) upon the order of a judge of the court of common pleas of said county, made upon due proof of said claims, and, if the same is not claimed in two years, shall pay the same into the school fund of this state.

Fees of officers, how paid.

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

Approved March 17, 1855.

CHAPTER CXXX.

A supplement to an act entitled, "An act to incorporate the Newark Plank Road and Ferry Company," approved February twenty-fourth, eighteen hundred and forty-nine.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the said Newark Plank Road and Ferry Company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to build and construct a bridge across the Passaic river, upon or near the line of said plank road, made pursuant to the act of which this is a supplement.

Company authorized to build bridge.

2. *And be it enacted*, That the said bridge across the Passaic river shall be built with a draw that shall have two openings, of at least sixty-five feet, each, in width, for the free passage of such vessels as shall pass up and down said river; and the said draw shall be constructed with piles and piers on each side, and in the centre, as near as may be, where the channel of said river runs; and, for the

Description of bridge.

safety of navigators; a light shall be kept and maintained at said draw every night; and the said company shall keep, or cause to be kept, at the said bridge a careful person to open the said draw for the free passage of vessels; and for every wilful neglect in opening said draw, when necessary for the passage of such vessels, the said company shall forfeit the sum of twenty-five dollars, to be recovered, by action of debt, before any court of competent jurisdiction, and shall also be liable to an action for damages at the suit of the party aggrieved.

Vested rights
of other com-
panies not to
be impaired.

3. *And be it enacted*, That nothing contained in this supplement shall be so construed as to impair, in any manner, any reversionary interest or vested right which the state, or any incorporated company or companies, or any individual, may possess in virtue of an act entitled, "An act for building bridges over the rivers Passaic and Hackensack, and for other purposes therein mentioned," passed November twenty-fourth, seventeen hundred and ninety, and the contract and agreement for building said bridges, entered into in pursuance of said act, bearing date the seventeenth day of February, seventeen hundred and ninety-three.

Stock not to
be owned
by other
companies.

4. *And be it enacted*, That it shall not be lawful for any company or association, incorporated or otherwise, by or under the laws of this state, or of any other state, or for any individual or individuals, for or in behalf of said companies or associations, to own or control any of the capital stock of the said plank road and ferry company, or in any manner to participate in the management of the said ferry company.

Bridge not
to be built
until consent
of proprie-
tors, &c.

5. *And be it enacted*, That it shall not be lawful to erect the bridge, mentioned in the first section of this supplement, until the consent thereto, in writing, of "the proprietors of the bridges over the rivers Passaic and Hackensack," under their common seal, shall be filed in the office of the secretary of state; and that the giving of such consent shall not, except as to the said bridge so consented to, be construed, held, or deemed, in any manner, to strengthen or impair any rights or privileges which the said "the Pro-

prietors of the Bridges over the rivers Passaic and Hackensack" may possess in virtue of an act entitled, "An act for building bridges over the rivers Passaic and Hackensack, and for other purposes therein mentioned," passed November twenty-fourth, seventeen hundred and ninety, and the contract and agreement for building said bridges, entered into in pursuance of said act, being dated the seventeenth day of February, seventeen hundred and ninety-three, but the same shall be and remain of the same force and effect as if this act had not been passed.

Passed March 14, 1855.

CHAPTER CXXXI.

A supplement to the act entitled, "An act for incorporating Trustees of the New Jersey Baptist Association," passed November twenty-fifth, one thousand eight hundred and twenty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of "the Trustees of New Jersey Baptist Association" be changed to, and that hereafter they shall be known by the name of "the Trustees of the West New Jersey Baptist Association," and under that title they shall enjoy all the privileges, and be subject to the same restrictions as are specified in the act to which this is a supplement.

Approved March 21, 1855.

CHAPTER CXXXII.

AN ACT to incorporate the Burlington and Willingboro' Turnpike Company.

Commission-
ers to receive
subscrip-
tions.

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 Burlington and Willingboro' Turnpike Company shall be opened by John Mitchell, Charles Marter, Elias E. Boudinot, Samuel Keys, and John Rodgers, 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 thereof, at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be eight thousand dollars, with liberty for the said company to increase the same to sixteen thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when one hundred and 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 Burlington and Willingboro' Turnpike Company," and by that name shall have, enjoy, and exercise all the rights, powers, and privileges appertaining to corporate bodies and necessary to carry the objects of this act into effect.

Payment of
instalments.

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

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

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

Duties and
powers of
president.

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

Duties and
powers of
directors.

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

Annual state-
ment to be
made.

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

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

Specialmeet-
ings.

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

Corporation
not dissolved
for failure to
elect on day
prescribed.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road, four rods wide, from the junction of Broad street and the Philadelphia road, in the city of Burlington, commonly known as the Five Points, to that point in the said Philadelphia road where the same is crossed by the road running from Beverly to Rancocas, in the county of Burlington, which turnpike road shall be constructed on and along the said Philadelphia road, and that the width of the said turnpike road shall be the same as the said Philadelphia road is now laid out ; and it shall be lawful for the said company, by their officers, agents, or other persons in their employ, to enter, from time to time and at all times, upon all lands, for the purpose of searching for stone, gravel, sand, clay, or other material, for the construction or use of said road, doing thereto no unnecessary damage.

Company
authorized
to construct
roads.

12. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in breadth, along the

Description
of road.

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 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 eight degrees with the plane of the horizon; and the said company shall make good and sufficient bridges along the line of said road; and whenever the said road, in passing over low ground, shall be raised so much at the margin or side as to render carriages passing thereon liable to upset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off.

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

13. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers, and workmen, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosures thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road, and to take and carry away stone, gravel, clay, sand, earth, or other materials therefrom suitable for making or repairing said road; and 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 said road shall be given, in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme

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

amount of said valuation, with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage; and the said justice 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.

Rates of toll.

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

Proviso.

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

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

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

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

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

the other side of the road free and clear for other carriages or persons on horseback to pass; and if any person shall offend against this provision, such person 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 any such offence, to be recovered with costs of suit.

Penalty for
illegal tolls.

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

Proceedings
in case road
and bridges
are 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 judge of the court of common pleas of the county of Burlington who may be disinterested, said judge shall immediately appoint, in writing, under his hand and seal, three disinterested freeholders, resident in the township wherein the cause of complaint arose, 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 the said judge shall appoint, and, having taken an oath or affirmation to act impartially, shall proceed to view and examine said road so complained of, and to report to the said judge, in writing, under their hand and seals, or under the hands and seals of any two of them, whether it be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road, the said judge shall immediately, under his hand and seal, order the keeper of the said gate or turnpike to keep open the same, until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge to keep open the said gate or turnpike, exact toll of travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same in an action of debt, with costs of suit; and the judge shall be allowed, for his services, fifty cents, and the persons ap-

pointed, one dollar, each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said road, and report, as aforesaid, their opinion to the said judge, who shall, if authorized by the report of said persons, or any two of them, by license under his hand and seal directed to the tollgatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the 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 making the complaint.

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

When act to
take effect.

Approved March 21, 1855.

CHAPTER CXXXIII.

AN ACT relative to the purchase of Webster's Dictionary, for the use of the common schools.

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

Purchase of
Dictionary
authorized.

and state superintendent of public schools be authorized and directed, on the most favorable terms, to purchase for the use of such of our common schools as shall signify to the state superintendent of public schools their desire to have said book, a copy of "Webster's Unabridged Dictionary," at a price not exceeding four dollars per copy, to be paid for in such payments as the secretary of state and state superintendent may hereafter agree upon, the said dictionary to be furnished by the state superintendent to the common schools of the state under such rules and regulations as he may deem proper; and the governor of the state is hereby authorized to draw upon the treasurer for such sum as may be required to carry out this act; *provided*, that no payment be made on account of the purchase of said work until the year eighteen hundred and fifty-six.

Proviso.

Approved March 21, 1855.

CHAPTER CXXXIV.

AN ACT for the promotion of the agricultural interests of this state.

Treasurer
authorized
to pay \$1000
to society.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby authorized, upon the warrant of the governor for that purpose, to pay to the treasurer of the State Agricultural Society the sum of one thousand dollars, for the use and purposes of said society, which said sum of money shall be expended by the officers of said society for the promotion of the agricultural interests of this state.

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

Approved March 24, 1855.

CHAPTER CXXXV.

AN ACT to improve the navigation of North and South Shrewsbury rivers, in the county of Monmouth.

WHEREAS it is represented that North and South Shrews- Preamble.
bury rivers have become filled with shoals and sand bars,
whereby the navigation is seriously obstructed, and it is
contemplated by the citizens of Monmouth county to re-
move such obstructions, but cannot perfect such design
without an act to authorize the use of boats and dredges
in said river—therefore,

1. BE IT ENACTED *by the Senate and General Assembly* Managers of
corporation.
of the State of New Jersey, That Robert Hartshorn, Jordan
Woolley, Forman White, and their successors in office, be
and they are hereby, by the designation of managers, au-
thorized to improve the navigation of North and South
Shrewsbury rivers, in the county of Monmouth, and for
that purpose may, by dredges or other means, remove bars
from said rivers and deepen shoals, in such manner as to
them shall seem best calculated to improve the navigation
of said rivers; the said Robert Hartshorn, Jordan Woolley,
and Forman White shall hold their offices until the first
day of October next and until others are chosen in their
stead, and, for that purpose, a meeting for the election of
three managers, to hold their offices for one year, shall be
held at Eatontown, in Monmouth county, on the third
Monday in September next, and annually thereafter on the
third Monday in September, by the persons interested in
the navigation of said rivers; the managers for the time
being shall cause notices, in writing, of the time and place
of holding such election to be set up in five public places
in the townships through which said rivers run ten days
next before such election.

2. *And be it enacted*, That any person or persons placing Penalty for
obstructing
navigation,
&c.
any obstruction in said rivers, or either of them, or who
shall hinder the managers in clearing out the same, shall
forfeit and pay ten dollars for each offence, to be recovered

by action of debt, in the name of the managers, and applied in improving the navigation of said rivers.

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

Approved March 24, 1855.

CHAPTER CXXXVI.

AN ACT to incorporate the Hudson and Hackensack Tunnel and Through Cut Company.

Names of
corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Christopher S. Wimple, Anastasius Nicholas, Charles P. Russ, Robert Sayens, Hugh Maxwell, jun., W. W. Niles, Francis Price, T. H. Cassitt, John Sturgiss, jun., and all such other persons as may become subscribers to the capital stock herein after mentioned, their successors or assigns, shall be and they are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "the Hudson and Hackensack Tunnel and Through Cut Company," and that the above named persons, or any three of them, are hereby appointed commissioners to open books of and receive subscriptions to the capital stock, at such time or times and place or places as they, or a majority of them, shall determine, giving notice thereof, 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 Hudson.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be eight hundred thousand dollars, with the privilege of increasing to any sum not exceeding twelve hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and that, at the time of subscribing to said stock, ten dollars shall be paid upon each

share subscribed for to the said commissioners, or any of them, which money shall be paid over to the treasurer of said company, as soon as one shall be appointed, and that the residue of said stock shall be paid in such instalments, and at such times and places, and to such person or persons, as the board of directors of said company shall from time to time direct; and upon failure of the payment thereof, as so directed, the said board shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of said company; *provided*, that if the number of shares sub-^{Proviso.}scribed for shall exceed the number of shares authorized by this act, the said commissioners, or a majority of them, shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed for as aforesaid; but no subscription for less than six shares of said stock shall be reduced by such apportionment.

3. *And be it enacted*, That the affairs of said company ^{Election of directors.} shall be managed by a board of seven directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; that when five hundred shares of said stock shall be subscribed for, the said commissioners, or a majority of them, shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting in a newspaper aforesaid, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, seven directors for term of one year, and until others shall be chosen in their stead, a majority of whom shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of said term, and annually thereafter, upon like notice to be given by the board of directors for the time being, the stockholders shall elect, by ballot, seven directors to hold as aforesaid; and the judge of said election shall be appointed by said board; and at every such election, and in all other cases in which stockholders shall be entitled to a vote, a vote

may be given for each share, by the holder thereof, in person or by proxy; and that if five hundred shares of said stock shall not be subscribed for within one year, and the said road way completed within ten years from the passage of this act, then this act shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers, or their representatives, the residue of the money paid by them, in proportion to the sums paid.

Duties and powers of officers.

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

Annual statement to be made.

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

Company authorized to construct tunnel.

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make, cut, dig out, and complete, a tunnel or through cut from the Hudson river to the valley of the Hackensack river, through the ridge separating the said rivers, from some point in the counties of

Hudson or Bergen, not south of Day's point, on the said river, to a point in the valley of the Hackensack, in either of said counties, and to make, erect, and construct such wharves, docks, slips, and piers, at and upon the Hudson river, at or near the commencement of said tunnel or through cut, and to take and receive ferriage and tolls, and, after the said tunnel or through cut is completed, to let or lease the same for the passage of any railroad or other carriages or passengers going through the same.

7. *And be it enacted*, That it shall and may be lawful for the said company, their agents, superintendents, engineers, and workmen, and other persons by them employed, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the said road, doing no unnecessary damage thereto, and to make all such cuts, excavations, ditches, and underdrains across and through such lands as may be necessary for properly draining said road, and to take and carry away any stone, sand, gravel, or clay therefrom, to enable the said company to maintain said tunnel or through cut as aforesaid; *provided always*, that the said company shall pay, or make tender of payment, for all damages for the occupancy of lands and the materials to be taken by said company, their agents or workmen, before the said company, or any person in their employ, shall enter or break grounds in the premises (except for the purpose of surveying said route), unless the consent of the owner or owners of such lands, or their legal representatives, be first had and obtained; and if the owners of land or materials, as aforesaid, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, who is disinterested in the premises, upon application by either party, and after ten days' notice in writing to the opposite party of such application, to appoint three disinterested commissioners, freeholders of the county in which the land lies, to ascertain the price or value of such materials as may be re-

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

Previseo.

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

Parties aggrieved may appeal.

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

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

Approved March 24, 1855.

CHAPTER CXXXVII.

AN ACT to widen and regulate the draws in the bridges over the Passaic river.

1. *BE IT ENACTED by the Senate and General Assembly* ^{Proprietors} *of the State of New Jersey*, That the proprietors of the ^{authorized} bridges over the rivers Passaic and Hackensack, who have ^{to widen} erected a bridge on the Passaic river, opposite to the city of Newark, which said bridge is commonly known as the Newark turnpike bridge, be and the said proprietors are hereby authorized and required to alter and enlarge the draw in the said bridge, in such a manner as that, when ^{draws.}

open, the said draw will give two passages for vessels, each passage to be not less than fifty feet wide; and the said draw shall be so placed as to afford the most easy, safe, and convenient entrance for vessels into and passage through the same.

Width of
draws here-
after to be
built.

2. *And be it enacted*, That all bridges which shall hereafter be erected on the said river between the said turnpike bridge and the Newark cemetery shall have draws constructed therein, in such a manner as to give, when open, two passages for vessels, each of said passages to be not less than fifty feet wide.

Bridges be-
tween turn-
pike bridge
and Newark
bay.

3. *And be it enacted*, That all bridges which have been or shall hereafter be erected on the said Passaic river, between the said turnpike bridge and the Newark bay, shall have draws constructed therein, in such a manner as to give, when open, two passages for vessels, each of said passages to be not less than sixty feet wide; and the said draws shall be placed in a line with the main course and channel of the river, and in such positions, respectively, as will best conduce to the most convenient entrance of vessels into and passage through the said draws; *provided*, that nothing in this act shall be so taken or construed as to require the parties owning the railroad bridge, erected on the said river at or near the foot of Centre street in the said city, to widen the draw thereof within three years from the passage of this act, unless the said bridge shall within that time be rebuilt; *and provided further*, that this act shall not reduce the draw or draws in any bridge now authorized to be erected over said river, that may now by law be required to be made more than sixty feet wide.

Proviso.

Proviso.

Approved March 24, 1855.

CHAPTER CXXXVIII.

AN ACT to incorporate the Columbus and Wrightstown 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 Columbus and Wrightstown Turnpike Company shall be opened by Clayton G. Atkinson, Moses Wills, Watson Newbold, Chalkley Atkinson, John S. Curtis, Caleb Newbold, Benjamin Gibbs, John Bishop, jun., Charles Atkinson, or a majority of them, who are hereby appointed to receive subscriptions to said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least one of the newspapers published in the county of Burlington.

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

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

direct and give public notice thereof in manner aforesaid; and upon failure of the payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of said company.

Act void if
stock not
subscribed
for in certain
time.

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

Election of
directors.

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

Proviso.

Duties and
powers of
president.

6. *And be it enacted*, That within twenty days after the election as aforesaid, the directors shall elect from their

number a president of their said company, who shall be a citizen of this state and resident of the county of Burlington, who shall hold his office for one year and until another shall be elected, and receive such compensation for his services as a majority of said directors shall direct, and shall be presiding officer at all meetings of said directors, and shall have the casting vote when they shall be equally divided; he shall have charge of the seal of the company, and 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.

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

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

9. *And be it enacted*, That special meetings of the stock-

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

Corporation
not dissolved
for failure to
elect on day
prescribed.

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

Description
of road.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Columbus to Wrightstown, in the county of Burlington, beginning where the railroad formerly crossed the public road leading from Columbus to Burlington, in Columbus; thence along the public road known as the Mount Pleasant road, to the cross-roads, or near them, known as Bowne's Corner, with privilege to straighten certain points along said road; thence the most approved route to Wrightstown; which said turnpike road shall be at least thirty-two feet in width, and shall be sufficiently arched and drained to make and keep the same dry; and at least sixteen feet thereof shall be sufficiently bedded and faced with stone, gravel, or other material, to make a solid, firm, and even road at all seasons of the year; and it shall be so graded that in its progress no part of said road shall rise above an angle of five degrees with the plane of the horizon; and the said company shall construct, keep in repair, maintain, and make good and sufficient bridges along the line of said road, not less than twenty feet in width; and whenever the

said road shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the side, so as to prevent horses and carriages from running off; and the said company may, by their officers, agents, or other persons in their employ, enter, from time to time and at all times, upon all lands, to search for stone, gravel, sand, or clay for constructing or improving said road as aforesaid, doing no unnecessary damage to said land; *provided*, that before the said com- Proviso. pany shall construct the said turnpike road, as aforesaid, they shall pay to the respective owners of the land over which the same may pass all damages which the said owners will sustain by reason of the construction of said turnpike road; and in case the said company and the said owners cannot agree upon the amount of said damage, then the damages shall be ascertained and determined, as nearly as may be, in the manner herein after provided for ascertaining and determining the damage which any land owner or owners may sustain by the taking of stone or gravel from his lands for the construction or maintaining of said turnpike road.

12. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers, and workmen, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they might make in the enclosures thereof; and to make all ditches and underdrains across and through such lands necessary for properly draining said road, and to take and carry away stones, gravel, clay, sand, earth, or other materials therefrom, suitable for making or repairing said road; and that when the said company, or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of Proceedings when company and owners cannot agree.

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

corded by the said clerk ; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land or materials, after payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and 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 or judge shall tax and allow such costs, fees, and expenses to the justice or judge, commissioners, clerks, and other persons performing any of the duties prescribed in this section as he shall think equitable and right, which shall in all cases be paid by the company.

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

Rates of toll.

beast,	one cent.
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For every additional beast,	one cent.
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For every horse and rider, or led horse or mule,	five mills.
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For every dozen of calves, sheep, or hogs,	five mills.
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For every dozen of horses, mules, or cattle,	two cents.
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And it shall and may be lawful for the tollgatherer to stop persons riding, leading, or driving any horses, cattle, mules, calves, sheep, or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have paid the toll as above specified ; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the sabbath day, or to or

Proviso.

from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs, or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or repassing when called to do duty by the laws of this state or of the United States.

Mile stones
to be erect-
ed.

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

Penalty
for injuring
works.

15. *And be it enacted*, That if any persons shall wilfully break, throw down, or deface any of the mile stones or posts so erected on the said 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 persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action of damages for the same, to be recovered by the said company, by action of debt or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person, with his or her carriage, team, or horse, turn out of said road to pass a gate or gates on private grounds adjacent thereto, and again enter on said road with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gate, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

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

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

18. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any judge of the court of common pleas of the county of Burlington, he shall immediately appoint, by writing, three disinterested freeholders of said county, who shall view the said road, and report, in writing, under their hands and seals, or under the hands and seals of two of them, whether the said road so complained of be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road, the said judge shall immediately, under his hand and seal, order the keeper of the gates or turnpikes to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge, refuse to open the said gate or turnpike, and exact toll of travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same in an action of debt, with costs of suit; and the judge shall be allowed for his services fifty cents, and the persons appointed one dol- Proceedings in case roads and bridges are not kept in repair.

lar, each, to be paid by the company ; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said road or bridge, and report, as aforesaid, their opinion to the said judge, who shall, if authorized by the report of the said persons, or any two of them, by license under his hand and seal, directed to the tollgatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the said fees shall be allowed and paid as before directed ; but if on the first view, as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the person or persons making the complaint.

Additional
gates may be
erected.

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

Company
may use part
of public
road.

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

Commence-
ment and
completion
of road.

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

Approved March 24, 1855.

CHAPTER CXXXIX.

AN ACT to incorporate the Somerset County Agricultural Society.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Campbell, Isaac R. Cornell, Joseph V. D. Vredenburgh, Hugh M. Gaston, and J. Hatfield Frazee, of the county of Somerset, and their associates and successors, shall be and they are hereby constituted a body politic and corporate, by the name of "the Somerset County Agricultural Society."^{Names of corporators.}

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

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

Approved March 24, 1855.

CHAPTER CXL.

AN ACT to authorize the Trustees of the Newark Academy to sell and convey certain real estate in the city of Newark.

Preamble. WHEREAS the Trustees of the Newark Academy are seized of and hold a certain lot of land in the city of Newark, whereon the academy building and other buildings thereto appurtenant doth stand, situate on the west side of Broad street, and on the north side of Academy street, subject to certain trusts, uses, and purposes, upon and for which the said property was originally granted and conveyed, and thereafter became vested in the said trustees, the principal of which uses is the maintenance of an academy for the instruction of youth in the learned and foreign, as well as the English languages, and in the sciences; and whereas a certain lodge of freemasons, known as St. John's Lodge, own or are entitled to the possession and use of the upper story of the said academy building, which right was conveyed by the trustees of the Newark Academy to John N. Cumming, Uzal Johnson, James Hedden, Isaac Andruss, and Jacob Plum, by deed dated the third day of January, eighteen hundred and nine, to be held by them in trust for certain uses and purposes mentioned in the said deed; and whereas the said John N. Cumming, Uzal Johnson, James Hedden, Isaac Andruss, and Jacob Plum are dead, and the said lodge of freemasons have elected John R. Weeks, James J. Carter, Luther Goble, John H. Landell, and Walter Harris as trustees in their places; and whereas it is represented by the said the Trustees of the Newark Academy that the interest of the institution, and the uses and purposes for which the said property is holden, by reason of the publicity of its location in the crowded and business part of the said city, and the consequent increase in the value thereof for business purposes, would be promoted by a sale of the said premises, and by applying the proceeds of such sale to the establishment of an academical, or

similar institution, in a more eligible situation in the said city, and the said lodge of freemasons have agreed to dispose of and relinquish their interest in the said property, for an amount of money agreed upon between the said parties—therefore,

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said the Trustees of the Newark Academy, at any time hereafter, for such sum or sums of money as they may deem to be a full and fair consideration therefor, to sell and convey, by a deed of conveyance under their corporate seal, to any purchaser or purchasers thereof, the said lot or parcel of land, situated on the west side of Broad street, in the city of Newark, belonging to the said corporation, and known as the academy lot, or any part thereof, with all the buildings thereon and the appurtenances thereto belonging; in fee simple absolute. Trustees authorized to sell property.

2. *And be it enacted*, That such sale and conveyance, when so executed as aforesaid, shall be deemed and taken to vest in such purchaser or purchasers an absolute title in fee simple in and to the said premises, free and discharged of and from all the trusts and uses under or subject to which the said corporation now holds the same. Sale to vest title in purchasers.

3. *And be it enacted*, That the proceeds of such sale or sales, after deducting therefrom the amount agreed to be paid by the said the Trustees of the Newark Academy to the said masonic lodge, known as St. John's Lodge, for the relinquishment of their rights as above mentioned, and also after deducting all reasonable and proper expenses and disbursements in this behalf, shall be appropriated by the said the Trustees of the Newark Academy to the same trusts, uses, and purposes for which the said premises are now held by them; and the said John R. Weeks, James J. Carter, Luther Goble, John H. Landell, and Walter Harris, or a majority of them, trustees of the said St. John's Lodge, are hereby authorized and empowered to convey to the Trustees of the said Newark Academy any right, title, or interest they have, or which may be held in trust for them, in the said academy premises, and all moneys received by Application of proceeds of sale.

the said trustees of the said St. John's Lodge shall be appropriated by them to the same trusts, uses, and purposes for which the said premises are now held by them, and which are mentioned in said deed from the Trustees of the Newark Academy to John N. Cumming, Uzal Johnson, **Provided**, James Hedden, Isaac Andruss, and Jacob Plum; *provided however*, that the purchaser or purchasers of the said premises shall not be bound to see to the application of the purchase money thereof.

Approved March 24, 1855.

CHAPTER CXLI.

AN ACT to incorporate the Lawrenceville, Berkley, and Thorofare Turnpike Company.

Commission-
ers to receive
subscriptions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock herein after mentioned, their successors and assigns, shall be and are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "the Lawrenceville, Berkley, and Thorofare Turnpike Company;" and Barzillai R. West, Jacob G. Tomlin, William Haines, Thomas R. Adams, John Owen, Jonathan Force, William D. Richards, Vincent S. Harris, Charles Green, William Burrough, and Restore Lippincott, or any five of them, are hereby appointed commissioners to open the subscription books, and receive subscriptions to the capital stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least one of the newspapers published in this state.

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

Amount of capital stock.

Proviso.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of seven directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; and that when one hundred and fifty shares of said stock shall be subscribed for, the said commissioners, or a majority of them, shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as herein before directed with regard to the opening of said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, seven directors for the term of one year, a majority of whom shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of said

Election of directors.

term, and annually thereafter, upon like notice to be given by the board of directors for the time being, the stockholders shall elect, by ballot, seven directors, a majority of whom shall be citizens of this state, and the judge of such election shall be appointed by said board; and at every such election, and in other cases in which the stockholders shall be entitled to vote, a vote may be given for each share, by the holder or holders thereof, in person or by proxy; and that if one hundred and fifty shares of said stock shall not be subscribed for within two years, and the said road, or three miles thereof, completed within five years from the passage of this act, then this act shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers, or their representatives, the residue of the money paid by them, in proportion to the sums paid.

Duties and powers of president and directors.

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

Annual statements to be made.

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

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

Proceedings
in case com-
pany and
owners of
land cannot
agree.

Proviso.

7. *And be it enacted*, That it shall be lawful for the said company, their agents, superintendents, engineers, and workmen, and other person or persons by them employed, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the said road, doing no unnecessary damage thereto, and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said road, and to take and carry away any stone, gravel, clay, sand, earth, or other materials therefrom, suitable for constructing and repairing said road as aforesaid; *provided always*, that the said company shall pay, or make tender of payment, for all damages for the occupancy of the lands and the materials to be taken by the said company, their agents or workmen, before the said company, or any person in their employ, shall enter upon or break ground in the premises (except for the purpose of surveying said route), unless the consent of the owner or owners of such lands, or their legal representatives, be first had and obtained; and if the owners of the land or materials as aforesaid shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of said county, who is disinterested in the premises, upon the application of either party, and after ten days' notice, in writing, to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, freeholders of this state, to assess the price or value of such materials as may be required by said company, and all damages to be sustained, who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof; and, after ten days' notice, in writing, to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such

award and decision, in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of said county, to be by him filed as a public record, and copies taken, if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the county in which said lands lie, at the first term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days' notice, in writing, to the opposite party of such appeal, which appeal shall vest in said court full right and power to hear and adjudge the same, and, if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of said materials and all damages sustained, and, for that purpose, to view the premises in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs of suit, against said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners, and shall be deducted out of the sum so awarded, or execution may issue therefor, as the court may direct; and upon payment, or tender of the sum so found by the commissioners or by the jury, with costs, if any, the said company may enter upon and remove all such earth and other materials as has been so appraised as aforesaid; and in case any owner or owners of such land or materials shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report, so made in behalf of any such person, into the court of chancery, to the clerk thereof, subject to the orders of the said court, for the use of the said owner or owners, all which proceedings, as well under this as the

Parties aggrieved may appeal.

seventeenth section of this act, shall be at the proper costs and charges of the said corporation, except in cases of appeal, as above provided for.

Rates of toll.

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

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

Proviso.

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

Mile stones
to be erected.

9. *And be it enacted*, That before the said company shall receive toll for travelling on said road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on the same, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from Berkley and Lawrence.

ville, and shall cause to be fixed, and always kept up at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board, on which shall be printed in large letters, "Keep to the right, as the law directs."

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

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

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

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

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

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

cents, and the persons appointed one dollar, each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said turnpike road or bridge, and report, as aforesaid, their opinion to the said judge, who shall, if authorized by the report of the said persons, or any two of them, by license, under his hand and seal, directed to the tollgatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the same fees shall be allowed and paid as before directed; but if on the first view, as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and be paid by the persons making the complaint.

14. *And be it enacted*, That nothing in this act shall be construed to affect the title of the owners to the lands on which the said turnpike road passess, or from whence the materials for its construction may be taken. Title of owners not affected.

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

Approved March 24, 1855.

CHAPTER CXLII.

AN ACT to incorporate the Bay City Company.

WHEREAS it is represented that John S. Gilbert, Samuel Smith, John Boardman, and others, their associates, now own certain tracts of land and land covered with water, Preamble.

situate in the township of Bergen, in the county of Hudson, which they intend to fill in and reclaim from the water, and to divide into suitable building and other lots, and to sell and dispose of the same for the benefit of the association, with the object of erecting a town, with docks, wharves, and bulkheads, so as to afford facilities to secure to this state a portion of the commerce and shipping of the city of New York; and whereas it is necessary, for the success of their undertaking, that they should be able to convey the said premises, from time to time, to such persons as may be desirous to purchase, notwithstanding death or other cause affecting the individuals owning or who may own the said land, and in order to give greater efficiency and concentration to their efforts for the improvement of the said land—now therefore,

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John S. Gilbert, Samuel Smith, and John Boardman, and such other persons as they may associate with them, and their successors, shall be and they are hereby incorporated and made a body politic and corporate, in fact and in law, by the name of "the Bay City Company," and that the capital stock of the said company shall be six hundred thousand dollars, divided into shares of twenty-five dollars each, which shall be subscribed and paid in at such times, upon such notice, and in such manner and instalments, as the directors of the said company, by their by-laws or otherwise, may direct; that such payment shall be made either in money or in land situate in said township of Bergen, in the county of Hudson; and in case of payment in land, the directors may issue in payment therefor the stock of the said company, upon such terms as may be deemed best for its interests; and that in case of the failure of any stockholder to pay the instalments on his or her stock, at the place and within thirty days of the time appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her share or shares, and of all previous payments thereon, for the use of the company.

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

3. *And be it enacted*, That the affairs of the company shall, after the organization of the company, be managed by seven directors, to be chosen by the stockholders of the said company annually, at such time 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 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 number, and may also appoint such other officers as may be convenient or necessary, who shall receive such compensation as the by-laws may direct. Election of directors.

4. *And be it enacted*, That John S. Gilbert, Samuel Smith, Andrew Clerk, Robert G. Carrington, Abraham Morrell, Amos R. Ena, and Paul Babcock shall be the first directors of the company, a majority of whom shall, as soon as convenient after the passage of this act, assemble and organize such company, and shall continue in office until others, as herein before directed, shall be chosen in their stead. First directors.

5. *And be it enacted*, That as soon as the said company shall be organized, it shall be authorized to receive conveyances for the lands now owned as aforesaid between the south line of the lands of Jane Vanhorn, where it intersects the New York bay and Kavan Point, at which it is intended to purchase, and to hold and execute all instruments and conveyances necessary for the purchasing, leasing, or selling of such property; and the said company are hereby authorized to purchase and hold any lands adjoining or near the above mentioned tracts, which they may deem necessary for improving or enlarging said town, and to pay for all lands with the shares of its capital stock, at such price as the company may deem best for its interests; *provided*, they shall not hold at any one time over two Company may receive conveyances of lands. Proviso.

hundred acres above high water mark in addition to the tracts mentioned in this section.

Company
may improve
lands.

6. *And be it enacted*, That the said company shall be and hereby are authorized to improve all and every portion of the said lands under water held or purchased by them as aforesaid, by erecting buildings and laying out said lands into lots, streets, squares, docks, lanes, alleys, or other divisions, and by levelling, grading, raising, or tunnelling the said land, streets, lanes, and alleys; and they 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, and may build, enlarge, and improve all and any wharf or wharves, bulkhead or bulkheads, piers, slips, and other structures, which they may deem necessary

Proviso.

for commercial, shipping, or other purposes; *provided*, that in carrying out the provisions of this act, they shall not injure the navigation of the Hudson river or New York bay, or interfere with the legal rights or privileges of others, or make any improvement whatsoever in front of any land on the shore to which they shall not have first acquired the title; *provided always*, that any mortgage or mortgages now a lien on said lands mentioned in this act, or to be purchased by said corporation, and bounded by the water, shall also be a lien on any increase or addition to such lands, made by filling in, improving, or reclaiming lands under water in front thereof; *and provided further*, that

Proviso.

Proviso.

nothing contained in this act shall be construed as to give the said company any power to make any improvement whatever upon the tract of land under water in New York bay heretofore granted to Aaron Ogden, without the consent in writing of the said Aaron Ogden or his legal representatives; *and provided further*, that the said company shall pay for the oysters planted, if any there be upon any land under water which they may improve, to the person or persons by whom they were planted, or shall give them at least one year's notice to remove the same; and in case the value of such oysters cannot be agreed upon, then in such case either party, upon twenty days' notice to the other, may apply to the court of common pleas of the

Proviso.

county of Hudson, whose duty it shall be to appoint three disinterested freeholders of said county to appraise the same, whose report, or the report of any two of them, made in writing to the said court, shall be final and conclusive; and in determining said value the said appraisers shall be governed by the like rules as arbitrators.

7. *And be it enacted*, That the said company shall have the right to demand and recover, by action at law, all wharfage, dockage, and cramage which may be levied upon any wharf, dock, pier, slip, or bulkhead erected by them upon their said land by virtue of this act. Company may demand wharfage.

8. *And be it enacted*, That unless the aforesaid improvements shall be commenced within one year from the passage of this act, and within two years one hundred thousand dollars be expended in improvements upon the aforesaid lands and lands under water, then this act shall be null and void. Commencement and completion of improvements.

9. *And be it enacted*, That this act shall continue in force twenty-five years, and that the legislature may alter, modify, or repeal this act whenever, in their opinion, the public good may so require. Limitation.

Approved March 24, 1855.

CHAPTER CXLIII.

AN ACT to incorporate the Mount Holly and Bayrestown 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 Mount Holly and Bayrestown Turnpike Company shall be opened by John Black, jun., Robert P. Haines, Thomas R. Risdon, Charles Bispham, and Joseph M. Hulme, or a majority of them, who are Commissioners to receive subscriptions.

hereby appointed commissioners to receive subscriptions to the said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be seven thousand dollars, with liberty for the said company to increase the same to ten 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 Mount Holly and Eayrestown Turnpike Company," and by that name shall have, enjoy, and exercise all the rights, powers, and privileges appertaining to corporate bodies and necessary to carry the objects of this act into effect.

Payment of
instalments.

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

Proviso.

Proviso.

4. *And be it enacted*, That if the number of shares,

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

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

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

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

Election of
directors.

Proviso.

Duties and
powers of
president.

company, and shall appoint the judge or judges of all elections of the stockholders, or, in case of his death, absence, or inability so to do, the said directors shall appoint some other suitable person, who, for the time being, shall possess the same powers and authority, and perform all the duties herein prescribed.

Duties and powers of directors.

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

Proviso.

Annual statement to be made.

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

Special meetings.

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

tend and concur therein, who may require the books, accounts, and all other papers and proceedings of the company to be exhibited to them by the president and directors.

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

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road, either three or four rods wide, from the southwardly end of the iron work bridge (near J. S. Hulme's saw mill), at the south side of the town of Mount Holly, in the county of Burlington, either to Newbold's Corner or to intersect the Vincentown and Hainesport Turnpike Company's road, at or near Eayrestown, in said county, which turnpike road shall be constructed on and along one of the public highways leading from the town of Mount Holly to Newbold's Corner or to the Vincentown and Hainesport Turnpike Company's road, and that the width of the said turnpike road shall be governed by the width of the public road upon which it may be made; and it shall be lawful for the said company, by their officers, agents, or other persons in their employ, to enter, from time to time and at all times, upon all lands, for the purpose of searching for stone, gravel, sand, clay, or other materials, for the construction or use of said road, doing thereto no unnecessary damage; *provided*, that before the said company shall construct the said turnpike road aforesaid, along either of said highways aforesaid, they shall pay, to the respective owners of the lands over which the said highway selected for constructing said turnpike road upon now passes, all damages which the said owners will sustain by reason of the construction of said turnpike road; and in case the said company and any of said owners cannot agree upon the amount of said dam-

Corporation
not dissolved
for failure to
elect on day
prescribed.

Company
authorized
to construct
road.

Proviso.

ages, then the said damages shall be ascertained and determined, as nearly as may be, in the manner herein after provided for for ascertaining and determining the damage which any land owner or owners shall sustain by the taking of stone, gravel, or other material from his or her lands for the constructing or maintaining of said turnpike road.

Description
of road.

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

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

13. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers, and workmen, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosures thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road, and to take and carry away stone, gravel, clay, sand, earth, or other materials therefrom suitable for making or repairing said road; and that when the said company, or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by reason of the legal

incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of 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, or of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, or to one of the judges of the court of common pleas of the county of Burlington, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners, herein after named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders commissioners to examine and appraise the said land or materials and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice or judge making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath or affirmation, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands or materials, and make a just and equitable estimate or appraisement of the value of the same and assessment of damages to be paid by the 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 land or ma-

terials and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county of Burlington, to remain of record therein, and shall be recorded by the said clerk; which report, or a copy thereof, certified by the clerk of the said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land or materials, after payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage; and the said justice shall tax and allow such costs, fees, and expenses, to the justice, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company.

Rates of toll.

14. *And be it enacted*, That as soon as the said company have constructed the said road in a workmanlike manner, according to the several directions in the twelfth section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the said road, not exceeding three in number, and to demand and receive toll for travelling each mile, and all fractions over 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,	five mills.
For every dozen of horses, mules, or cattle,	two cents.

And it shall and may be lawful for the tollgatherers to stop persons riding, leading, or driving any horses, cattle, mules, calves, sheep, or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes, until they

shall have paid the toll, as above specified; *provided*, that Proviso. nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the sabbath day, or to or from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs, or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or repassing when called to do duty by the laws of this state or of the United States.

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

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

act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for
illegal tolls.

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

Penalty for
obstructing
passage.

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

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

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 Burlington, who may be disinterested, the said justice shall immediately appoint, by writing, under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons, being disinterested in said road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice may appoint, and, having taken an oath or affirmation to act impartially, shall proceed to view and examine said road so complained of, and to report to the said justice, in writing, under their hands and seals, or under the hands and seals of any two of them,

whether it be in such a state as the law requires it to be kept ; and if the report be unfavorable to the said road, the said justice shall immediately, under his hand and seal, order the keeper of the said gate or turnpike to keep open the same, until otherwise ordered ; and if the said keeper shall, notwithstanding the order of the said justice to open the said gate or turnpike, exact toll of travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same in an action of debt, with costs of suit ; and the justice shall be allowed, for his services, fifty cents, and the persons appointed, one dollar, each, to be paid by the company ; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said road, and report, as aforesaid, their opinion to the said justice, who shall, if authorized by the report of said persons, or any two of them, by license under his hand and seal directed to the tollgatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the said fees shall be allowed and paid as before directed ; but if on the first view, as before mentioned, the report of the persons appointed shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the persons making the complaint ; and in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint, in the same manner above 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 this act shall not take effect When act to take effect. until the public highways upon which the said turnpike road is authorized to be located and made are vacated as public highways according to law ; and if the said road is not commenced within three, and completed within six years from the passage of this act, that then and in that case this act shall be void ; and the said corporation shall possess the several powers, and be subject to the restrictions and liabilities, contained in the act entitled, " An act

concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

Approved March 24, 1855.

CHAPTER CXLIV.

A further supplement to "An act to authorize the inhabitants of the township of Bloomfield, in the county of Essex, to raise money for the support of free schools," approved March first, one thousand eight hundred and forty-nine.

Assessment
to be made
in case of de-
ficiency.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if, in any year, the amount of money which the trustees of the Central Union School District, one of the districts organized under the act, to which this act is a supplement, shall receive from the township collector, as their proportion of the township school tax, shall be insufficient to meet the annual expenses of the schools in said district, the said trustees shall be and are hereby authorized to call a meeting of the taxable inhabitants of said district, in the manner prescribed in the fifth section of the act to which this act is a supplement, at which time they, or a majority of them then present, may, at their discretion, direct the said trustees to make an assessment upon the taxable property of the district sufficient to meet the aforementioned deficiency, which assessment shall be made and collected in the same way as other assessments are provided for in the first section of said act; *provided*, that the amount of the assessment so made, together with the portion of the township school tax received by the district, does not exceed three dollars for every child in the district between the ages of five and eighteen.

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

Approved March 24, 1855.

CHAPTER CXLV.

AN ACT to extend the provisions of the act entitled, "An act to prevent horses, cattle, sheep, and swine from running at large in the townships of Hackensack and Harrington, in the county of Bergen," approved February twelfth, eighteen hundred and fifty-two, to certain townships in the counties of Essex, Middlesex, and Bergen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act to prevent horses, cattle, sheep, and swine from running at large in the townships of Hackensack and Harrington, in the county of Bergen," approved February twelfth, eighteen hundred and fifty-two, and all the benefits and provisions of said act, be and the same are hereby extended to the township of Belleville, in the county of Essex, also to the townships of Piscataway and North Brunswick, in the county of Middlesex, also to the township of Franklin, in the county of Bergen. Provisions of former act extended.

Approved March 24, 1855.

CHAPTER CXLVI.

AN ACT to authorize the inhabitants of the township of Bernards, in the county of Somerset, to vote by ballot at their town meetings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Bernards, in the county of Somerset, authorized by law to vote at town meetings, are hereby authorized and required to elect by ballot, and not otherwise, at their

annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are now or may hereafter be fixed by law, that is, a township clerk, a judge of election, an assessor, a collector, chosen freeholder, two surveyors of the highways, three commissioners of appeal, one or two overseers of the poor, as many overseers of the highways as there are road districts, a town committee, consisting of three persons, one school superintendent, as many justices of the peace as the township may be constitutionally entitled to elect, one or more constables; and shall also, upon the same ballot, vote the amount of money to be raised for the support of the poor, for school purposes, for the repair of roads, and for the place of holding the next annual town meeting, and the election of state and county officers.

Officers of
election.

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

Mode of con-
ducting elec-
tion.

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

Vacancies.

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

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

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

Township
clerk to be
clerk of town
committee.

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

Overseers
of poor to
make report.

7. *And be it enacted*, That the reports of the town committee and the overseers of the poor shall be filed and preserved by the town committee; in posting up the list of officers elected, as required by law, the clerk shall add thereto the results of the election in other particulars; the first elections under this act shall be held at the place appointed at the last town meeting, and all special town meetings at the place of holding the last preceding annual town meeting; the same ballot box shall be used at the

Compensation
of officers.

town meetings, and provided by the clerk, which is used at the state and county elections; the judge of election and clerk shall receive the same compensation for attending any town meeting as for attending a state or county election, and the town committee shall allow the clerk such compensation for additional duties required by this act as they may deem reasonable.

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

Approved March 24, 1855.

CHAPTER CXLVII.

AN ACT making a further appropriation for the prosecution of the geological survey of this state.

Further ap-
propriation
authorized.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the governor, or person administering the government of this state, be and he is hereby authorized to draw, from any unappropriated money in the treasury of this state, the further sum of twenty thousand dollars, to be appropriated, under his direction, to the continuation of the geological survey of this state, authorized by an act approved March second, eighteen hundred and fifty-four.

Meridian
monuments
to be estab-
lished.

2. *And be it enacted*, That the persons employed to conduct the survey authorized to be made by the said act, be and they are hereby empowered and required to establish meridian monuments at or near the cities of Camden, Trenton, and Newark.

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

Approved March 24, 1855.

CHAPTER CXLVIII.

AN ACT in relation to the census or enumeration of the inhabitants of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an enumeration of the inhabitants of this state shall be taken during the present year, eighteen hundred and fifty-five, and during every tenth year hereafter. Census authorized to be taken.
2. *And be it enacted*, That the secretary of state shall, as soon as may be after the passage of this act, and also every tenth year hereafter, cause uniform blank returns and abstracts, together with copies of this act, to be printed for the purpose of taking such enumeration. Secretary of state to furnish blanks.
3. *And be it enacted*, That the secretary of state shall, on or before the first day of May next, and on or before the first day of May in every such tenth year hereafter, transmit, in such manner as he may think proper, to each of the county clerks twice as many of such blank returns, and as many copies of this act, as there are election districts in their respective counties. Transmission of blanks.
4. *And be it enacted*, That it shall be the duty of each county clerk, on or before the fifteenth day of May next, and on or before the fifteenth day of May in every such tenth year hereafter, to forward to the township clerk of each of the townships in his county, and to the clerk of the common council in each of the cities, a sufficient number of blank returns and copies of this act, so as aforesaid transmitted to him by the secretary of state, to supply each assessor of such town or city, on demand, with duplicate sets of said blank returns and one copy of this act. County clerk to distribute blanks.
5. *And be it enacted*, That on the first day of June next, and on the first day of June in every such tenth year hereafter, every such assessor shall proceed to enumerate, truly and accurately, the inhabitants residing in the election district for which he shall have been appointed, by making actual inquiry at every dwelling house, or of the head of Assessors to make enumeration.

every family residing therein, classifying the same as follows :

Native,	white males,	Children between five and
"	" females,	sixteen years of age.
"	colored males,	Male,
"	" females.	Female.
Foreign,	white males,	Colored,
"	" females,	Male,
"	colored males,	Female.
"	" females.	

Enumeration to be entered in return.

6. *And be it enacted*, That each assessor shall enter in the blank return received the particulars of the enumeration so made.

Casual absentees, how to be enumerated.

7. *And be it enacted*, That every person whose place of abode shall be in any family on the first day of June next, and on the first day of June in every such tenth year hereafter, shall be returned as of such family ; and every person casually absent at the time of taking the enumeration, as belonging to that place in which he usually resides.

Return to be sworn to.

8. *And be it enacted*, That the return so made out shall be certified by each assessor taking the enumeration to be true and accurate, to the best of his knowledge and belief, and shall state the number of pages of which it consists, which certificate shall be subscribed and sworn to by him before any officers authorized to administer oaths.

Returns to be delivered to county clerk.

9. *And be it enacted*, That each assessor shall, on or before the twentieth day of August next, and on or before the twentieth day of August in every such tenth year hereafter, cause the returns so certified, with a duplicate copy thereof, carefully made and compared, and certified in the manner above specially provided, to be delivered to the county clerk of the county in which such assessor shall reside.

County clerk to transmit duplicate return to secretary of state.

10. *And be it enacted*, That each county clerk shall, immediately after receiving such certified statements of the enumeration, and the duplicate copies of the same, from the assessors in the several election districts in his county, transmit to the secretary of state, by express, all the duplicate returns filed in his office, carefully boxed in such manner as to protect them ; and if the assessor shall neglect, for

five days after the twentieth day of August, to make his return as aforesaid, the clerk of the county in which he shall reside shall immediately proceed himself, or despatch a messenger to procure such return and duplicate, and the expense thereof shall be deducted from the account of such assessor, by the board of supervisors or board of chosen freeholders of the county in which he may reside, if they shall think proper.

11. *And be it enacted*, That the secretary of state, after receiving such duplicate returns, shall prepare and report to the legislature, on or before the fifteenth day of January, in each year succeeding the taking of such census, a general account of the enumeration, specifying the result thereof in the several towns, wards, cities, and counties of the state, with a full recapitulation of the whole.

12. *And be it enacted*, That the accounts for the services of the assessors done under this act shall be audited by the board of supervisors or board of freeholders of the county where the services are performed, and shall be assessed, collected, and paid as part of the contingent expenses of such city or county.

13. *And be it enacted*, That the assessors shall be entitled, as remuneration for their services, fifty cents per hundred inhabitants enumerated as aforesaid, to be paid by their respective counties.

14. *And be it enacted*, That all liabilities incurred for printing, postage, and transmission of returns, when audited by the proper officer, be paid by the treasurer, and charged to a special account.

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

Approved March 24, 1855.

CHAPTER CXLIX.

AN ACT to confirm the title of the Masonic Lodge, No. 14, of Mount Holly, to certain real estate.

Preamble. WHEREAS by a certain deed of assurance, commonly called a deed of bargain and sale, made and executed, about the year of our Lord eighteen hundred and ten, to Samuel J. Read, Anthony S. Earl, and Charles Ellis, as trustees of Mount Holly Masonic Lodge, the said Lodge became seized in fee of, in, and to a certain lot of land and premises, situate on Water street, in Mount Holly, in the county of Burlington, by virtue of which said deed the said masonic lodge has ever since remained in the peaceable possession thereof; and whereas the said trustees having long since been deceased, the said deed of conveyance has become lost, or in some manner mislaid, and cannot now be found, and no record thereof remains in the clerk's office of the county of Burlington, whereby the title to said real estate can be substantiated; and whereas it is desirable to avoid the expense and delay of an application to the supreme court of this state to supply the deed so lost, in accordance with the statute in such case made and provided, and whereas the said Lodge is now known by the name and style of "the Mount Holly Masonic Lodge, No. 14,"—for remedy whereof,

Title to premises confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that lot of land and premises situate as aforesaid, and thus bounded and described: beginning at a stone in the middle of Water street, corner to Anthony Phillips' lot (formerly belonging to Martha Ridgway), and runs (1st) by said Phillips' lot north, eleven degrees west, one chain and eighty-six links, to a stone in the line of David A. Hays' lot (formerly Powell's), now said Phillips'; thence (2d) along said Phillips' line south, sixty-five degrees and thirty minutes west, about twenty-eight feet, to a post in said line, and corner to a lot

late belonging to Esther Fox, deceased, now to Hannah Ann Rudderow; thence (3d) by said Rudderow's lot, southeasterly, one chain and eighty links, more or less, to the middle of Water street aforesaid, and corner to said Rudderow's lot; thence (4th) along the middle of said Water street, twenty-six feet, more or less, to the beginning, be and the same hereby is confirmed to the said the Mount Holly Masonic Lodge, No. 14; and this act shall be deemed and taken in all courts of law or equity in this state as fully to prove the title to the said land and premises as the said deed of conveyance would be, if the same had not been so lost or mislaid.

2. *And be it enacted*, That George W. Curtis, master, Levi Davis, senior warden, William H. Irick, junior warden, Samuel S. Smith, secretary, and Charles A. Kingsbury, treasurer, and their successors, be and they are hereby made trustees of the said the Mount Holly Masonic Lodge, No. 14, and that said trustees be and they are hereby authorized to sell and convey the property of said lodge, or mortgage the same. Trustees authorized to sell property

Approved March 24, 1855.

CHAPTER CL.

A supplement to the act entitled, "An act to authorize the inhabitants of the township of Morris, in the county of Morris, to vote by ballot at their town meetings," passed February twenty-third, eighteen hundred and forty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all elections for any justice or justices of the peace, hereafter held in the township of Morris, in the county of Morris, shall be conducted by the same officers, commenced and closed at the same time, Mode of conducting elections for justices of the peace.

and be, in all respects, conducted in the same manner as other elections for township officers in said township are conducted, commenced, and closed, by virtue of the act to which this is a supplement.

Former act
not to be im-
paired.

2. *And be it enacted*, That nothing herein contained shall be taken or construed to repeal, or in any way alter or impair, in the said township of Morris, the sixth, eighth, or the fifteenth sections of the act entitled, "An act relative to justices of the peace," approved April seventeenth, one thousand eight hundred and forty-six.

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

Approved March 24, 1855.

CHAPTER CLI.

Supplement to the act entitled, "An act to incorporate the Camden and Atlantic Railroad Company," approved March nineteenth, eighteen hundred and fifty-two.

Number of
directors in-
creased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of directors of the Camden and Atlantic Railroad Company to increase their number to thirteen, and that from thenceforth the said board shall consist of thirteen directors instead of nine, and that at all annual meetings of the stockholders of said corporation, they shall elect thirteen directors to manage the affairs of said corporation, a majority of whom shall constitute a quorum for the transaction of business.

Approved March 24, 1855.

CHAPTER CLII.

A supplement to an act entitled, "An act to incorporate the Hibernian Provident Society of the town of Newark," passed February eighteenth, one thousand eight hundred and thirty-five.

1. BE IT ENACTED *by the Senate and General Assembly* Former act extended. *of the State of New Jersey*, That the act entitled, "An act to incorporate the Hibernian Provident Society of the town of Newark," passed February eighteenth, one thousand eight hundred and thirty-five, be and the same is hereby extended and continued for the term of twenty years beyond the time limited in the said act for its duration, so that the said charter shall continue and be in force until the eighteenth day of February, eighteen hundred and seventy-six.

Approved March 24, 1855.

CHAPTER CLIII.

A supplement to an act entitled, "An act incorporating homestead and building companies," approved February twenty-fifth, one thousand eight hundred and fifty-two.

1. BE IT ENACTED *by the Senate and General Assembly* Lands may be sold to persons not members of corporation. *of the State of New Jersey*, That nothing in an act entitled, "An act incorporating homestead and building companies," approved February twenty-fifth, eighteen hundred and fifty-two, shall be construed to prevent any company formed in pursuance of said act, or of the same as hereby amended, from disposing of or selling any lands and tenements to others than those constituting the said company,

on terms according to, and not inconsistent with, the constitutions of any company formed in pursuance or under said act; and lands and tenements so sold or disposed of shall not constitute the purchasers thereof members of any company formed as aforesaid.

Who to be
deemed
members.

2. *And be it enacted*, That the original associates, or those formed into companies under said act, or under the same as hereby amended, or their assigns, and who shall have actually created a fund, and expended the same in acquiring lands and tenements, shall be alone deemed to have and to exercise the right of membership in said companies.

Deeds to be
held valid.

3. *And be it enacted*, That all deeds of conveyance of lands or tenements, granted by any company formed in pursuance of said act, shall be held to be valid and binding, with all the restrictive clauses as against nuisances, or what may be deemed nuisances by the constitutions of any companies so formed as aforesaid, unless the same are in violation of the constitution of this state.

Part of former
act repealed.

4. *And be it enacted*, That all acts or parts of acts, or clauses in the act hereby amended, inconsistent with this act are hereby repealed.

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

Approved March 24, 1855.

CHAPTER CLIV.

A supplement to an act entitled, "An act to incorporate the Bridgeton and Millville Turnpike Company," approved February seventh, eighteen hundred and fifty-four.

Grading of
road.

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

be required to construct the said turnpike road in the manner required by the act to which this is a supplement, except that it shall be so graded that in its progress no part of said road shall rise above an angle of five degrees with the plane of the horizon.

2. *And be it enacted*, That it shall be lawful for the said ^{Rates of toll.} company to demand and receive toll, not exceeding the rates prescribed in the eighth section of said act, for traveling over any fractions of a mile of said road.

3. *And be it enacted*, That so much of the act entitled, ^{Part of former act repealed.} "An act to incorporate the Bridgeton and Millville Turnpike Company," as is inconsistent herewith, be and the same is hereby repealed.

Approved March 24, 1855.

CHAPTER CLV.

A supplement to the act entitled, "An act for the punishment of crimes."

1. *BE IT ENACTED by the Senate and General Assembly* ^{Penalty for cheating and defrauding.} *of the State of New Jersey*, That any person or persons who shall knowingly and designedly, by means of balls, cups, paper, safe, or any mechanical contrivance, invention, or device, obtain from any person any money or other valuable thing, with intent thereby to cheat and defraud such person, shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by imprisonment at hard labor, not less than one, nor more than five years, and by fine, not exceeding one thousand dollars, in the discretion of the court in which such offence shall be tried.

2. *And be it enacted*, That if any person or persons ^{Penalty for destroying fences, trees, &c.} shall wilfully open, break down, injure, or destroy any fences, rails, or enclosures, belonging to or in the posses-

sion of any other person or persons, or cut down, injure, or destroy the wood, timber, trees, herbage, grass, or hay standing, growing, or being upon the lands of any other person or persons, or shall dig up, pull up, injure, destroy, or carry off the vegetables standing, growing, or being in or upon the lands of any other person or persons, or shall carry off the wood, timber, trees, rails, fencing, standing, growing, or being in or upon the lands of any other person or persons, shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by imprisonment in the county jail not less than two months nor more than six, or by fine, not exceeding three hundred dollars, or both, at the discretion of the court in which such offence shall be tried.

Approved March 24, 1855.

CHAPTER CLVI.

A supplement to the act entitled, "An act to incorporate the Ocean Port Steamboat Company," approved March fifth, eighteen hundred and fifty-five.

Former act
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act, to which this is a supplement, be amended, by adding to the end of the first section thereof, the words "and their successors are hereby made and declared to be a corporation and a body politic, by the name, title, and designation of the Ocean Port Steamboat Company."

Approved March 24, 1855.

CHAPTER CLVII.

A further supplement to the act entitled, "An act to incorporate the Monmouth County Plank Road Company."

1. BE IT ENACTED *by the Senate and General Assembly* ^{Company} *of the State of New Jersey*, That the said company shall ^{may use pub-} *have full power and authority to take, and appropriate to* ^{lic road.} the uses of the said company, the public road leading from Keyport to Freehold, lying adjoining to the said plank road, and upon which a part of the said plank road is already constructed; *provided*, it be made to appear, to the satisfaction of the inferior court of common pleas of the county of Monmouth, on application to said court by a majority of the directors of said company, by due proof, that a majority of the voters of any township through which the said road runs have, by their signatures, approved of the same, and that a majority of the land owners adjoining said road in such township have, in like manner, approved the same, which said court shall decide whether the majority of said voters and a majority of said land owners have given their approbation as aforesaid, and cause such decision to be entered in the minutes of said court. ^{Proviso.}

2. *And be it enacted*, That whenever the said court of common pleas shall decide that a majority of said voters and a majority of said land owners in any of said townships have, by their signatures, approved the taking of so much of the said public road as lies within their respective townships for the uses aforesaid, 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, use, occupy, and excavate so much and such parts of said road as are within the townships where the taking of the same is approved as aforesaid, and to erect embankments, bridges, and all other works necessary and suitable for the uses of the said company, and also to open the same to its full width. ^{When company may commence operations:}

Road may
be converted
into a turn-
pike.
Proviso.

3. *And be it enacted*, That the said company shall have power, and it shall be lawful for them to convert the said plank road into a turnpike road; *provided*, the said turnpike shall be at least thirty feet in width, and shall be sufficiently arched and drained to make and keep the same dry, and at least eighteen feet thereof shall be sufficiently bedded and faced with stone, gravel, or other material, to make a solid, firm, and even road at all seasons of the year.

Proceedings
in case road
is not kept
in repair.

4. *And be it enacted*, That whenever, in the opinion of the board of freeholders of said county, given in writing at any one of their regular meetings, that the said plank road or turnpike road constructed upon the said public road is not in the condition required by the charter of said company and this supplement, the said company shall cease to charge toll, and permit all persons to pass free thereon, until such road shall be properly repaired, and certified to by the director of the board of freeholders of said county.

Rates of toll.

5. *And be it enacted*, That it shall and may be lawful for the said company to demand and receive toll for travelling 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,	three quarters of one cent.
For every additional beast,	three quarters of 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,	three cents.

And anything in the original act, to which this is a supplement, contrary to the provisions of this supplement, be and the same is hereby repealed.

Approved March 24, 1855.

CHAPTER CLVIII.

AN ACT to incorporate the Camden and Blackwoodtown Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock herein after mentioned, their successors and assigns, shall be and they are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "the Camden and Blackwoodtown Turnpike Company;" and that John W. Mickle, John M. Kaighn, John D. Glover, Arthur Brown, Abraham Browning, Joshua Sickler, Charles S. Garrett, John North, and Isaac W. Mickle, or a majority of them, are hereby appointed commissioners to open the subscription books, and receive subscriptions to the capital stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in the Camden Democrat, one of the newspapers published in the city of Camden.

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

Proviso.

pany ; *provided*, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, the said commissioners, or a majority of them, shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed for as aforesaid ; but no subscription for less than six shares of said stock shall be reduced by such apportionment.

Election of directors.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of seven directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time ; that when three hundred shares of said stock shall be subscribed for, the said commissioners, or a majority of them, shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting in the newspapers aforesaid, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, seven directors for the term of one year and until others are chosen in their stead, a majority of whom shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be judges ; and that at the expiration of said term, and annually thereafter, upon like notice to be given by the board of directors for the time being, the stockholders shall elect, by ballot, seven directors, to hold as aforesaid ; and the judge of said election shall be appointed by said board ; and at every such election, and in all other cases in which the stockholders shall be entitled to a vote, a vote may be given for each share, by the holder thereof, in person or by proxy ; and that if three hundred shares of said stock shall not be subscribed for within one year, and the said road completed within three years from the passage of this act, then this act shall be null and void ; and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers, or their representatives, the residue of the money paid by them, in proportion to the sums paid.

Officers of corporation.

4. *And be it enacted*, That, as soon as conveniently may be after the first and every subsequent annual election of

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

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

6. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Camden, through Mount Ephraim and Chew's Landing, to Blackwoodtown, and from thence to connect with the Good Intent and Williamstown turnpike, in the county of Camden, on (or near) the present public highway, at least thirty-two feet in width, and not exceeding four rods, which said turnpike shall be sufficiently arched and drained to make and keep the same dry; at least eighteen feet thereof shall be sufficiently bedded and faced with stone, gravel, or other material, to make a solid, firm, and even road at all seasons of the year; and it shall be so graded that in its progress no part of said road shall rise above an angle of four degrees with the plane of the horizon; and the said company shall construct, keep in repair, maintain, and make good and sufficient bridges along the line of said road, not less than twenty feet in width; and Description of road.

whenever the said road shall be raised so much at the margin or side as to render carriages passing thereon liable to upset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off; and the said company may, by their officers, agents, or other persons in their employ, enter, from time to time and at all times, upon all lands, to search for stone, gravel, sand, or clay, for constructing and improving said road as aforesaid, doing no unnecessary damage to said land; *provided*, that before the said company shall construct the said turnpike road as aforesaid, they shall pay to the respective owners of the lands over which the same may pass all the damages which the said owners will sustain by reason of the construction of said turnpike road; and in case the said company and the said owners cannot agree upon the amount of said damages, then the said damages shall be ascertained and determined, as nearly as may be, in the manner herein after provided for ascertaining and determining the damage which any land owner or owners may sustain by the taking of stone or gravel from his or her lands for the construction or maintaining of said turnpike road.

Proceedings
in case com-
pany and
owners of
land cannot
agree.

7. *And be it enacted*, That it shall and may be lawful for the said company, their agents, superintendents, engineers, and workmen, and other persons by them employed, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the said road, doing no unnecessary damage thereto, and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said road, and to take and carry away any stone, sand, gravel, or clay therefrom suitable for constructing and maintaining said road as aforesaid; *provided always*, that the said company shall pay, or make tender of payment, for all damages for the occupancy of the lands and the materials to be taken by said company, their agents or workmen, before the said company, or any person in their employ, shall enter or break ground in the premises (except for the purpose of surveying

Proviso.

said route), unless the consent of the owner or owners of such lands, or their legal representatives, be first had and obtained; and if the owners of the land or materials as aforesaid shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the county of Camden, who is disinterested in the premises, upon application by either party, and after ten days' notice, in writing, to the opposite party of such application, to appoint three disinterested commissioners, freeholders of the county in which the land lies, to ascertain the price or value of such materials as may be required by said company, and all damages to be sustained by reason of their removal, who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof; and, after ten days' notice, in writing, to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of said county of Camden, to be by him filed as a public record, and certified copies thereof may be taken, if required, by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the county of Camden, at the first term to be held after such decision, by proceeding in the form of petition to the said court, giving at least five days' notice, in writing, to the opposite party of such appeal, which appeal shall vest in the said court full right and power to hear and adjudge the same, and, if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of said materials and all damage sustained, and, for that purpose, to view the premises in question, if required by either party so to

Parties aggrieved may appeal.

do ; and if the said appeal shall be made by the company, and the said court or jury shall award or find the same or a greater sum than the said commissioners, then judgment shall be given, with costs of suit, against said company, and execution issue, if need be, for the same ; but if the said appeal be made by the owner or owners of the land, and the court or jury shall not award or find the same, or a greater sum than was awarded by the commissioners, then the costs shall be paid by the owner or owners, and shall be deducted out of the sum so awarded, or execution may issue therefor, as the court may direct ; and upon payment, or tender of the sum so found or awarded, with costs, if any, the said company may enter upon and remove all such earth and other materials as have been so valued and appraised aforesaid ; and in case any owner or owners of such land or materials shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said company to pay the amount of any award or report, so made in behalf of any such persons, into the circuit court of the county of Camden, or to the clerk thereof, subject to the orders of said court, for the use of the said owner or owners, all which proceedings shall be at the proper costs and charges of the said company, except in cases of appeal, as above provided for.

Rates of toll.

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

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

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

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

10. *And be it enacted*, That if any person shall wilfully break down or deface any of the mile stones or Penalty for injuring works. posts, so erected on the said road, for the information of the people travelling the same, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down, or destroy, or otherwise injure, any gates, turnpikes, or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of twenty dollars, besides being subject to an action of debt, or other proper action, by said company, for the recovery of damages for the same, in any

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

Penalty for
taking illegal
tolls.

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

Penalty for
obstructing
passage.

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

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

13. *And be it enacted*, That if the said company shall not keep the said turnpike road and bridges, which now or may hereafter be erected thereon, in repair, and complaint thereof shall be made to any judge of the court of common pleas of the county of Camden, who may be disinterested, the said judge shall immediately appoint, by writing, under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, either of said townships, which three persons, being disinterested in the said turnpike road, or a majority of them, on notice being given

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

14. *And be it enacted*, That this act shall not take ef-

When act to
take effect. fect until the public highways upon which the said turn-
pike road is authorized to be located and made are vacated
as public highways according to law.

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

Approved March 24, 1855.

CHAPTER CLIX.

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

Support of
poor.

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

Poor to be
removed to
poor house.

2. *And be it enacted*, That every person belonging to
any of the townships of the said county of Salem, who by
the overseers of the poor of the township in which his or
her settlement may be, with the concurrence of the trustee
of the poor of such township, judged an object of public

relief, shall, when in a condition to be removed by order of the said trustee and overseer of the poor, directed to the steward of the poor house, be sent to the said poor house, there to be received and provided for at the expense of the said county, subject to such rules, directions, and regulations as have or shall be ordained and established by the trustees of the poor of the county of Salem.

3. *And be it enacted*, That the third and eleventh sections of the act, to which this a further supplement, be and the same are hereby repealed. Part of former act repealed.

4. *And be it enacted*, That this act shall take effect on the third Monday in May next. When act to take effect.

Approved March 24, 1855.

CHAPTER CLX.

AN ACT to incorporate the town of Bergen, in the county of Hudson.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Bergen lying within the following boundaries, to wit: beginning at the most westerly corner of the town of Hudson, where the New Jersey railroad crosses the Hackensack river; thence easterly, along the line of the New Jersey railroad, its several courses, to the centre of the mill creek, the northwesterly line of Jersey City; thence southerly, down the mill creek its several courses, into New York bay, as far as the boundary of Bergen township extends; thence southerly, along said boundary line in said bay, to where it intersects an air line passing through the waste gate near the southerly line of the Morris canal, parallel with the southerly line of said canal; thence westerly, along said air line through said waste gate, into the Morris Boundaries of town of Bergen.

canal, along the line of said canal its several courses, to where it nears Newark bay; thence an air line, parallel with the southerly line of the Morris canal, into Newark bay, as far as Bergen township extends; thence northerly, along said boundary line in said bay and Hackensack river, their several courses, to the place of beginning, shall be and hereby is created into, designated, and known as the town of Bergen, in the county of Hudson.

General powers.

2. *And be it enacted*, That the said corporation may, by that title, sue and be sued in any of the courts of this state, have a common seal, alterable at pleasure, and shall have power to make and enforce all ordinances necessary or useful for opening, laying out, grading, and regulating streets and roads within the limits of said town, and laying and regulating side and cross walks therein, for assessing the costs and expenses of the same equitably upon the owners of property who may be benefited thereby, and for collecting the amount thereof from the persons against whom such assessment shall be made respectively.

Term of office of councilmen.

3. *And be it enacted*, That the power to pass and enforce all ordinances requisite to carrying into effect the provisions of this act shall be vested in five councilmen, who shall severally hold their offices for the term of one year and until their successors in office shall be chosen.

Election of councilmen.

4. *And be it enacted*, That a special election shall be held for that purpose, on the third Monday of April, in the year one thousand eight hundred and fifty-five, and on the third Monday of April, in each year thereafter, by the inspectors of election and clerk of the township of Bergen who shall have held the previous annual election for township officers, and of which election the clerk of said township shall give the usual notice, and which shall be conducted, in all other respects, as required by law for the election of township officers, except that no person who shall not reside within the limits of said incorporation shall be entitled to vote at said election or be eligible to the office of councilman for said town; and the clerk of said election shall file a copy of the return of such election in the clerk's office of the county of Hudson; and any person

having received a plurality of votes cast at such election shall be declared elected as one of said councilmen, and the inspectors of said election and clerk of the township of Bergen shall be entitled to receive from said town of Bergen the like sum as they are entitled to by law for the holding of the annual election for township officers.

5. *And be it enacted*, That no councilman shall enter upon the discharge of his duties until he shall first have taken and subscribed, before a justice of the peace of the county of Hudson, an oath or affirmation to faithfully and impartially execute the trust reposed in him as a councilman of the town of Bergen, and have filed the same with the clerk of the township of Bergen. Councilmen to take oath.

6. *And be it enacted*, That no ordinance or other proceeding of said corporation shall be valid or take effect, unless concurred in by a majority of said councilmen; and whenever any ordinance opening, laying out, altering, or regulating the grade of any street or road in said town shall be passed, a map thereof shall be made, under the direction of said councilmen, and placed in the office of the town clerk, for the inspection of all persons interested in such improvement, and to remain as evidence in all causes and matters relating to such grades, opening, alteration, or regulation. Maps to be made of streets opened.

7. *And be it enacted*, That for the payment of the expenses incident to said corporation, other than those relating to streets; it shall be lawful for said councilmen, by ordinance, to order a sufficient sum, not to exceed two hundred dollars in any one year, to be levied for that purpose; and the assessor or assessors of the township of Bergen, on being duly served by a certified copy of such ordinance, shall assess the amount thereof upon the inhabitants and real estate of said town and on the property of nonresidents, in the same manner as township taxes are assessed, and the same shall thereupon be assessed, levied, and collected in the same manner, in all respects, as taxes for township purposes are or may be by law authorized to be levied and collected; the township collector shall pay over all such taxes received by him to the treasurer of the town of Ber- Councilmen authorized to levy tax.

gen; the said collector shall proceed in all things as by the laws of this state township collectors are bound to proceed, and shall be liable to the same pains and penalties prescribed in similar cases; and such further proceedings shall thereafter be had in case of any person being delinquent in paying said taxes as are or may be prescribed by the laws of this state for the collection of taxes for township purposes; and every constable shall pay over to the treasurer of the town of Bergen all moneys collected by them upon any tax warrant.

Assessment
of damages
for improve-
ments.

8. *And be it enacted*, That it shall and may be lawful for the councilmen, in each and every case where improvements shall be prayed for, as herein after provided for, and ordinance passed by the councilmen for that purpose, to appoint three discreet, impartial, and disinterested persons, residents and freeholders in said town, who shall be duly sworn or affirmed to assess, upon principles of equity, and according to the damage or the benefit which the owner or owners thereof may derive therefrom, the real estate in said town, for the improvements to be made in the streets and roads, or parts of each, and for grading the same, or any part thereof, and laying side and cross walks therein, in any part thereof, which said assessment shall include the expenses of making the same, and shall be collected under and by virtue of an ordinance or ordinances made by said council for that purpose, and issued by the said councilmen, under their hands and seals, in the nature of a warrant, to distrain and sell the personal estate of the owner or owners of the said real estate so assessed, directed to one of the constables of the said township of Bergen, whose duty it shall be to return the said warrant to the said councilmen within thirty days thereafter, with the moneys raised thereupon; and in case the moneys therein required to be made, together with the costs, or any part thereof, (which costs shall be the same as on a tax warrant) cannot be made on the said warrant, the said constable shall return said warrant, with a certificate thereof, within said thirty days, to the said councilmen, after which time the councilmen may proceed to enforce the lien, herein after created, upon the

said real estate ; *provided*, that no assessment shall become Proviso. final until after notice thereof shall have been published by the said three assessors, by notice, in writing, set up in five of the most public places in said town for the space of twenty days, at least, and until the same shall have been confirmed by the said councilmen, of the meeting of which said councilmen like public notice shall be given, and to whom any person aggrieved may, at that time, appeal for relief ; and if, by reason of such appeal, deficiencies shall arise in the amount necessary to complete such assessment, then the same shall be made up, assessed, and collected in like manner ; *provided*, that no such assessment shall be Proviso. made, unless upon petition of at least the owners of a majority of the land over which such improvement shall pass.

9. *And be it enacted*, That the said councilmen, upon like Commissioners to open streets. petition, shall, by ordinance, appoint three persons to act as commissioners to lay out or open any street or road in said town, pursuant to the request of the said petition ; said commissioners shall be discreet, impartial, and disinterested persons, resident in said town, 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 improvements applied for, to be set up in five of the most public places in said town, and shall, 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 laying out and opening of any such street or road proper and necessary, they shall lay out the same, and make return thereof, in writing, under their hands, together with a map, containing a particular description, by survey, of such improvement, and appoint a time therein for opening the same, which map and return shall be deposited in the office of the town clerk, for the inspection of the parties interested ; and in case said return shall be confirmed by the councilmen, the same shall be endorsed "confirmed," and being subscribed by the said councilmen, or a majority of them, shall be final and conclusive upon all parties concerned ; the said map and return shall then be filed in the

clerk's office of the county of Hudson, 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, together with an appraisal or valuation duly made of the damages done to the owner or owners of the land over which the said street shall be laid out, and which appraisal or valuation shall specify the names of the owners, the quantity of land taken, and the damages sustained by each of the owners thereof, together with an assessment, duly made, upon the property benefited by reason of the laying out said street or road, which assessment shall be a lien thereon, and be collected in the same manner as assessments are collected in the preceding section, and, when so collected, shall be paid over to the owners damaged by the laying said street; *provided however*, that no return shall be confirmed until after twenty days' notice of the meeting of the councilmen for that purpose shall be given, in writing, and set up in five of the most public places in said town, under the directions of said councilmen, and to whom any person feeling aggrieved may appeal for relief.

Proviso.

Councilmen may order street to be opened at the time specified.

10. *And be it enacted*, That the councilmen may, by written order, under their hands and seals, cause any street or road in said town, laid out under this act, to be opened at the time specified by the commissioners for opening the same, and said street or road shall thereupon be a public highway.

Assessments to be a lien on property.

11. *And be it enacted*, That all assessments which shall be made or assessed upon any real estate in said town by virtue of this act shall be and remain a lien thereon, from and after the time when the same shall be assessed, notwithstanding any subsequent descent, devise, alienation, mortgage, or other encumbrance thereof; and that if the full amount of any such assessment shall not be paid and satisfied within the time limited and appointed for the payment thereof, it shall and may be lawful for the councilmen of said town to cause such lands, tenements, or real estate to be sold at public auction, for the shortest time for which any person will agree to take the same and pay such as-

sessment, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges, and expenses, and to execute, under their hands and seals, a declaration of such sale, and deliver the same to such 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, her, or their own use, against the owner or owners thereof, and all persons claiming under him or them, until his or her said time shall be completed and ended; *provided*, said councilmen shall Proviso. have first caused such sale to be advertised, by advertisements put up in at least ten of the most public places in said town, and also in one newspaper published in said county, for the space of sixty days previous thereto, which advertisements shall describe the said lands, tenements, or real estate, and specify the amount of assessment thereon; *and provided also*, that the lands, tenements, or real estate Proviso. so sold may be redeemed by the owner or owners, or mortgagee or mortgagees thereof, within two years from the date of the sale, on the payment of the amount of the purchase money, with interest at the rate of twelve per cent. per annum from the day of sale, and all expenses necessarily incurred thereupon; *and provided also*, that in Proviso. case the same shall be paid, as herein before provided, by the mortgagee or mortgagees, then and in that case the whole amount of that payment shall be recoverable under and by virtue of the mortgage which said mortgagee or mortgagees may hold upon such real estate, in the same way and manner, in all respects, as if the same were secured by said mortgage.

12. *And be it enacted*, That no penalty for any offence Penalty for offences against ordinances. against any ordinance passed by the councilmen under the provisions of this act shall exceed the sum of twenty dollars; and all penalties shall be recoverable, with costs, in an action of debt, in the court for the trial of small causes, upon suit brought in the name of the town of Bergen; and all moneys so recovered shall be applied in such manner, for the benefit of said town, as to the said councilmen shall seem proper.

Inhabitants
not disquali-
fied as wit-
nesses.

13. *And be it enacted*, That nothing in this act shall be construed to disqualify any inhabitant of the town of Bergen from giving evidence in any action brought in the name of said corporation by reason of his being such inhabitant.

Corporation
to pass and
enforce ordi-
nances.

14. *And be it enacted*, That it shall be lawful for the said corporation to pass ordinances, and enforce the same by fines or imprisonment, as they may deem necessary and proper, to prevent therein all persons from gunning, hunting, shooting, fishing, racing, immoderate driving, dancing, or behaving in a disorderly manner on the first day of the week, called Sunday; and also to prevent the owners or proprietors of all shops, stores, or other places, where liquor or refreshments of any kind are sold, from opening said places, or to harbor or allow persons to gather therein, or about their premises, upon the first day of the week, called Sunday; *provided*, that no fine shall exceed five dollars for the first offence, nor more than twenty dollars for each offence thereafter, and no imprisonment to exceed four days for any one offence.

Proviso.

Corporation
to appoint
officers.

15. *And be it enacted*, That the said corporation shall have power to appoint such number of subordinate officers and agents, as they may deem proper, to enforce all such ordinances as they may be authorized by this act to pass, which officers shall have power to arrest all persons violating any of the ordinances of this corporation, and to bring them before some one of the justices of the peace of the county of Hudson, who may proceed, in a summary way, to hear and determine the said charge; and if the person so charged shall be found guilty, the said justice may impose a fine, and, in default of payment, may commit the person to the county jail till said fine shall be paid, together with all the fees of jailor for keeping him or them.

Animals run-
ning at large
to be im-
pounded.

16. *And be it enacted*, That it shall be lawful for the said corporation to pass ordinances to prevent all animals from running at large upon the public streets or highways within the said town, and to authorize the construction of pounds, to impound all such animals as may be found running at large in manner aforesaid.

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

Approved March 24, 1855.

CHAPTER CLXI.

A supplement to the act entitled, "An act to incorporate the
Warren Railroad Company."

WHEREAS the said company have made considerable pro- Preamble.
gress in the construction of their said railroad, having
commenced operations thereon throughout the greater
portion of their route, and have deemed it advisable to
reduce the grades thereof from a maximum of twenty-
five feet to the mile (as originally contemplated) to a
maximum of twenty-one feet to the mile, so as to cor-
respond with the Central railroad of New Jersey and the
Delaware, Lackawana, and Western railroad, with which
roads the said Warren railroad is to be directly con-
nected; and whereas the said reduction of grade requires,
at said gaps, tunnels of greater length, and located at
greater depth, than was originally contemplated, which
alterations require slight changes of location at different
points of the route of said road—therefore,

1. BE IT ENACTED *by the Senate and General Assembly* Grade may
be altered.
of the State of New Jersey, That the said company be and
they hereby are authorized to alter and vary the grade of
their said road, so as to reduce the same to twenty-one feet
to the mile, or thereabouts, and also to alter and vary the
route and location of their said railroad in such places as
they may deem most convenient and necessary.

2. *And be it enacted*, That, until the tunnel for said Temporary
track may be
laid.
railroad through Van Ness Gap and Voss Gap be com-
pleted, it shall be lawful for the said company to lay a tem-

porary track on the surface, through the said Van Ness Gap and Voss Gap, for the passage of cars, at any grade and by such route as the said company, or its officers or engineers, may deem advisable, such temporary track not to be continued beyond the time hereby limited for the completion of the said railroad.

Time for
completion
extended.

3. *And be it enacted*, That the time for the completion of the said railroad shall be extended to the first day of January, in the year eighteen hundred and fifty-nine.

Survey to be
filed.

4. *And be it enacted*, That the survey of any alterations of the line of said railroad shall be filed in the clerk's office of the county of Warren, instead of the office of the secretary of state.

Approved March 27, 1855.

CHAPTER CLXII.

AN ACT to incorporate the city of Hoboken.

TITLE I.—*Of the boundaries and civil divisions of the city.*

Boundaries
of city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of that part of the county of Hudson embraced within the following boundaries, to wit: beginning at a point in the middle of Hudson river due east from the mouth of Loss or Sluice creek; thence running due west to the centre of said creek, at its mouth; thence along the centre of said creek, the several courses thereof, to the great bend in the same; thence down the centre of the principal ditch, on the west line of lands of the late John G. Costar, to the public road leading from North Bergen to Hoboken; from thence due south to the north line of Jersey City; thence along said north line easterly to the mouth of Eel creek; thence to the

middle of Hudson river; thence northerly, up and along the middle of said Hudson river, to the point of beginning, be and they are hereby constituted a body corporate and politic, in fact and in name, by the name of "the Mayor and Council of the city of Hoboken;" and they and their successors may use a common seal, and, by their corporate name, shall be in law, within the limits and under the restrictions herein after prescribed, capable of purchasing, holding, and conveying, for the public use of said corporation, any estate, real or personal, that the public good requires to be so purchased, held, or conveyed; and the said mayor and council of the city of Hoboken, and their successors, shall, by virtue of this act, become and be absolutely and completely vested with all the lands, tenements, hereditaments, property, rights, causes of action, and estate whatsoever, both in law and in equity, in possession, reversion, or remainder, which at the time of the passing of this act are vested in or belong to the inhabitants of the township of Hoboken, in their corporate capacity, and be liable to pay all the just debts of the said inhabitants of the township of Hoboken owed in their corporate capacity.

2. *And be it enacted*, That the said city shall be divided into three districts or wards, in the manner following, to wit: all that part of the city lying south of the middle line of Third street shall constitute the first ward of said city; and all that part lying north of the middle line of Third street, and east of the middle line of Bloomfield street, shall constitute the second ward of said city; and all that part of said city lying north of the middle line of Third street, and west of the middle line of Bloomfield street, shall constitute the third ward of the said city of Hoboken. Boundaries
of wards.

TITLE II.—*Of the officers of the city, their election, duties, and term of office.*

3. *And be it enacted*, That hereafter, and until otherwise provided for by law, there shall be elected, in and for the said city, a mayor, a treasurer, a clerk of the city, a collector, a collector of arrears of taxes, an overseer of the poor, a superintendent of common schools, a street com- City officers.

missioner, a pound keeper, a chief engineer of the fire department, and one assistant engineer, who shall hold their offices for one year, all of whom shall be elected at the charter elections, except the chief engineer and the assistant engineer of the fire department, who shall be elected by the members of said department, in the same manner as prescribed by an act entitled, "An act to incorporate the fire department of the township of Hoboken, in the county of Hudson," approved March fifteenth, one thousand eight hundred and fifty-four.

Ward officers.

4. *And be it enacted*, That the ward officers shall be, for each ward, two councilmen, one judge of election, two inspectors of election, one assessor, one trustee of common schools, two chosen freeholders, one constable, one commissioner of appeals, and a clerk, who shall be clerk of election; and the councilmen of each ward shall perform such duties as by the laws of the state devolve *ex officio* on the town committeemen in the other townships of this state; and each ward, for general purposes not provided for in this act, shall be considered a township, and each of the three city assessors shall, in the meeting of county assessors, have the same voice as the assessors of any township in the county.

Election of officers.

Proviso.

5. *And be it enacted*, That the charter election shall be held on the second Tuesday in April, in each year, at such place, in each ward, as a majority of the council shall designate; *provided however*, that the first election shall be held for the first ward, in the town hall; for the second ward, in school room in Washington street, near Fourth; and for the third ward, in the academy on public square on north side of Fourth street, in rear of Methodist church, or at such other places as the township committee may direct; said elections shall be held and conducted by the judge, inspectors, and clerk of election, at the same hours, in the same manner, and under the same regulations, in all things, as prescribed by law for the state elections and for members of the legislature, except that the return of the election shall be made to the city clerk within forty-eight hours after the closing of the polls, which return shall be a

full, true, and correct copy of the original statement of the result of such election, made by such judge and inspectors, and shall be signed by them with their own hands and attested by the clerk, and the city clerk shall, when he receive such return, immediately file the same in his office as an official paper.

6. *And be it enacted*, That every person who would, by ^{Who entitled to vote,} the existing laws of the state, be entitled to vote at an election for members of the legislature, if held on that day, shall be entitled to vote at the charter election; and any person voting in any ward shall have actually resided in said ward at least five days previous to such election, and he shall be entitled to vote in that ward, and no other; and no person shall be eligible to vote upon any proposition appropriating moneys raised or to be raised by taxation, unless he shall be entitled to vote at the charter elections for charter officers.

7. *And be it enacted*, That the person or persons receiving the greatest number of votes of those given in the city, for any city office, and of votes given in each ward, respectively, for any office in that ward, shall be elected to that office. ^{Election declared.}

8. *And be it enacted*, That the judge of election in each ward, in every such election, shall attend the meeting of ^{Duties of board of city canvassers.} the board of city canvassers, herein after provided for, as a member thereof, with the original statement of the result of such election in such ward, which shall have been made, signed, and certified as herein before directed; that the judges of election, together with the members of the board of councilmen whose term of office will not expire till after the next succeeding charter election, shall constitute the board of city canvassers; a majority of said board shall be a quorum, and the city clerk shall be clerk of said board; that such board shall meet on the Friday next after such election, at five o'clock in the afternoon of that day, at the council chamber in said city, and at that hour, without delay, the members of said board who shall be then present, if more than five in number, shall proceed to choose one of their number, who shall be chairman thereof; and as soon

as such chairman shall be appointed, it shall be his duty to administer to each of the other members, and of each of the other members to take an oath or affirmation in the following form: "I do swear (or affirm, as the case may be,) that I will faithfully and impartially execute the duties of a member of this board of city canvassers according to law;" and thereupon one of the members of said board shall administer to said chairman, and said chairman shall take an oath or affirmation in the same form as that taken by the other members of such board; and if the city clerk shall be absent at such meeting, at the time appointed therefor, the board shall forthwith, after the oaths or affirmations shall have been administered, as herein before directed, proceed to appoint a fit person to be clerk of such board; and before proceeding to canvass and estimate the votes, the chairman of the said board shall administer to the clerk thereof, and the said clerk shall take an oath or affirmation in the following form: "I do swear (or affirm, as the case may be,) that I will faithfully execute the duties of clerk of this board, according to law;" thereupon the judges of election, who shall be present as members of said board, shall produce the original statements which shall have been delivered to them, respectively, by the electors, and lay the same before such board; and from them the said board shall proceed to ascertain the votes given at such election, for the several persons voted for thereat, for the several offices mentioned in such statements.

Certified copy of statement may be used, if original not produced.

9. *And be it enacted*, That if any of the judges shall be unable to attend such meeting, on the day appointed therefor, he shall, at or before the hour of five o'clock in the afternoon of that day, deliver, or safely transmit to the city clerk, the original statement of the result of the election, which shall have been delivered to him, as herein before directed; and if, from any cause, such original statement shall not be produced to said board of city canvassers at the time appointed for the meeting of said board, the city clerk shall produce and lay before the said board the certified copy thereof filed in his office; and thereupon the said board shall proceed to make their statement and declaration

from such certified copy, in the same manner and with the same effect as if the original statement had been produced by the judge of election to whom the same was delivered.

10. *And be it enacted*, That the said board of canvassers shall make a written statement of the whole number of votes given for mayor of said city, as well as for the several other officers to be elected for said city, and the several wards thereof, the names of the persons for whom such votes were given, and the number of votes given for each. Written statement to be made.

11. *And be it enacted*, That upon such statement, the board shall proceed to determine and declare what person or persons have received the highest number of votes for each of the offices mentioned in such statement; in case any two or more persons shall have received an equal number of votes for the same office, a new election shall be ordered within five days from the meeting of said board to fill any or all such offices; the statement and final declaration of the board shall be certified by the presiding officer and clerk, and filed in the office of the city clerk. Statement of board of canvassers to be filed.

12. *And be it enacted*, That the clerk shall keep proper minutes of the proceedings of the board, and enter the same, with the statement and declaration of the board, in the book of minutes of the council; said statement and declaration shall, within one week thereafter, be published in one or more of the newspapers printed in said city; and within ten days after the board shall have determined what persons have been elected to the several offices in said city, the said clerk shall cause written notices of his election to be given to each of the persons so elected. Statement and declaration to be published.

13. *And be it enacted*, That all elections hereafter to be held within the said city, for members of the senate and general assembly of this state, for sheriff, clerk, surrogate, and coroners of the county of Hudson, and for members of congress and electors of president and vice president of the United States, or for any other officers of the general or state government or officers of the said county of Hudson, to be elected by the people, shall be held in the several wards of the said city, at the places therein appointed by the council for holding the city elections, on the day or State and county elections.

days which now are or hereafter may be designated for holding such elections; the polls shall be opened at eight o'clock in the forenoon, and closed at seven o'clock in the afternoon; and the judges and inspectors of election before mentioned shall preside at and conduct all such elections; and the clerks of the said wards shall be the clerks of such elections in their respective wards; every person in said city, entitled to vote at such elections, shall give his vote in the ward wherein he actually resides at the time of such election, and not elsewhere; and in case any person, at any election whatever held in said city shall vote, or offer his vote, in a ward in which he is not entitled to vote, he shall be liable to the penalty prescribed in the fiftieth section, chapter first, of the act entitled, "An act to regulate elections," approved April sixteenth, one thousand eight hundred and forty-six, to be sued for and recovered, in the name of the clerk of the ward where the offence shall be committed, in an action of debt, with costs, and applied to the use of the poor of said city.

Duties and
powers of
officers of
election.

14. *And be it enacted*, That the said judges and inspectors of elections shall take the same oaths, and conduct such elections, and make returns thereof, in the same manner as township officers of election 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 the city shall procure election boxes for the use of the several wards, in such manner and of such descriptions as are required to be procured by the township clerks of this state, and be subject to the same penalties as township clerks are subject to for neglecting to procure such boxes, and keeping the same in repair.

15. *And be it enacted*, That the mayor shall be elected annually, and no person shall be eligible to that office unless he shall have resided in the city at least two years, and attained the age of thirty years; it shall be his duty to see that the laws of the state and the ordinances of the city are faithfully executed therein, and to recommend to the council such measures as he may deem necessary or expedient for the welfare of the city; as the head of the police of the city, he shall maintain peace and good order therein, and shall have power to suppress all riots and tumultuous assemblies, and to cause to be arrested, without process or warrant, and to commit for trial, all persons violating, or whom he has reason to believe have violated, the laws of the state or ordinances of the city; he shall possess the same powers and authority in criminal cases with which justices of the peace are invested; he shall have power to suspend any policeman for cause, to be by him assigned to the council in writing; in case of his absence from the city, or his inability to perform the duties of his office, the chairman of the council shall, during the continuance of such absence or inability, be vested with the powers and execute the duties of the mayor.

Duties and
powers of
mayor.

16. *And be it enacted*, That any justice of the peace in said city be and he is hereby empowered, on oath, affirmation, or affidavit, made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of the said city, to issue a process, either in the nature of a summons or a warrant, as to him may seem most advisable, against the person or persons so violating such ordinance, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in five entire days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, and in what manner the same has been violated; and that on the return of such process, or at the time to which the justice of the peace shall have adjourned the same, the said justice of the peace shall proceed to hear testimony, and to determine and give judgment in the matter, without the filing of any

Justices of
the peace to
issue war-
rant for
breach of
ordinance.

pleadings; and that the justice of the peace shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and person of the defendant or defendants; *provided*, that in all cases where the fine or penalty shall exceed ten dollars, or where the punishment may be imprisonment, there may be a trial by jury, to be conducted as in cases now triable by jury in the courts for trial of small causes, and also an appeal, as in cases where appeal may now be had from judgments in courts for the trial of small causes; *and provided also*, that in all cases an appeal may be made to the council for a remission of any penalty that may be inflicted or adjudged.

Proviso.

Proviso.

Penalty for not delivering books to successor.

17. *And be it enacted*, That if any person, having been an officer of the said city, shall not, within ten days after he shall have vacated or been removed from the office, and upon notification and request by the city clerk, or within such reasonable time thereafter as the council shall allow, deliver over to his successor in office all the property, books, and papers belonging to the city, or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered, with costs.

Vacancies, how supplied.

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

19. *And be it enacted*, That the treasurer shall receive, ^{Duties of treasurer.} safely keep, and disburse, under the direction of the council, all moneys belonging to or under the control of the city; he shall also keep an accurate account of all receipts and payments, and make returns thereof monthly, or oftener if required, in such manner as the council shall direct; no money shall be paid out of the treasury, except on warrant signed by the mayor or acting mayor, and countersigned by the city clerk, except for the payment of bonds for the city, and certificates of indebtedness for improvements given by the city, and interest on the same, and moneys paid into the city treasury for the redemption of property sold for taxes and assessments; and no warrant shall be drawn on the treasurer by said officers, except in pursuance of an order of the council, passed at a stated meeting of the board, and entered in their minutes; all such warrants shall be numbered and made payable to the order of the person or persons entitled to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid; it shall be the duty of the clerk, before he delivers any warrant so drawn, to enter in the margin of a book, to be provided for the purpose, to be called "the warrant book," opposite to said warrant, the number, date, and amount of the same, the date of the order or resolution authorizing it to be drawn, the purpose for which it was ordered, and the name of the person or persons to whose order the same is made payable, and to take his or their receipt in said book, at the end of said marginal entry, for the said warrant.

20. *And be it enacted*, That the city clerk shall, in ad- ^{Duties of city clerk.} dition to the duties in this act required of him, have charge of all the records, books, papers, and documents of the city, except when the council shall by ordinance otherwise direct, countersign all licenses signed by the mayor, and keep the record of the proceedings of the council; he shall engross all the ordinances of the council in a book, to be provided for by that purpose, with proper indexes, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in the book by the mayor, or

acting mayor, and said clerk; copies of all papers duly filed in this office, and transcripts thereof, and of the records and proceedings of the council, and copies of the laws and ordinances of the said city, certified by him under the corporate seal, shall be evidence in all courts and places; he shall also receive and pay over to the treasurer all moneys which by any law or usage are paid to the clerk of the city.

Overseer of
the poor and
superintend-
ent of schools

21. *And be it enacted*, That the overseer of the poor and superintendent of schools shall respectively perform such duties as by the laws of this state now appertain to and devolve upon the overseers of the poor and superintendents of schools in the several townships of this state, except as changed by this act, or any ordinance passed by virtue thereof, and shall, in addition thereto, perform such other duties, and receive such compensation as the council shall by ordinance direct and award.

Commission-
ers of appeal.

22. *And be it enacted*, That the commissioners of appeal shall have the same powers and perform the same duties, and be entitled to like compensation, that commissioners of appeals in the several townships of this state now have or hereafter may have; and, in addition, they shall have the power to examine the person or persons appealing in cases of taxation under oath, as to the valuation or amount of the chattels assessed against them respectively; and it shall be the duty of the said commissioners to receive the oath of any person appealing, when offered by him relative thereto.

Member of
council may
arrest offend-
ers.

23. *And be it enacted*, That every member of the council shall have the power, and it shall be his duty, without warrant, to arrest, or cause to be arrested, any person engaged in his presence in disturbing the public peace or violating any law of the state or ordinance of the city for the preservation of good order and morality, and to bring, or cause such person to be brought, before any justice of the peace, or some other magistrate, to be dealt with according to law.

Official terms
of officers.

24. *And be it enacted*, That the official term of the several persons who shall be elected in pursuance of this act shall commence on the first Monday of May next after

their election, and they shall continue in office until the end of their term, unless removed, as herein provided; and no appointments for the full term shall be made more than one week prior to the commencement of the said term.

25. *And be it enacted*, That the city treasurer, city clerk, collector of taxes; and collector of arrears of taxes, and such other officers as the council may require, shall, before they enter on the duties of their office, give bonds to the city, in its corporate name, in such sums and with such freehold securities as the council may approve, for the faithful performance of their duties; and all constables shall give bonds to the city, in the manner required by law, with freehold sureties, to be approved of by the council. Officers to give bond.

26. *And be it enacted*, That for the election of justices of the peace, each ward shall be considered as a township, and, until the census, each ward shall be entitled to one justice only. Elections for justices of the peace.

27. *And be it enacted*, That all fines inflicted by ordinances shall, when received, be paid into the city treasury. Fines.

TITLE III.—*Of the constitution and duties of the council.*

28. *And be it enacted*, That the legislative powers of said corporation shall be vested in a mayor and a board of councilmen. Legislative powers.

29. *And be it enacted*, That the board of councilmen shall consist of the councilmen elected from each ward; and each councilman shall, at the time of his election, be an elector of the ward in which he is chosen, and shall have been a resident of the city for at least two years immediately previous thereto, and shall have attained the age of twenty-five years. Board of councilmen.

30. *And be it enacted*, That the board of councilmen first elected under and by virtue of this act shall, at their first meeting after their election, divide the councilmen of each ward, by lot, into two equal classes, one of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year; and that, on the second Tuesday of April, of the year one thousand eight hundred and fifty-six, and every year thereafter, the Councilmen to be divided into classes.

said wards shall, respectively, elect one person as councilman of said ward, who shall hold such office for two years; and in case of death or disability of any councilman, a person shall be duly elected to fill the unexpired term.

Vacancies in council.

31. *And be it enacted*, That in case any councilman shall, after his election or during his term of office, remove out of the ward in which he shall have been elected, his office shall be deemed vacant, and he shall no longer act as councilman; any councilman may also resign his office at any time, by filing written notice thereof with the city clerk; and the council shall have power to direct a special election to supply any vacancy that may occur, but such person so elected shall hold his office only for the residue of the term so vacated.

Quorum.

32. *And be it enacted*, That a majority of the council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to-day.

Chairman of council.

33. *And be it enacted*, That the council shall annually elect a chairman from its own body, and in his absence a chairman for the time being, choose officers, appoint its time and place of meeting, be the sole judge of the qualifications of its members, determine the rule of its own proceedings, and keep a journal thereof.

Ordinance to be signed by mayor.

34. *And be it enacted*, That every ordinance of the council, and every resolution of the council affecting the interest of the city, shall, before it takes effect, be presented, duly certified, to the mayor; if he approve it, he shall sign it, if not, he shall return it, with his objections, and file the same with the clerk within ten days after he received it; and the said board shall, at its first regular meeting thereafter, order the objections to be entered at large on its journal, after which it shall proceed to reconsider the same, and if two-thirds of the members elected shall then pass the same, it shall take effect as a law, but in every such case the vote shall be taken by ayes and nays, and entered on the journal; and if such ordinance or resolution shall not be so returned by the mayor within ten days after he 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

Proviso.

passed as aforesaid, shall be published, for the space of twenty days, in at least one newspaper published or circulated in said city or county before said ordinance shall go into effect; *provided also*, that no ordinance or by-law Proviso. shall be enacted or passed by the said council, unless the same shall have been introduced before the said council at a previous stated meeting, and shall have been agreed to by at least four of the members of the council.

35. *And be it enacted*, That the council shall, at least Annual statement to be published. once a year, not more than thirty, nor less than twenty days before the annual city election, publish, in such of the newspapers printed in the city or county as they shall designate, a full statement of all the receipts and expenditures, of every description, for the fiscal year preceding such statement, including all the moneys which have passed through the hands of the treasurer, for any purpose whatever, together with the different sources of city revenue, the amount received under each, the several appropriations made by the council, the objects for which the same were made, and the sums expended for each; also any moneys borrowed upon the credit of the city, whether by temporary loans or by the issue of bonds, the terms upon which they were obtained, the authority under which they were borrowed, and the purposes to which they were applied, and how much of the same, or other city indebtedness, has been repaid, and by what means; the statements shall also include a detailed account of the city property, existing debts of every description, and the condition of the sinking fund, with all such other information as may be necessary for a full understanding of the financial concerns of the city.

36. *And be it enacted*, That the council shall hold Meetings of council. stated meetings, at least once in each month, at such time and place as they may appoint; but the mayor, or, in his absence, any two councilmen may call special meetings, by notice to each of the members of said council, served personally or left at his usual place of abode.

37. *And be it enacted*, That resignation of any office Resignations held under the council by the provisions of this act may be

made to the council, and the council may fill such vacancy for the remainder of the current civil year.

Removal
from office.

38. *And be it enacted*, That the council, for cause, may remove any person appointed by them under the provisions of this act by a vote of two-thirds of the members of said council; and the cause therefor, together with the ayes and nays upon the vote taken, shall be entered at large upon the journal of the council.

Members of
council not
to hold office
when emolu-
ments are
paid from
city treasury

39. *And be it enacted*, That no member of the council shall, during the period for which he was elected, be appointed to or competent to hold any office, the emoluments of which are paid from the city treasury, or be directly or indirectly interested in any work or business, or in the sale of any article, the expense, price, or consideration of which is paid from said city treasury, or by any assessment levied by any act or ordinance of said council; nor shall any such member be directly or indirectly interested in the purchase of any real estate or other property belonging to the corporation, or which shall be sold for taxes or assessments, or become security for any officer appointed by said council, or for any contractor under the city government, under the penalty of five hundred dollars for each offence, to be recoverable by suit in the name of the city clerk; and the said amount, when received, to be paid in the city treasury.

TITLE IV.—*Of the powers of the council.*

Ordinances.

40. *And be it enacted*, That the said council shall have power to pass, alter, and repeal ordinances, to take effect within said city, for the following purposes:

Public build-
ings.

First. To manage, regulate, control, and protect the finances and property of the city, and for the building, erecting, and maintaining school houses and a city prison, and such other buildings as may be necessary for the objects of this charter.

Police.

Second. 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.

Third. To control and regulate the fire department of

the city, subject to the provisions of "An act to incorporate the fire department of the township of Hoboken," approved March fifteenth, eighteen hundred and fifty-four, except so much of said act as shall conflict with the provisions of this act, which parts be and are hereby repealed; to make such reasonable regulations, as to the manner of building dwelling houses and other buildings, the manufacture and keeping of gunpowder, fire works, and other dangerous and combustible articles, and to prevent, within certain limits, to be from time to time prescribed by ordinance, the erection of wooden buildings.

Fourth. To provide lamps, gas posts, and gas, to light the streets, docks, piers, wharves, public squares, and public buildings of said city.

Fifth. To control and regulate all the wells and pumps in the public streets and squares, and to make all necessary arrangements for a full and copious supply of good and wholesome water for public and private use; to make ordinances for the distribution of the same, and to impose assessments for the use thereof, which assessments shall be binding upon improved and unimproved lots so assessed, and may be collected in the same manner as prescribed in this act for the collection of assessments for grading, paving, curbing, flagging, and laying out of public streets, squares, and alleys; *provided*, that no arrangement shall be made with any parties which will involve an expense to the city of more than one dollar per annum, per capita, for every actual resident in the city; a census, to determine the number of residents, shall be taken between the tenth and twentieth days of December, in each year, by two persons to be appointed, one by the council and one by the contractor; *and provided*, that when the annual payments to the contractor shall amount to twenty thousand dollars per annum, then the increased payments shall cease, and the contractor shall continue the supply of water at the rate of twenty thousand dollars per annum, but either party may have the privilege of ending the contract, by giving three years' notice to that effect; *and provided*, that the water rates shall in no case exceed the water rates now charged

Proviso. in New York or Jersey City; *and provided also*, that nothing herein contained shall be so construed as to authorize the issue of bonds or other evidences of debt by the city for such purposes; and in case no arrangement shall be made with any company or person to furnish a sufficient supply of water for public and private purposes, as above specified, within one year after this charter shall go into operation, then that a two-thirds vote of the inhabitants of Hoboken (being legal voters), at their succeeding charter election, may authorize the council to construct proper water works, and to borrow money, in such manner as they may direct, for the construction of such works.

**Grading,
paving, and
regulating
streets.**

Sixth. To make, lay out, and improve all public streets, alleys, squares, and grounds, and to establish such as have been already laid out; and to regulate and govern the levelling, pitching, and constructing of the streets and alleys and the raising and levelling of streets and alleys and of all lots and grounds for building, as well public as private, except those already established; to establish the boundaries of all streets and public alleys, and prevent and remove all encroachments, encumbrances, and nuisances in or upon the same; to pave, gravel, curb, and gutter the streets; to flag, or pave with brick, the side walks, to repair the side walks, or any of them, or any part thereof; to reset the curb and gutters in the streets; to compel the occupiers and owners of improved lots to curb and flag, or pave with brick, the side walks opposite their lots, except those already flagged or paved, and to compel the owners of vacant lots to curb and flag, or pave with brick, not less than three feet wide, the side walks opposite said lots, and to keep the same and the gutters swept and clean, and clear the snow and ice, and other impediments; to prevent horses, cattle, swine, goats, and geese from running at large in the streets, and to provide for the impounding and sale of the same, and the destruction of diseased quadrupeds; to prevent immoderate driving in the streets and riding or driving over or upon the side walks, and to regulate the speed and running of locomotive engines and railroad cars through said city; to construct and build sewers and drains in and from

the public streets and squares, and such alley ways as may be dedicated for draining purposes; *provided*, the owners Provide. of two-thirds of the property upon such streets or alleys shall petition, in writing, to said council to have such sewers or drains constructed; *and provided*, the owners of two-thirds Provide. of all property of said city shall petition, in writing, to said council to have such public squares sewered or drained, the clerk of said city to keep on file said petitions, for the inspection of all persons interested; to regulate the building of vaults and the laying of water or gas pipes in or under the streets, and, in every other respect, to secure to the public and the adjoining owners the safe and convenient use of the streets and side walks, squares and public grounds, for the purpose for which they are or may be laid out and dedicated, in all that part of said city lying south of the following described boundaries, to wit: commencing at a point in the centre of the Hudson river due east from the stone wall of Edwin A. Stevens, where it strikes the wall leading to the Sybil's cave, and running west to said wall; thence westerly, along said wall, to the easterly line of Hudson street; thence northerly, along the easterly line of Hudson street, to the northerly line of Seventh street; and thence westerly, along the northerly line of Seventh street, to the western boundary of said city.

Seventh. To regulate and order the building of a dock Docks and wharves. at the foot of Third street, in said city, at the expense of said city, such dock not to exceed in width the width of said street, and to regulate said dock and the use thereof, when built, and the rates of wharfage, such wharfage to be received by said corporation for their use and benefit, and to make such regulations touching the same, not inconsistent with the laws of this state and the United States, as to them may appear proper and necessary; but nothing herein contained shall be so construed as to give the corporate authorities any right or privilege as shore owners, nor to deprive the shore owners of any right as shore owners, nor any right to permit or establish a ferry, nor any privilege as riparian owners; and further, that it shall be lawful for the shore owners to fill out or extend the shore along

the line of the dock herein provided to be built at any time when they may so elect; but that, in case of any such extension or filling out, they shall, at their own cost, build and extend said dock as many feet beyond the then extreme end of said dock as they shall fill in from the shore, said extension to be made of the same width, and equal in every respect to the dock then in use.

Nuisances. Eighth. To declare, by general law, what shall be considered nuisances in lots, streets, docks, wharves, and piers, and to direct, provide for, and to enforce their removal, and to provide for the sale or other disposition of all encumbrances on the streets, side walks, docks, wharves, and piers.

Health laws. Ninth. To provide health laws, and to enact all such ordinances as they may deem necessary to protect the health of the city.

Inns and taverns. Tenth. To license and regulate inns or taverns for the sale of or traffic in intoxicating drink or drinks, and to license, regulate, and prohibit hawkers, pedlers, hucksters, butchers, slaughter houses, and markets, on such terms and under such regulations and penalties as the council shall by ordinance impose; and no other license for such purposes within said city, granted by any other authority, shall be lawful, except licenses granted by the governor to hawkers and pedlers.

Carmen and hack drivers. Eleventh. To license carmen, hack drivers, omnibus drivers, and porters, and to prohibit all persons, not so licensed, from following the employment of a carman, hack driver, omnibus driver, or porter, in said city.

Keeper of city prison, &c. Twelfth. To provide that the said councilmen, or a majority of them, in council assembled, by not less than four concurring votes, shall and may, from time to time, elect and appoint a keeper of the city prison, a weigh master, an inspector of lumber, firewood, coal, and other fuel, and to define and prescribe their powers and duties, which officers, so appointed, shall continue in office until others shall be appointed to succeed them, and be sworn into office.

Gaming houses, &c. Thirteenth. To prevent and suppress gaming houses and

to prohibit gaming, and to restrain and punish all mendicants, vagrants, street beggars, and common prostitutes.

Fourteenth. To suppress riots, disorderly and tumultuous ^{Riots.} assemblies, and to suppress vice and immorality.

Fifteenth. To punish, by fines or imprisonment in the ^{Violation of ordinances.} city prison, all violations of any ordinance authorized by this act, and to provide all means which they may judge necessary to carry into effect the objects and powers provided for by this act; and no fine shall exceed fifty dollars, or imprisonment ten days.

Sixteenth. To regulate or prohibit interments within the ^{Interments, &c.} city, and bathing in the adjacent waters, and the exhibition of shows, caravans, circuses, or other like matters, and the firing of guns, fire crackers, or other fire works, in said city.

Seventeenth. To restrain all dogs from running at large, ^{Dogs.} and to authorize their destruction.

41. *And be it enacted*, That it shall be lawful for the ^{Council may borrow money.} said council to borrow money, from time to time; *provided*, that the board shall be so empowered by the people at any annual charter election, who shall determine, by a majority vote, the amounts and the general purposes for which any sum may be so borrowed, when in such case it may be lawful for the board of council to secure the payment thereof, by the issue of bonds, or other instrument, under the common seal and the signature of the mayor, and to provide by tax for the payment thereof; *and provided*, ^{Proviso.} there shall not be a greater sum than five thousand dollars raised by loan in any one year, unless the people, by a two-thirds vote at any charter election, otherwise direct; *and* ^{Proviso.} *provided also*, the said city shall not owe more than ten thousand dollars at any one time, except as provided in Title IV., section 5, of this act.

42. *And it be enacted*, That on the adoption of every ^{Yeas and nays to be recorded.} ordinance passed by said council, either for the appropriation of moneys, laying of assessment, taxes, or paving and grading of streets, or for appointments or municipal regulations, the yeas and nays shall be taken, and recorded in full upon the minutes of said council by the city clerk.

TITLE V.—*Of taxes, and their collection.*

Tax author-
ized to be
raised.

43. *And be it enacted*, That the people shall have power, at their annual charter election, by a majority of votes, to raise by tax from year to year, for public purposes, any sum or sums of money, not exceeding in the aggregate the amount herein after prescribed; and the council shall appropriate, as directed by the people (at such charter election), all such moneys as have been so directed to be raised, for the purposes of lighting the streets, supporting a night watch, supplying the city with water to extinguish fires, for repairing the streets, for improving the public grounds, maintaining the poor, supporting and maintaining public schools, erecting and maintaining market houses, school houses, a city prison, for contingent expenses, and all other purposes authorized by this charter; and that the expenditure of such moneys shall be confined to the objects for which they were directed, and be appropriated to no other; and the tax for such purposes shall not exceed, in any one year, three mills on a dollar of the actual and true value of the property assessed; all taxes for city purposes shall be assessed by the three assessors, acting together, within the time directed by the laws of this state for assessing township, county, and state taxes, in the manner following: they shall assess a poll tax on every white male resident over the age of twenty-one years, who is not a pauper, not less than fifty cents, nor more than one dollar, which shall be a school tax, and shall be paid to the superintendent of public schools, for the support of public schools; they shall also assess real estate and chattels situate in the city, both of residents and nonresidents, except such real estate and chattels belonging to religious corporations or churches, or used or occupied by or for public schools or academies, as is by law exempt from taxation by the assessors of townships, and also the real estate and chattels belonging to the mayor and council of said city, in their corporate capacity, by valuing the same at its true, full, fair value, designating the number of lots or parcels of land, and the value of personal chattels which they assess to each person; and every

Manner of
assessing
and collect-
ing tax.

person owning or having in his charge any lands or chattels in said city shall, on application of said assessors, or either of them, disclose and specify the quantity and situation of such lands, and the amount, nature, and value of such chattels; and if any person refuse to answer or give such information, when required, the said assessors shall value his real estate and chattels at double the amount which they may believe the same to be worth, and such person shall have no relief therefrom before the commissioners of appeal, except for so much as exceeds the double value of his estate; and the residue of such city tax, after deducting the amount raised by the poll tax, shall be assessed and raised by such per centum on the whole valuation of such real estate and chattels as is required to make such residue; and all taxes so assessed for city purposes shall be collected by the collector, in the same manner as he is by law directed to collect township, county, and state taxes, and shall be paid over by him to the city treasurer, except such moneys as may have been collected for public school purposes, which shall be paid over to the superintendent of public schools as soon as collected, and before the thirtieth day of December, in each year.

44. *And be it enacted*, That the several assessors shall, in addition to the whole amount of taxes authorized to be laid, assess, to cover losses and expenses, such sum or sums as will cover their own and the collectors' fees, as allowed by law, and five per cent. additional upon the whole sum to be raised, to be applied to the supply of any deficiency by reason of losses of taxes not collectable, and to defray the necessary expenses of collection; the surplus, if any, shall be applied to such purposes as the council may direct. Expenses of collection.

45. *And be it enacted*, That the collector of the said city, in case of the nonpayment of taxes on or before the twentieth day of December, in each year, shall make out a list of the names of the delinquents, with the sums due from them, respectively, thereto annexed, and deliver the same to the clerk of the said city, on the thirtieth day of December, in every year, except when the said day shall be Sunday, and then on the next day following; and it shall be Collector to make return of delinquent tax payers.

the duty of such clerk to lay the same before the council, at a meeting thereof held next after the same shall be delivered to him, and thereupon the said council shall deliver the same to the collector of arrears of taxes, who shall proceed and issue a tax warrant thereon, as provided by law in case of taxes in townships, who shall have power to collect the same, in like manner, in all things, as the constables in townships are directed by law; *provided*, such collector shall, before he delivers such list to the said clerk, take and subscribe an oath or affirmation, before some justice of the peace of said city, that the moneys in the said list mentioned have been duly demanded, or due notice thereof given at the usual place of residence of each delinquent who could be found or may then reside in the said city.

Proviso.

Interest to be charged on unpaid taxes.

46. *And be it enacted*, That whenever, within the said city, any tax shall remain unpaid after the twentieth day of December, in every year, it shall be lawful for the collector of arrears of taxes to charge, receive, and collect, in addition to the amount of said tax, interest thereon, to be computed at the rate of twelve per centum per annum, from the twentieth day of December, in each year, until the same is paid; and such interest shall be paid over by the said collector of arrears of taxes to the treasurer of said city, in like manner and at the same time as he may be required to pay over to said treasurer all taxes by him collected, except such as have been collected for public school purposes, which shall be paid over to the superintendent of public schools.

Collector may deduct interest in certain cases

47. *And be it enacted*, That if any person or persons, from whom any tax shall hereafter be due and payable to the said city, for state, county, or city purposes, shall pay the same or any part thereof, to the collector of the said city before the time appointed by law for the said collector to return a list of delinquent tax payers, it shall be lawful for the said collector to allow and deduct from the amount of said tax, so paid, interest thereon, to be computed at the rate of seven per centum per annum, from the time when the said tax shall be received by the said collector until the time appointed by law to make such return of the list of delin-

quents aforesaid ; *provided*, that nothing herein contained Proviso. shall be so construed as to exempt the said council, or the treasurer of said city, from paying over to the treasurer of this state, or the collector of Hudson county, the full quota of taxes required by law to be raised in said city for state and county purposes.

48. *And be it enacted*, That all taxes and assessments, Real estate may be sold for payment of taxes. which shall hereafter be assessed or made upon any lands, tenements, or real estate situate in said city, shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage, or other encumbrance thereof; and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited for the payment thereof, it shall and may be lawful for the council to cause such lands, tenements, or real estate to be sold at public auction, for the shortest term for which any person will agree to take the same, and pay such tax or assessment, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges, and expenses, and to execute, under the common seal of the said city, a declaration of such sale, to be signed by the mayor and city clerk, and to deliver the same to the purchaser; and such purchaser, his executors, administrators, or assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements, or real estate, for his and their own proper use, against the owner or owners thereof, and all persons claiming under him or them, until his said term shall be completed and ended; *provided*, that the said Proviso. council shall first have caused such sale to be advertised, for at least sixty days, in at least one public newspaper printed and published in said city, and if no newspaper shall be printed and published in the said city, then in at least one public newspaper generally circulated in the said city; and also by advertisements put up in at least five public places in the said city, which advertisements shall describe the said lands, tenements, or real estate, and specify the amount of the assessment or tax, and the recitals in such declaration of sale shall be evidence of the assessment, advertising, and sale; *and provided also*, that the lands, ten- Proviso.

ements, or real estate, so sold, may be redeemed by the owner, mortgagee, occupant, or person interested therein, or by any other person, for and on behalf of the owner, mortgagee, or claimant of such lands, tenements, or real estate, at any time within two years after the sale, for either taxes or assessments, or for both, by paying to the treasurer of the city, for the use of said purchaser, the said purchase money, together with any other sum paid for tax or assessment, which the said purchaser may have paid, chargeable on said lands, tenements, or real estate, and which he is hereby authorized to do, with interest thereon, at the rate of fifteen per centum per annum, in addition thereto; and the certificate of the treasurer of the city, stating the payment, and showing what lands, tenements, or real estate such payment is intended to redeem, shall be evidence of such redemption; the mortgagee shall have power to redeem, at any time, until after the expiration of the six months' notice herein specified; no mortgagee, whose mortgage shall have been duly recorded before sale for any tax or assessment, shall be affected by such sale, unless six months' notice in writing shall have been given to him by the purchaser, or those claiming under him, either personally, or if not to be found in the city, then such notice shall be deposited in the post office of said city, directed to him at his last known place of residence (or at the post office nearest thereto), but nothing herein contained shall be so construed so as to impair the lien created by such tax, assessment, or sale; within a month after the service of such notice by the purchaser, or by those claiming under him, it shall be the duty of the person serving, or causing the same to be served, to file in the city clerk's office a copy of the notice served, together with the affidavit of some person, who shall be certified by the officer before whom said affidavit shall be taken to be a credible person, proving the due service of said notice, which affidavit shall be evidence in all courts of the facts therein contained; *and provided also*, that the said term of time for which any land, tenement, or real estate, so sold as aforesaid, shall not commence, nor shall said purchaser, or those claiming under

Proviso.

him, have a right of possession to said land, tenement, or real estate, until the two years limited for the redemption of the same shall have expired; and the said purchaser, or those claiming under him, shall, at the expiration of said declaration of sale, quit and surrender the said lands, tenements or real estate, in as good state and condition as when he entered thereon, natural wear and accidents excepted; *provided also*, that the sale of such lands, tenements, or real estate, or any portion of them, may be adjourned or postponed from time to time; or suspended, as the council may direct; *and provided*, that if, at any sale of lands, tenements, or real estate, for assessment or taxes, the whole, or any part thereof, shall remain unsold for the want of purchasers, then it shall and may be lawful for the said council to adjourn the said sale, not less than thirty, nor more than sixty days; twenty days' notice, at least, shall be given, as aforesaid, of the said adjourned sale; and if, at said adjourned sale, there shall be no purchasers for said lands, tenements, or real estate, or any part thereof, then it shall and may be lawful for the treasurer of the city to purchase the said lands, tenements, or real estate for the benefit of the city, subject to the same redemption as herein before provided for; *provided also*, that all moneys paid for the redemption of said lands, tenements, or real estate, as aforesaid, together with such taxes and assessments paid by a mortgagee or judgment creditor, shall be a lien on said lands, tenements, or real estate for the amount so paid, with interest at the rate of seven per centum per annum; and such lien shall have precedence of all other liens on said lands, tenements, or real estate, and on foreclosure of any mortgage by such mortgagee redeeming, shall be directed to be made out of said lands, and, on sale of said lands under any such judgment, shall be paid out of the proceeds of sale; *provided further*, that a complete record of all taxes and assessments shall be kept in the city clerk's office, which record shall contain the time when such assessments and taxes were laid, the time when they were paid, and, if the property has been sold therefor, the time of said sale, and to whom sold, and if redeemed, when and

by whom; it shall be the duty of the city clerk to record, in a book, to be called "records of sales," all declarations of sale, to give certificates of search, in relation to liens, to any person or persons applying for the same, and to cancel such declarations, when the property for which they were given shall be redeemed, on certificate of the treasurer of such redemption, and to file said certificate in the clerk's office; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming and one to be filed in the city clerk's office.

Notice to be given of time for redemption.

49. *And be it enacted*, That it shall be the duty of the council to give notice of the expiration of the time limited for the redemption of all lands sold for assessments or taxes by virtue of this act, by advertisement as aforesaid, sixty days next preceding the expiration of the time so limited for redemption, specifying the property unredeemed, and the amount due thereon.

Assessment and collection of state and county taxes.

50. *And be it enacted*, That all state and county taxes shall be assessed by the assessors in like manner and upon the same property as city taxes are assessed, and they shall be collected by the collector in like manner as city taxes are collected by him, and shall be paid over by him to the county collector, in like manner and under like penalties as township collectors are directed by law; *provided however*, that the proportion or quota of tax to be levied and collected in said city for state and county purposes shall be adjusted and fixed, from year to year, upon the same basis or ratio as by the laws of this state is or may be adjusted and fixed for the several townships in this state, for which purpose the assessors shall make a list of such persons and property as are by law liable to such taxes.

Proviso.

Lamp, water and police district.

51. *And be it enacted*, That the council shall establish, by ordinance, certain limits in said city, to be called the lamp, water, and police district, which district shall not extend north of the line designated in Title IV., section 6, of this act, nor northwest of the line of lands of the late John G. Coster, and shall appropriate such moneys as may be directed by a vote of the people, which shall be raised for the expenses of lighting the streets, and supporting a

police, and providing water, and such amount shall be assessed only on property lying within such lamp, water, and police district; and the assessors shall assess such taxes separately from all other taxes, and shall assess them only on property within the lamp, water, and police district.

TITLE VI.—Of improvements, and assessments therefor.

52. *And be it enacted*, That all expense for improvements in opening, grading, guttering, curbing, bridging, and paving streets, and for flagging side walks, and for filling and refilling side walks, and for repairing and resetting flagging in or on the side walks, and for repairing and resetting curb and gutters, and bridge stone and bridging, and for building wells, pumps, cisterns, drains, and sewers, shall be assessed upon and paid by the lands and real estate benefited by the same, in proportion to the benefit received; all propositions for such improvements, except for opening streets and constructing sewers, shall be advertised by the council, in one of the city papers, for twenty days before the same are adopted, and the parties interested shall, if they desire, have an opportunity of being heard thereon before the council or their appropriate committee; *provided*, that for paving any street, or portion of a street, Assessments for opening and repairing streets. *Provided*, lying without the limits before described, the consent of the owners of a majority of the lots to be assessed therefor shall be first had and obtained; and the expenses of such improvements, when completed, shall be ascertained and assessed by three impartial commissioners, not interested therein, who shall be appointed by the council from the freeholders resident in the city, which commissioners shall examine into the whole matter, and shall determine and report, in writing, to the council, what real estate ought to be assessed for such improvement, and what proportion of such expenses shall be assessed to each separate parcel or lot of land, and shall accompany such report with a map containing each lot assessed, and the name of the owner or owners thereof, which report and map shall be filed in the office of the city clerk, and be by him recorded in the assessment book; whereupon the said clerk shall cause to be

inserted in at least one of the newspapers published in said city, for at least ten days, a notice of the filing of said report, and that the council will meet at a time and place, to be specified in said notice, to consider said assessment, and receive and consider all objections thereto, which may be presented in writing; and if the council shall confirm said assessment, it shall constitute a lien on the property assessed for the amount of such assessment.

Lands may
be taken on
payment of
value.

Proviso.

53. *And be it enacted*, That the council shall have power to take any lands that they may judge necessary for the opening of Third street, upon paying to the owner the fair value of the lands taken, and of the improvements thereon, and the damage done to any distinct lot, or parcel, or tenement, by taking part of it for such purpose; *provided*, that the owners of property benefited thereby shall pay a just and equitable proportion of the expenses and costs of opening said street.

Payment of
assessment
of damages
to owners.

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

55. *And be it enacted*, That all commissioners of assessments, appointed by or under this act, shall, before they proceed to the duties of their appointment, subscribe and take an oath, before the mayor or city clerk, faithfully, honestly, and impartially to perform the duties required of them, and shall receive such compensation for their services as the council shall, by general ordinance, fix and ordain, such compensation not to exceed two dollars per day.

Commissioners of assessment to take oath.

56. *And be it enacted*, That the council shall have power to grade, pave, and remove obstructions in all streets, public grounds, and public squares, that are or may become public streets, public grounds, and public squares or highways, by dedication or otherwise, south of the lines heretofore described.

Grading and paving public streets.

57. *And be it enacted*, That all work and materials for improvements, exceeding in cost one hundred dollars, shall be done or furnished by contract, and all contracts for doing work, or furnishing materials for the improvements provided for in this act, shall be advertised for twenty days previous in a city paper, and shall at all times be given to the lowest bidder who will comply with all the requirements of the council and will give ample freehold security for doing said work and furnishing said materials according to contract; and all bids shall be opened in public, and at a time previously noticed in the advertisement above mentioned.

Expenses, how paid.

TITLE VII.—*Of the auditing of claims against the city.*

58. *And be it enacted*, That all claims and demands against the city shall be audited by the council, upon days to be designated for the purpose, at least as often as once in three months; all claims must be presented in writing; they shall be numbered and filed by the clerk, and a brief entry of the name of the claimant, number, nature, and amount of the claim, made by the clerk, in a book kept by him for the purpose, prepared with appropriate letters and columns, so that the entry shall serve as an alphabetical index to the claim; the book shall be provided with a

Claims against city to be audited.

column, in which shall be entered, after the claim, the date when it is audited, and the amount, if any, allowed thereon; the claims shall be audited, and the amounts allowed paid without unreasonable delay; in case the council shall disallow any claim, or allow but a part thereof, its decision shall be a bar to the claim disallowed, or the part not allowed, unless an action shall be commenced against the city thereon within six months from the time the same was audited.

Notice to be given of auditing accounts.

59. *And be it enacted*, That at least two weeks before Thursday, in the second week prior to the annual city election, the council shall cause a notice to be published in one or more of the newspapers published in said city or county, and the publication to be continued for two weeks, that upon such Thursday it will meet for the purpose of auditing all claims and demands against the city which have not been audited; upon such Thursday the council shall meet, and proceed to audit all claims against the city which have been or may then be presented, and to make provision for the payment of all such claims, and of all portions of claims, which it shall have allowed or may then allow.

Claims not to bear interest, except in certain cases.

60. *And be it enacted*, That no claim against the city, which has been presented to the council to be audited, shall be withdrawn from the files; no claim or demand against the city which has not been audited, or which has not been liquidated by the council, shall bear interest, unless it shall have been presented to the council to be audited previous to or at the annual auditing of claims provided for in this title; but the provisions of this title shall not apply to claims on bonds or certificates of indebtedness for improvements given by the city, or to moneys paid into the city treasury for redemption of property sold for taxes or assessments.

Costs on actions against city.

61. *And be it enacted*, That no costs shall be recovered against the city, in any action brought against it for any unliquidated claim which has not been presented to the council to be audited, nor shall costs be recovered against the city, in any action upon any unliquidated claim which shall have been allowed in part by the council, unless the

recovery shall be for a greater sum than the amount allowed by the council, with the interest thereon from the time it was allowed.

TITLE VIII.—*Miscellaneous provisions.*

62. *And be it enacted*, That all taxes and assessments made and due before this act shall take effect in the township of Hoboken, and not then paid, shall be collected and received by the mayor and council of Hoboken, in the name of the collector of the township of Hoboken; and the property liable to be sold therefor shall be sold as if this act had not been passed; and any duty in such collection and sale, imposed upon any officer under the township, shall be performed by the corresponding officer elected or appointed under this act. Taxes unpaid when act takes effect.

63. *And be it enacted*, That the council shall have power to fix the salary, pay, or compensation of all officers appointed by them by general ordinance, such salary or pay shall not exceed that of similar officers in Jersey City; and the salary or compensation of any officer, which has once been fixed, shall not be increased during the continuance of his term of office. Council to fix salaries of officers.

64. *And be it enacted*, That the first charter election under this act shall take place on the second Tuesday in April next, and it shall be held by one judge, two inspectors of election, and one clerk in each ward; those entitled to act by the laws of the township shall hold the election in the first ward, and those for the second and third ward shall be appointed by the township committee; and said election shall be held at such place as before directed; and said township committee shall cause notice of the appointment of such officers, and such places for holding the polls, to be published and posted, for at least seven days before the day of election, in the several wards of said city; and the present town committee and three judges of election shall meet at the town hall on the morning of Thursday next after such election, at ten o'clock, A. M., and be a board of canvassers of such election; and the clerk of election, in each of said wards, shall bring, in person, to such First charter election.

board of canvassers the statement of the votes given in his ward, as made and certified by the board of election in such ward, and from such statements, the said board of canvassers shall then and there make a statement of the whole number of votes cast for each person voted for in said election, and shall declare the person who shall have received the greatest number of votes for any office elected thereto; the said board of canvassers shall sign their names to said statement and declaration in duplicate, and shall forthwith publish such declaration in each of the public newspapers printed in said city, and shall deliver one copy of such statement and declaration to the clerk of said city.

Inhabitants
not incompetent
witnesses in trials
where city is
party.

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

Term of present
officers, when to
cease.

66. *And be it enacted*, That all the township officers of the township of Hoboken shall continue in office and have all the power and authority now vested in them by law, until the mayor and council first elected under this act shall be sworn into office and organized, from and after which time their authority shall cease and determine, except so far as shall be necessary to carry out the provisions of this act.

Compensation
of officers.

67. *And be it enacted*, That the sums hereafter specified, and no other, shall be the pay or compensation to be received per annum by the persons filling the following offices for the time being, and shall remain the same until altered by the legislature of this state: the mayor shall receive the sum of two hundred and fifty dollars, the treasurer the sum of fifty dollars, the city clerk the sum of three hundred dollars; the collector shall receive the same fees as those paid to the township collectors in other townships of the state;

the collector of arrears of taxes shall receive five per cent. upon all moneys received by him, which amount he shall be entitled to demand and receive from the person or persons owing and paying said arrears of taxes and assessments; the street commissioner shall receive the sum of two dollars for every day actually spent in the service of the city; each councilman shall receive one dollar per day for each day actually spent on the business of the city; the overseer of the poor, the poundkeeper, the assessors, judges of election, inspectors of election, clerk of election, commissioner of appeals, shall receive the same compensation that the overseer of the poor, the poundkeeper, the assessors, the judges of election, the inspectors of election, and the commissioner of appeals, of the different townships of the state, are entitled to receive by the statute laws of the state; and the payment of all salaries shall be made by the city treasurer, upon the presentation of the proper warrant, on the first day of each quarter of the fiscal year, out of any moneys he may have on hand belonging to said city.

68. *And be it enacted*, That the present justices of the peace and commissioners for acknowledgment and proof of deeds shall continue in office, for the residue of their terms, as justices and commissioners, respectively, in that ward in which they respectively reside at the passage of this act; and that each ward shall be entitled to two commissioners of deeds, who shall be appointed in the manner prescribed by the statutes of the state.

69. *And be it enacted*, That this act shall not go into effect unless the assent of a majority of the electors of the township of Hoboken shall be first obtained, and, for this purpose, a poll shall be opened on the twenty-ninth day of March, eighteen hundred and fifty-five, between the hours of twelve o'clock, noon, and six in the afternoon, under the direction of the inspectors of the last election of the said township, and at the place where the last election was held for members of the township committee, of which time and place the township committee of said township shall give, at least, one week's previous notice in one of the newspapers published or circulated in the said township; and

Justices of
the peace
and commis-
sioners of
deeds.

Election to
be held for
adoption or
rejection of
charter.

the electors entitled to vote for members of the township committee of said township, as now constituted, shall express their assent or refusal of this act, by depositing their ballots in the box provided for this purpose in said township; and those electors who are in favor of the said law shall each deposit a ballot containing the word "Charter," written or printed thereon, and those who are opposed shall each deposit a ballot with the words "No charter," written or printed thereon; and a canvass and return of the votes shall be made by the said inspectors to the township committee of Hoboken; and if a majority of those who vote at such election are found to be in favor of this act, it shall then, but not otherwise, go into effect.

Former acts
repealed.

70. *And be it enacted*, That all acts in relation to the township of Hoboken, and all provisions of a public character in any of the acts relative to the Hoboken Land and Improvement Company, and the Bergen Land Improvement Company, inconsistent with this act, be and are hereby repealed, but the repeal shall not affect any proceedings had or commenced under the same when this act takes effect, nor any rights or dues to which the said city or township, or any person or persons, is or are entitled by virtue thereof.

Act may be
repealed, &c.

71. *And be it enacted*, That the legislature may at any time alter, amend, or repeal this act; and this act shall be a public act, and take effect immediately.

Vested rights
of persons or
corporations

72. *And be it enacted*, That nothing in this act contained shall be construed to interfere with or impair the vested rights and privileges of any person or corporation whatever, except as to property taken for public use upon compensation, as provided for in this act.

Approved March 28, 1855.

CHAPTER CLXIII.

AN ACT to extend the charter of the Farmers Bank of New Jersey, with amendments.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act to extend the act entitled, an act to incorporate the President, Directors, and Company of the Farmers Bank of New Jersey," passed the eleventh day of November, eighteen hundred and thirty-one, shall be and hereby is continued and extended for and during the term of twenty years from and after the time by the said act limited for its continuance, at which time this act shall take effect. Charter extended.

2. *And be it enacted*, That if the said corporation shall at any time hereafter become insolvent, the whole assets of the said corporation, at the time of its becoming insolvent, shall be first liable for its bills or notes then in circulation; and shall be first applied to the payment thereof; and in case of a distribution of the assets of said corporation among the creditors thereof, under the order or decree of the court of chancery or other court, the holders of such bills or notes shall be equal in priority, and shall have a preference over all the other creditors. Assets liable in case of insolvency for payment of bills.

3. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted, at law or in equity, by any receiver or receivers that shall or may be appointed, for the payment of any such bills or notes, as if the same were their joint and several bills or notes executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability; and if any director shall so attempt to resign his office, he shall be and continue liable the same as if no such resignation had been attempted; and such liability of directors shall Liability of directors.

continue after they cease to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property that shall or may be levied on or taken in execution under or by virtue of any judgment or decree in favor of any receiver or receivers under the provisions of this act shall be sold until after the expiration of four months from the date of said judgment or decree.

Proviso.

Amount of assets, &c., to be distributed pro rata.

4. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills and notes, then the amount that shall or may be realized from said assets and property shall be distributed ratably among the holders of the said bills and notes.

Liability of stockholders

5. *And be it enacted*, That the stockholders of said corporation at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid to an amount sufficient to redeem the said bills and notes, after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder, other than said directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent; and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them, and it shall not be lawful for any such stockholder to assign, or otherwise transfer, his stock or other property to avoid such liability.

Proviso.

Actions against directors or stockholders.

6. *And be it enacted*, That in case of an action or suit at law against any director or directors, stockholder or stockholders, under any of the preceding sections of this act, the receiver or receivers may declare generally for money had

and received ; *provided*, that a schedule shall be annexed Proviso. to the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof.

7. *And be it enacted*, That the bills or notes issued by Amount of issue. said corporation shall not at any time exceed double the amount of its capital stock actually paid in ; and if the president or cashier thereof shall knowingly or wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment, not less than one year nor more than five years, in the discretion of the court.

8. *And be it enacted*, That it shall be the duty of said Monthly statements. corporation, on the first Monday of May next, and on the first Monday of each month thereafter, to publish, in at least one newspaper published in the county where the banking house of said corporation shall be located, a statement, under oath or affirmation, of the actual condition of said corporation, conforming, as nearly as may be, with the annual statements now required by law ; and shall, within ten days after making such statement, forward a duplicate thereof to the secretary of state, to be by him filed in his office ; and if any president, cashier, or director shall knowingly and wilfully falsely swear or affirm to any such statement he shall be deemed guilty of perjury, and be liable to the pains and penalties thereof.

9. *And be it enacted*, That a majority of the stock shall Stockholders to be residents of state. be held by residents of this state.

10. *And be it enacted*, That at all elections and meetings Voting at elections, &c. of the stockholders of said corporation, hereafter to be held, each stockholder shall be entitled to one vote for each share of stock which he, she, or they shall have held in his, her, or their name at least thirty days before the time of voting.

11. *And be it enacted*, That unless the directors of said Act void if assent be not filed. corporation shall, within six months hereafter, assent to this

act, and file a written assent thereto, under the seal of said corporation, in the office of the secretary of state, this act shall be deemed and considered void.

Act may be amended.

12. *And be it enacted*, That this act shall be subject to be modified, altered, or repealed, at the pleasure of the legislature.

Passed March 29, 1855.

CHAPTER CLXIV.

A supplement to an act entitled, "An act to establish the Cumberland Bank at the town of Bridgeton, in the county of Cumberland, New Jersey," passed the fifteenth day of February, eighteen hundred and sixteen.

Charter extended.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act to establish the Cumberland Bank at the town of Bridgeton, in the county of Cumberland, New Jersey," passed the fifteenth day of February, in the year of our Lord one thousand eight hundred and sixteen, and the supplement thereto, passed the ninth day of November, Anno Domini eighteen hundred and thirty-one, be and the same are hereby continued and extended for and during the term of twenty years from and after the time by the said supplement limited for the continuance thereof, at which time this act shall take effect.

Assets liable in case of insolvency for payment of bills.

2. *And be it enacted*, That if the said corporation shall at any time hereafter become insolvent, the whole assets of said corporation at the time of its becoming insolvent shall be first liable for its bills or notes then in circulation, and shall be first applied to the payment thereof; and in case of a distribution of the assets of said corporation among the creditors thereof, under the order or

decree of the court of chancery or other court, the holders of such bills or notes shall be equal in priority, and shall have a preference over all the other creditors.

3. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent; and may be jointly or severally prosecuted, at law or in equity, by any receiver or receivers that shall or may be appointed for the payment of any such bill or notes, as if the same were their joint and several bills or notes executed by them in their individual capacity, and it shall not be lawful for any director of said corporation to resign his office to avoid such liability; and if any director shall so attempt to resign his office he shall be and continue liable the same as if no such resignation had been attempted; and such liability of directors shall continue after they cease to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *pro-* Liability of directors.
vided, that no property that shall or may be levied on or taken in execution under or by virtue of any judgment or decree in favor of any receiver or receivers under the provisions of this act shall be sold until after the expiration of four months from the date of such judgment or decree.

4. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills or notes, then the amount that shall or may be realized from said assets and said property shall be distributed ratably among the holders of the said bills and notes. Amount of assets to be distributed pro rata.

5. *And be it enacted*, That the stockholders of said corporation at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any Liability of stockholders

receiver or receivers that shall or may be appointed as aforesaid to an amount sufficient to redeem the said bills or notes, after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder, other than said directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation became insolvent; and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them; and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability.

Proviso.

Actions against directors or stockholders.

Proviso.

6. *And be it enacted*, That in case of an action or suit at law against any director or directors, stockholder or stockholders, under any of the preceding sections of this act, the receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof.

Amount of issue.

7. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in; and if the president or cashier thereof shall knowingly or wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment, not less than one year nor more than five years, at the discretion of the court.

Monthly statements.

8. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday of May next after this act shall take effect, and on the first Monday of each month thereafter, to publish, in at least one newspaper published in the county where the banking house of said corporation

shall be located, a statement, under oath or affirmation, of the actual condition of said corporation, conforming, as nearly as may be, with the annual statements now required by law, and shall, within ten days after making such statement, forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier, or director shall knowingly and wilfully falsely swear or affirm to any such statement he shall be deemed guilty of perjury, and liable to the pains and penalties thereof.

9. *And be it enacted*, That, at all elections and meetings ^{Voting at elections, &c.} of the stockholders of said corporation, hereafter to be held, each stockholder shall be entitled to one vote for each share of stock which he, she, or they shall have held in his, her, or their names at least thirty days before the time of voting.

10. *And be it enacted*, That nothing in this act contained shall be construed to alter or change the present charter of ^{Present charter to continue in force until its expiration.} said corporation, but the same shall continue as if this act had not been passed up to the expiration of the time limited for its continuance.

11. *And be it enacted*, That unless the directors of said ^{Act void if assent be not filed.} corporation shall, within six months hereafter, assent to this act, and file a written assent thereto, under the seal of said corporation, in the office of the secretary of state, this act shall be deemed and considered void.

12. *And be it enacted*, That a majority of the stockholders shall be residents of this state, and this act shall be ^{Stockholders to be residents of state.} subject to be modified, altered, or repealed, at the pleasure of the legislature.

Passed March 29, 1855.

CHAPTER CLXV.

AN ACT to authorize the erection of a draw or swing bridge over the North branch of Rancocas creek.

Freeholders
authorized
to build
bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the board of chosen freeholders of the county of Burlington to build and maintain, or permit to be built and maintained, a good and sufficient bridge over the main north branch of Rancocas creek, at the most suitable point between the Forks and Mount Holly, with a suitable draw or swing therein, which said draw or swing shall be at least twenty-two feet in width, for the convenient passage of all vessels navigating the said creek.

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

Approved March 29, 1855.

CHAPTER CLXVI.

AN ACT to define that part of the division line between the counties of Middlesex and Somerset, lying between the Kingston bridge and Little Rocky Hill, in this state.

Division line
between
Middlesex
and Somers-
et.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a line, commencing at a point in the centre of the Kingston bridge, where the same crosses the Millstone river, and running easterly along the centre of the Princeton and Kingston branch turnpike to the forks of the old road leading to New Brunswick and said turnpike ; thence along the centre of the old road leading to New Brunswick, the several courses thereof as the

road now runs, until it strikes the present division line at the top of Little Rocky Hill, be and is hereby constituted the division line between the counties of Middlesex and Somerset, from Kingston bridge, on Millstone river, to the top of Little Rocky Hill.

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

Approved March 29, 1855.

CHAPTER CLXVII.

AN ACT to change the name of the First Presbyterian Church of South Trenton to the Second Presbyterian Church of Trenton.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the religious society and corporation heretofore existing and known by the corporate name of "the Trustees of the First Presbyterian Church of South Trenton," in the county of Mercer, and state of New Jersey, shall be hereafter known and distinguished by the corporate name and style of "the Trustees of the Second Presbyterian Church of Trenton," and, by that name, the same shall be deemed a body politic and corporate, possessing the lawful powers and privileges of an incorporated religious society ; *provided*, that the rights of property of the said society shall in no wise be affected by the said change of name. Corporate name changed. Provide.

Approved March 29, 1855.

CHAPTER CLXVIII.

AN ACT to confirm the election held pursuant to the forty-fifth section of the act entitled, "An act to establish the city of Elizabeth."

Preamble.

WHEREAS on the twenty-second day of March, in the year one thousand eight hundred and fifty-five, in pursuance of the forty-fifth section of the act entitled, "An act to establish the city of Elizabeth," an election was had by the electors of the township and borough of Elizabeth, under the direction of the judges of election of said township; and whereas a misapprehension exists as to the meaning of said section, and the right of said judges of election to hold said election has been questioned; and whereas, for the foregoing reason, a doubt has been raised as to the legality of said election—now therefore,

Election confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said election, and the result thereof, be and the same are hereby confirmed, and in all things made valid.

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

Approved March 29, 1855.

CHAPTER CLXIX.

AN ACT to authorize the Trustees of the Methodist Episcopal Church at Cedar Grove, in the County of Mercer, to sell and convey certain real estate.

Preamble.

WHEREAS the congregation of the Methodist Episcopal Church at Cedar Grove, in the township of Princeton, in the county of Mercer, have been and still are the owners

of a certain lot of land, containing about half an acre, situate in the township of Princeton aforesaid, on which they have erected a small church, and which is held for them by certain trustees; and whereas, in order to promote more widely the interest of religion in that vicinity, the members of said congregation united with others in the neighborhood in building a large and commodious church in the town of Princeton, where the said congregation now hold their public worship, having discontinued public worship in the Cedar Grove edifice, whereby the latter building has become of no use to the said congregation; and whereas nearly the entire congregation of Cedar Grove aforesaid, now united with others, and forming the Methodist Episcopal Church at Princeton, deem it advisable that the said lot of land and church at Cedar Grove should be sold, and the proceeds thereof be applied to the use of the said church at Princeton, in liquidating the debts thereof, and have petitioned the legislature for that purpose—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Methodist Episcopal Church at Cedar Grove, in the county of Mercer, or a majority of them, are hereby authorized to make sale and conveyance of the aforesaid lot of land, and church thereon, at Cedar Grove aforesaid, for the best price that can be obtained for the same, and to execute a good and sufficient deed for the same. Trustees authorized to sell property.

2. *And be it enacted*, That the said trustees, or a majority of them, shall pay over the proceeds of said sale to the trustees of the Methodist Episcopal Church at Princeton, for the use of said church, to be applied in liquidation of the debts now existing against said last named church, and to no other purpose, until such debts are satisfied; and the trustees of said Princeton church shall, within three months after such sale, make a full statement of all the proceedings in the premises to said Princeton church, which statement shall be entered at length on the minutes of the said Princeton church. Payment of proceeds of sale.

Approved March 29, 1855.

CHAPTER CLXX.

AN ACT for the relief of Mary Carter, widow of John Carter, deceased, of the county of Burlington.

Treasurer
authorized
to pay Mary
Carter cer-
tain moneys.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state for the time being is hereby authorized and ordered to pay to Mary Carter, widow of John Carter, deceased, during the term of her natural life, the same sum or sums of money, and at the same time or times that the same were ordered to be paid to John Carter, if he were living, by the act entitled, "An act for the relief of John Carter, of the county of Atlantic," approved the ninth day of February, eighteen hundred and forty-three, and the supplement thereto, approved the fifth day of February, eighteen hundred and fifty-three.

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

Approved March 29, 1855.

CHAPTER CLXXI.

AN ACT for the relief of Tabitha Martin, widow of Merrick Martin, deceased, of the county of Middlesex.

Treasurer
authorized
to pay \$60
per annum
to T. Martin.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state for the time being shall and he is hereby authorized and required to pay Tabitha Martin, widow of Merrick Martin, deceased, of the county of Middlesex, a soldier of the revolutionary war of the United States, or to her order, the sum of sixty dollars per annum, in half-yearly

payments from the passage of this act, during the lifetime of the said Tabitha Martin, the first payment to be made on the passage of this act ; and the receipt of the said Tabitha Martin, or her order, shall be a sufficient voucher to the treasurer for such sums of money as he may pay, by virtue of this act, in the settlement of his accounts.

Approved March 29, 1855.

CHAPTER CLXXII.

A supplement to the act, approved April the sixteenth, eighteen hundred and forty-six, and entitled, "An act constituting the court of oyer and terminer and general jail delivery."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the passage of this act, one judge of the court of common pleas, instead of two, as heretofore, shall be sufficient, with a justice of the supreme court, to constitute and hold the court of oyer and terminer and general jail delivery.

Number of
judges neces-
sary to con-
stitute court.

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

Approved March 29, 1855.

CHAPTER CLXXIII.

A supplement to an act entitled, "An act to incorporate the Almonesson and Westville Turnpike Company," passed the eleventh day of March, A. D. eighteen hundred and fifty-three.

Road may be extended.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this supplement, it shall be lawful for the president, directors, and company of the Almonesson and Westville Turnpike Company, in the county of Gloucester, to extend their turnpike from its present termination, at or near the Almonesson mills, in Gloucester county, to or near the Fairview tavern, in Washington township, Camden county, there to intersect the Glassborough road.

Privileges and penalties.

2. *And be it enacted*, That the said president, directors, and company shall, in the extension of their turnpike as above, enjoy all the rights and privileges, and be liable to all the penalties, contained in the act entitled, "An act to incorporate the Almonesson and Westville Turnpike Company," passed the eleventh day of March, one thousand eight hundred and fifty-three, to which this is a supplement; *provided*, that said extension shall be completed within three years from the passage of this act.

Proviso.

Approved March 29, 1855.

CHAPTER CLXXIV.

A supplement to the act entitled, "An act for the limitation of actions," approved April the sixteenth, eighteen hundred and forty-six.

Actions on bond of executor, &c., to be commenced within certain time.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That no action which may be

brought upon any bond given by any executor, administrator, guardian, trustee, receiver, or assignee, under any law relating to insolvent debtors or insolvent estates, for the faithful performance of all or any of the duties of such executor, administrator, guardian, trustee, receiver, or assignee, shall in any wise operate against, or in any manner affect, the surety or sureties named in said bond, unless such action be commenced within twenty years next after the date of the bond; and such surety or sureties, his or their heirs, devisees, and personal representatives, may plead this act in bar of any action not commenced within that time; *provided*, that the time during which the person Proviso. who is or shall be entitled to the benefit of such bond shall have been under the age of twenty-one years, feme covert, or insane, shall not be computed as part of the said limited period of twenty years; *and provided further*, that if any Proviso. such surety shall not reside in this state when the cause of action accrues on such bond, or shall remove from this state after the same shall accrue, and before the time of limitation herein mentioned shall expire, then the time or times during which such surety shall not reside in this state shall not, in actions against such surety, his heirs, devisees, or personal representatives, be computed as part of the said limited period; and if any such surety shall die before the expiration of the time of limitation herein mentioned, then the space or term of six months next succeeding such death shall not, in actions against the heirs, devisees, or personal representatives of such surety, be computed as part of the said limited period.

Approved March 29, 1855.

CHAPTER CLXXV.

A supplement to the act entitled, "An act to regulate the State Library," approved April the tenth, eighteen hundred and forty-six.

State librarian to have charge of law library.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the state librarian to take charge of the law library belonging to the Law Society of New Jersey, whenever the possession of the same shall be delivered to him by said society, and also to remove to said library the several volumes of reports and statute laws which are now in said state library, or may hereafter be procured by the state, or such of them as the commissioners of the library shall think necessary and proper; and the whole law library, thus united, shall be known as the Law Library of New Jersey, and shall be for the use of the legislature, the court and bar of New Jersey, and such persons as are by law entitled to the use of the books of the state library, and the same shall be under the control and direction of the same persons as the State Library is now or shall be hereafter.

Commissioners of library.

2. *And be it enacted*, That hereafter the commissioners of the library shall be the governor, secretary of state, treasurer, chancellor, and chief justice; the concurrence of any three of them shall be necessary to the performance of any act required to be done by the act to which this is a supplement, by the governor, secretary of state, treasurer, or any two of them.

Appropriation, how to be expended

3. *And be it enacted*, That the appropriation by the fifth section of the act, to which this is a supplement, shall be expended exclusively in the purchase of useful books and the enlargement of the library.

Alteration of library room.

4. *And be it enacted*, That any alteration that may be necessary in the library room for the accommodation of the Law Library of New Jersey shall be made under the di-

rection of the commissioners of the library, and the expenses of the same shall be paid by the treasurer, on certificate of the said commissioners.

Approved March 29, 1855.

CHAPTER CLXXVI.

A further supplement to the act entitled, "An act respecting public schools in the city of Trenton," approved March sixth, one thousand eight hundred and fifty.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the city of Trenton may, at their annual ward meetings hereafter to be held, order to be raised by tax, any sum of money for the support of public schools therein that they may think proper, not to exceed five thousand dollars in any one year; at such meetings, every voter may indicate upon his ticket the amount he desires to be raised; the votes shall be counted by the election officers, and the amount of money for which the largest number of votes shall be given shall be immediately thereafter certified by the ward clerks to the common council, who shall add the amount so determined to the sum which they may order to be raised for other city purposes; which amount, as collected, shall be paid over by the collecting officers to the superintendent of public schools, as provided by the act to which this is a supplement.

Tax to be raised for support of schools.

2. *And be it enacted*, That the first section of the supplement, passed March eighth, eighteen hundred and fifty-two, be and the same is hereby repealed.

Part of former act repealed.

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

Approved March 29, 1855.

CHAPTER CLXXVII.

A further supplement to the act entitled, "An act against usury," approved April tenth, eighteen hundred and forty-six.

Bonds, &c.,
not invalid
if sold below
par value.

Proviso.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no bond, mortgage, or other security for the payment of money, heretofore made or issued, or that may hereafter be made or issued, by any railroad or canal corporation, created by or under the laws of this state, shall be held, deemed, or considered invalid because such bond, mortgage, or other security may have been made, issued, sold, assigned, or otherwise disposed of, by such corporation below the par value thereof; *provided*, such bond, mortgage, or other security, shall be valid on its face; *and provided also*, that this act shall not be made to apply to any action or suit now pending.

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

Approved March 29, 1855.

CHAPTER CLXXVIII.

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

Proceedings
on execution
in case of
disability or
death of she-
riff.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any sheriff, or other person, to whom any writ of execution issuing out of the court of chancery hath heretofore been directed and delivered, or shall hereafter be directed and delivered, hath died or

shall die, or hath or shall become disabled by law to discharge the duties of his office or appointment, or hath removed or shall remove out of the state, and continue to reside thereout, without discharging the duties of his office or appointment in relation to the command of said writ, then, or in either of said cases, it shall and may be lawful for the court, upon presenting a petition setting forth the facts above mentioned, and verified to the satisfaction of the court, and upon due notice being given to the other party, to award and order another execution, to be directed to the sheriff of the proper county, or to one of the masters of said court, commanding him to proceed to discharge the exigencies of said writ in the same manner as such officer so dying, becoming disabled, or removing, as aforesaid, was commanded in and by said writ to do; and any proceeding had by such officer to whom such writ shall be directed and delivered shall be as good, valid, and effectual as if the said execution first issued had been originally directed to him; and such sheriff or master shall be entitled to the same fees for services done, and subject to the same suits, penalties, amercements, and proceedings for neglect of duty, as if the said execution had been originally directed and delivered to such sheriff or master.

2. *And be it enacted*, That the deposit required by the eleventh section of the act, to which this is a supplement, shall be sufficient, if it be equal to the amount actually due at the time of such deposit upon the judgment the proceedings on which are sought to be stayed, and the bond required by the same section shall be sufficient if it be in double the amount then actually due upon such judgment. Amount of deposit and bond.

3. *And be it enacted*, That all decrees and orders of the court of chancery, whereby any sum of money shall be ordered to be paid by one person to another, shall have the force, operation, and effect of a judgment at law in the supreme court from the time of the actual entry of such judgment, and the chancellor may order such executions thereon as in other cases. Decrees and orders to have force and effect of judgment at law.

Approved March 29, 1855.

CHAPTER CLXXIX.

A further supplement to an act entitled, "An act to incorporate the city of Newark."

List of members to be furnished to sheriff.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of each of the fire companies now organized, or hereafter to be organized under the act to which this is a supplement, to make out and transmit to the sheriff of the county of Essex, at least thirty days before the January term of the circuit court of said county, annually, a written list of the names of all the members of said company, and in default thereof the said members shall not be entitled to the privilege of exemption from the duty of serving as jurors in said county.

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

Approved March 29, 1855.

CHAPTER CLXXX.

A further supplement to an act entitled, "An act relative to the court of errors and appeals," approved April sixteenth, eighteen hundred and forty-six.

Reversal of judgment of supreme court.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no judgment of the supreme court shall be reversed by the court of errors and appeals, unless a majority of those members of the court who are competent to sit on the hearing and decision of the cause shall concur in such reversal.

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

Approved March 29, 1855.

CHAPTER CLXXXI.

A further supplement to the act entitled, "An act for the more easy partition of lands held by copartners, joint tenants, and tenants in common.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever commissioners, Commissions on sale of real estate. appointed after this act takes effect by any court or judge to make partition of real estate, shall make sale of such real estate, or any part thereof, and the court or judge shall allow them commissions on the amount of sales, such commissions shall not exceed the following rates, to wit: on all sums not exceeding one thousand dollars, two per cent.; if over one thousand dollars, and not exceeding three thousand dollars, one per cent. on such excess; and if over three thousand dollars, one half of one per cent. on such excess.

Approved March 29, 1855.

CHAPTER CLXXXII.

A further supplement to the act entitled, "An act to encourage the establishment of mutual loan and building associations," approved the twenty-eighth day of February, eighteen hundred and forty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any person, to whom a certificate of stock in any association organized Duplicate certificate may be issued when original is lost. under the provisions of the act, to which this is a supplement, has been issued, shall make application in writing to the directors of such association, setting forth the number

of said certificate, and the number of shares expressed therein, and that he or she hath not voluntarily parted with the custody of said certificate, and that said certificate and shares still belong to him or her, but that said certificate hath been lost, and could not be found for two months next preceding such application, after diligent search therefor (which statement shall be verified by affidavit annexed thereto), and requesting said directors to issue to him or her a duplicate certificate in lieu of the one so lost, it shall be lawful for said directors to cause to be inserted, at the expense of said applicant, in a newspaper circulating in the neighborhood of the place where the said association is located, and continued therein, at least once in each week, for two months from the date thereof, an advertisement setting forth that such application has been made, and that, unless proper cause be shown to said directors by a certain day, to be therein named, which day shall be not less than two months from the date of said advertisement, a duplicate certificate will be issued, in accordance with the terms of said application; and after such publication, if no proper cause to the contrary be shown, as aforesaid, it shall be lawful for said directors to issue to such applicant the duplicate certificate so applied for, and upon the issue of such duplicate certificate the alleged lost certificate shall be void, as against such association.

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

Approved March 29, 1855.

CHAPTER CLXXXIII.

A further supplement to the act entitled, "An act for the preservation of sheep," 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 the provisions of the act entitled, "A supplement to an act entitled, an act for the preservation of sheep," approved April fourteenth, eighteen hundred and forty-six, which supplement was passed March twenty-fourth, eighteen hundred and fifty-two, be extended to and shall be in force and effect within the township of Clinton, in the county of Hunterdon, in this state. Provisions of former act extended.

2. *And be it enacted*, That the first, second, and tenth sections, and all such other sections and parts of sections of the act entitled, "An act for the preservation of sheep," approved April fourteenth, eighteen hundred and forty-six, as are repugnant to or inconsistent with the provisions of this act, so far as relates to the township of Clinton, in the county of Hunterdon, shall be and are hereby repealed. Part of former act repealed.

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

Approved March 29, 1855.

CHAPTER CLXXXIV.

An additional supplement to an act entitled, "An act to incorporate the Belleville Railroad and Transportation Company," passed February sixteenth, eighteen hundred and thirty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Gasheirie Dewitt and Additional commissioners to receive subscriptions.

Charles G. Snow be additional commissioners for opening the books of subscription to the capital stock of the Belleville Railroad and Transportation Company; and whenever forty thousand dollars of the capital stock of said company shall be subscribed for, and ten per cent. paid in, according to the provision of the act to which this is a supplement, the said company may be organized; and that the time limited for commencing and completing the railroad authorized by said act shall be computed from the passage of this act.

Parts of former acts repealed.

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

Approved March 29, 1855.

CHAPTER CLXXXV.

A further supplement to "An act incorporating the Rahway Fire Company," passed December third, eighteen hundred and twenty-three.

Association authorized to raise money by tax.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the said Rahway Fire Association be and they are hereby authorized and empowered, at the next annual meeting, and at any subsequent annual meeting, to raise, by a tax for the object of said corporation, any sum of money not exceeding two thousand five hundred dollars; *provided however*, that the capital stock of said corporation shall at no time exceed the value of ten thousand dollars.

Proviso.

Inventory of property to be made.

2. *And be it enacted*, That the managers of the said corporation shall, at the next and at every subsequent annual meeting, make an inventory of all the property of the fire company, which inventory, at a fair cash valuation, shall

be taken as the amount of capital stock paid in ; the inventories shall be recorded by the secretary upon the books of the company ; and the fire company are authorized to raise such sums of money, under the limitations of this act, as the necessities of the company require, until their fire engines, engine houses, reservoirs, ladders, buckets, fire hooks, and other implements and machines belonging to the association, and used for the purpose of extinguishing fires, shall amount, at a fair cash valuation, to the sum of ten thousand dollars.

3. *And be it enacted*, That the moneys hereby authorized to be raised shall be raised by tax upon the same kinds of property, and in the same manner, and be subject to the same rules and regulations, as is mentioned and described in the act to which this is a supplement, and the supplement thereto, passed March twenty-seventh, eighteen hundred and forty-five. Mode of raising tax.

4. *And be it enacted*, That this act shall go into operation immediately after the passage thereof.

Approved March 29, 1855.

CHAPTER CLXXXVI.

A further supplement to the " Act to authorize the construction of works for supplying Jersey City and places adjacent with pure and wholesome water," approved twenty-fifth of March, eighteen hundred and fifty-two.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the whole amount of the special tax of two cents upon each one hundred square feet of all lands within the limits of Jersey City liable to taxation, which the mayor and common council of said city are directed by the seventeenth section of the " Act to authorize the construction of works for supplying Jersey City and Tax to be paid annually to commissioners.

places adjacent with pure and wholesome water," to levy and collect for the payment of interest upon the debt created for the construction of the Jersey City water works, shall be paid by the said mayor and common council annually, on the third Tuesday in December, to the water commissioners of Jersey City, so long as the said tax shall continue to be levied and collected.

Water rents. 2. *And be it enacted,* That the water commissioners of Jersey City shall from time to time fix the prices to be charged for the use of Passaic 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 payment of 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 Passaic water is not taken, if the same are situated upon any road, street, avenue, lane, alley, or court in Jersey City 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 determine and give public notice of the times and places at which the said water rents shall be due and payable, and the penalties to be charged for delaying the payments beyond the times so fixed; and the said water rents 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 Jersey City, 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 Jersey City; and the amount of such arrears and interest, when collected, shall be paid to the said commissioners.

3. *And be it enacted*, That the water commissioners of Jersey City 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 "Jersey City water scrip" or 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 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 "scrip" or bonds issued therefor, if the same can be obtained at reasonable rates, or if that cannot be effected, then to be safely invested by the said water commissioners, and allowed to remain as a sinking fund to be applied to the payment of the scrip at its maturity.

4. *And be it enacted*, That if application shall be made to the mayor and common council of Jersey City, by the owners of more than one half the property to be drained thereby, for a temporary sewer or sewers or drains, in any street, road, avenue, lane, or alley, not in accordance with the plan of sewerage decided upon and recommended by the water commissioners, and adopted by the mayor and common council of Jersey City, but which will not interfere with or obstruct the execution of the aforesaid plan, or its operations, when the same shall be completed, the mayor and common council shall, after publishing said application in some newspaper published in Jersey City for the period of twenty days, have authority to construct such temporary sewer or sewers or drains, and the cost of the same shall be ascertained in the same manner that the cost of permanent sewers and drains is directed to be ascertained in a supplement to the "Act to authorize the construction of works for supplying Jersey City and places adjacent with pure and wholesome water," approved March sixteenth, eighteen hundred and fifty-four, and be collected by the mayor and common council in the same manner as assessments for the improvement of streets are collected; and all the provisions

Payment of principal and interest on water scrip.

Temporary sewers or drains may be constructed.

of said supplement relating to the use and management of sewers and drains, and all penalties for injuring or obstructing the same, contained in or authorized by the said supplement, shall be good and valid with respect to the temporary sewer and drains hereby authorized.

Amount due
for water
rents to be a-
men.

5. *And be it enacted*, That the amount due and to become due for the use of the Passaic water or for water rents, and for the penalties and interest thereon, commencing on the first day of September, in the year one thousand eight hundred and fifty-four, and ending on the first day of May next, shall remain a lien, and be collected with the arrearages of taxes for year eighteen hundred and fifty-four, or for eighteen hundred and fifty-five, as the board of water commissioners shall determine, notwithstanding any delay in making out the return to the mayor and common council on the twentieth December last.

Commission-
ers to make
annual re-
port.

6. *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, water rents, and surface tax, 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.

Assessment
and collec-
tion of sums
reported due

7. *And be it enacted*, That it shall be the duty of the assessors of Jersey City to add to the sum so reported three per cent., 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 collectors 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.

8. *And be it enacted*, That all vacancies in the board of water commissioners shall be filled by the common council until the next annual charter election for officers in said city, when the same shall be filled by an election by the people for the unexpired term; and in no case shall a water commissioner be an alderman, except the president of the board ex officio. ^{Vacancies, how supplied.}

9. *And be it enacted*, That so much of the fourteenth and sixteenth sections of the 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, and all the provisions of 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 twenty-sixth (sixteenth) of March, eighteen hundred and fifty-four, and all acts or parts of acts that contravene or conflict with the provisions of this act are hereby repealed. ^{Part of former acts repealed.}

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

Approved March 29, 1855.

CHAPTER CLXXXVII.

AN ACT to incorporate the Port Monmouth Association for building on and improving certain lands located at Port Monmouth.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Joseph N. Barnes, George W. Matsell, Harvey Hart, Ely De Voe, Henry A. Morford, James Eagen, Aaron Seabrook, Frederick A. Talmadge, Albert R. Speer, and others, their associates and successors, be and are hereby incorporated, under the name and style ^{Names of incorporators.}

of "the Port Monmouth Association," the object of which shall be the erection of buildings, and otherwise improving certain lands already purchased by said Joseph N. Barnes and his associates, above mentioned, of the estate of the late Thomas Seabrook, and located at Port Monmouth; also, for the purpose of erecting bathing houses, and suitable buildings for the deposit of lime, lumber, and other building materials, coal and merchandise, necessary for the use of said association.

Amount of
capital stock.

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

Election of
directors.

3. *And be it enacted*, That the concerns of the said corporation shall be managed by not more than nine directors, a majority of whom shall be residents of the state of New Jersey, all of whom shall be stockholders of the said company, and who (except the first directors hereby appointed) shall hold their offices for one year and until others are chosen in their places; the persons named in the first section of this act shall be the first directors; the directors of said company shall hereafter be elected by the stockholders, annually, on the second Tuesday of January, at such place as the directors shall designate, public notice to be given, at least two weeks previous, in a newspaper published in the county of Monmouth; in all meetings of the stockholders to elect directors, or for other objects, each share shall entitle the holder to one vote.

Officers of
corporation.

4. *And be it enacted*, That the directors (a majority of whom shall constitute a quorum for the transaction of business) shall appoint from their number a president, a treasurer, and a secretary, and may make and establish such by-laws and rules and regulations (not inconsistent with the laws of this state) as they may think proper, as to the meetings of the directors and all matters which may appertain to the concerns of said corporation; when any vacancy

shall occur among the directors, it may be filled by the remaining directors.

5. *And be it enacted*, That the directors may require Payment of instalments. payments of subscriptions to the stock, or assessments thereon, at such times and in such proportions as they may deem proper, under the penalty of forfeiting all stock and previous payments made thereon, and may sue and recover all such subscriptions or assessments; notice of the time and place of such payments shall be given, at least three weeks, by publication of the same in a newspaper printed in the county of Monmouth, or by notice served personally on each of the stockholders.

6. *And be it enacted*, That all contracts shall be signed Contracts to be signed by officers. by the president, treasurer, and secretary, in behalf of the company.

7. *And be it enacted*, That the corporation hereby created shall be capable of purchasing, holding, and conveying Corporation may hold real estate. lands not to exceed one hundred acres.

8. *And be it enacted*, That this act shall continue in Limitation. force thirty years, and shall be subject to all the restrictions, liabilities, and provisions of the act entitled, "An act concerning corporations."

Approved March 29, 1855.

CHAPTER CLXXXVIII.

AN ACT to enable the Trustees of the Newark Academy more efficiently to promote the objects of their institution.

WHEREAS the associates and contributors for the erection Preamble. of the Newark Academy did, on or about the sixth day of June, in the year of our Lord one thousand seven hundred and ninety-five, become incorporated by the name of "the Trustees of the Newark Academy," by

the filing of a certificate of incorporation in the clerk's office of the county of Essex, under and according to the provisions of the act entitled, "An act to incorporate societies for the promotion of learning," passed the twenty-seventh day of November, in the year of our Lord one thousand seven hundred and ninety-four; and whereas the increased population of the city of Newark demands a more spacious and commodious building for the purposes of said corporation than the present academy; and whereas to erect such building, and to establish and maintain such a system and course of instruction as will meet the present wants of the community, requires a more liberal capital and income than the said corporation can enjoy under its present organization—therefore,

Trustees incorporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the present associates or constituent members of the above named corporation, and such other persons as may, under the provisions of this act, become associated with them, shall be and continue a corporate body, by the name of "the Trustees of the Newark Academy," aforesaid, with the same corporate powers and privileges to which the said corporation are now entitled, and subject to the same restrictions, limitations, and regulations contained in the act entitled, "An act to incorporate societies for the promotion of learning," approved the sixteenth day of April, in the year of our Lord one thousand eight hundred and forty-six, except so far as the same are repealed, altered, or modified by this act, or incompatible with its provisions; and the said now present associates or constituent members of the said corporation shall be deemed and considered as stockholders thereof.

Notices of election.

2. *And be it enacted*, That instead of the notice now required by law of the annual election for trustees of the said corporation, the notice of such election shall be given one week before the same shall take place, in one or more of the newspapers for the time being printed and published in the said city of Newark; and that at the next annual election for such trustees, that is to say, on the third Tuesday of April next, the said associates or constituent mem-

bers of the said corporation shall elect nine of their number to be trustees of the said academy, each of whom shall continue in office for one year and until others shall be elected in their stead.

3. *And be it enacted*, That such new board of trustees, ^{Trustees to be divided into classes.} at their first regular meeting after such election, shall, by lot or otherwise, as they may agree, divide themselves into three classes, to be designated as the first, second, and third class, and each class to be equal in number; the seats of the first class shall become vacant at the end of one year, those of the second class at the end of two years, and those of the third class at the end of three years, so that one-third of the members of the board of trustees shall be elected at each annual election to be held thereafter; and all trustees elected after the first election (except to fill a vacancy occurring before the expiration of a term) shall be elected for three years; *provided however*, that the members of the ^{Proviso.} board whose offices shall annually become vacant shall be reëligible.

4. *And be it enacted*, That it shall and may be lawful ^{Trustees authorized to raise money for certain purposes.} for the said "the Trustees of the Newark Academy," in addition to the value of the estate and property now belonging to the said corporation, or, in addition to the amount they may receive from a sale of the academy lot now belonging to the said corporation, or of such part thereof as they may sell, to raise, in the manner herein after mentioned, a further capital or sum of money, not to exceed forty thousand dollars, to be used and appropriated for the purpose of purchasing a suitable lot or parcel of land in the said city of Newark, erecting thereon a suitable building or buildings for an academy, and establishing and maintaining therein a system of education for youth, according to the true intent and meaning of the trusts, uses, and purposes upon and for which the said corporation now hold the Newark Academy and the property whereon it stands.

5. *And be it enacted*, That in order to raise such additional sum of money as aforesaid, or so much thereof as it may be found practicable to raise, it shall be lawful for the said corporation, from time to time, to issue additional

stock (not to exceed in the aggregate the sum of forty thousand dollars), in shares of fifty dollars each, to such person, or persons as may be willing to take or subscribe for the same, and pay into the treasury of the said corporation the par value or amount thereof; and no new members or stockholders shall be admitted or received into the said corporation on any other terms than as above provided for; and at all meetings of the stockholders of said corporation, each stockholder shall have as many votes as he shall hold shares of stock therein, but shall not vote by proxy; and the said stock shall be deemed personal estate, and shall be assignable in such manner and form as the said stockholders shall by their by-laws direct and appoint.

Surplus profits on additional stock may be divided.

6. *And be it enacted*, That if at any time the annual rents, profits, or income of the said corporation upon the said additional stock, authorized in the fourth and fifth sections of this act, shall exceed seven per cent. upon the said additional stock, such surplus may be divided among the stockholders, in proportion to the number of shares by them respectively held at the time of making or declaring such dividend; but all profits or income accruing to the said corporation from the property thereof, to the amount of seven per cent. per annum, or less, on such actual capital as aforesaid, and all profits or income accruing to the said corporation from the property now in their possession, shall be devoted to the improvement of the institution and the promotion of education therein.

Act may be repealed &c.

7. *And be it enacted*, That this act shall go into operation immediately, and may be altered, amended, or repealed at any time hereafter, as the legislature may deem proper, not prejudicially interfering with the vested rights of the corporators.

Approved March 29, 1855.

CHAPTER CLXXXIX.

AN ACT to incorporate the Dover Mining and Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly* Names of corporators.
of the State of New Jersey, That Henry McFarlan, Charles McFarlan, and Guy M. Hinchman, and such others as are or may hereafter be associated with them, shall be and hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the Dover Mining and Manufacturing Company," to be located at Dover, New Jersey, for the purpose and full power and privilege to mine, raise, and sell iron ore, to manufacture iron and steel in all its branches and details, and to carry on the business incident thereto, with the power of holding such real estate as may be necessary to carry on such business, not exceeding in the whole one thousand acres.

2. *And be it enacted*, That the stock, property, concerns, Election of directors.
 and affairs of the said corporation shall be managed and conducted by five directors, a majority of whom shall be residents of this state, who shall be annually elected, on the first day of April, at such time of the day, and at such place in the county of Morris, state of New Jersey, as the by-laws of said corporation shall direct; and public notice shall be given of the time and place of holding such election, at least two weeks previous thereto, in one of the newspapers printed in the county of Morris; and the election shall then and there be made, by such of the stockholders as shall attend for that purpose, in person or by proxy; and all elections shall be by ballot, each share having one vote; and the persons who shall have the greatest number of votes shall be the directors; and the said directors shall have power to make such by-laws, for their own regulation and the management of the stock, property, and business of the association, as to them shall seem best; *provided*, such by-laws are not repugnant to the constitu-

tion and laws of the United States or of this state; and the said directors, as soon as may be after their election, shall proceed to elect, by ballot, one of their number to be their president, who shall be a resident of the state of New Jersey; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, or resignation, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; *provided*, that the first election shall be held within two years after the passage of this act, fifteen days' notice to be given of said election, in the paper aforesaid, by the persons named in the first section of this act.

Proviso.

Corporation not dissolved for failure to elect on day prescribed.

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

Amount of capital stock.

4. *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 to five hundred thousand dollars, and the company may commence operations when the sum of one hundred thousand dollars shall have been subscribed and paid in; the shares of said company shall be one hundred dollars each; and it shall be lawful for the directors to assess and call in the capital in such manner and at such times as to them shall seem best; *provided*, that the company shall not commence business or operations until the aforesaid sum of one hundred thousand dollars shall have been subscribed and paid in.

Proviso.

Quorum.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board or quorum for the transaction of the business of the said corporation.

Stock transferable.

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

7. *And be it enacted*, That no transfer of stock of said corporation shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose, which book shall at all times be open to the inspection of the stockholders. Transfers to be registered.

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

Approved March 29, 1855.

CHAPTER CXC.

AN ACT to incorporate the Newark City Bank.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel H. Pennington, Daniel Condit, David Campbell, John M. Davies, Aaron Carter, jun., David Conger, Martin R. Dennis, Horatio N. Peters, Ira M. Harrison, Nehemiah Perry, Stafford R. W. Heath, Zenas C. Crane, and their associates, shall be and they are hereby created a body corporate and politic, in name and in fact, by the name and style of "the Newark City Bank ;" and by that name they and their successors may have perpetual succession, and shall have power to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever, and may have a common seal, and may change, alter, and renew the same at pleasure, and by the same name shall be and are hereby Names of corporators.
General powers.

made capable in law of purchasing, holding, and conveying any estate, real or personal, for the use of said corporation; *provided*, that the said corporation shall in no case be owner of any ships or vessels, or directly deal or trade in any thing except bills of exchange, promissory notes, gold or silver bullion, stock of the United States, and such ships or vessels, goods, wares, and merchandise, as shall be truly pledged to them by way of security for debts due, owing, or growing due to the said corporation, or purchased to secure such debts, or on the sale of goods which shall be the produce of its land; *provided also*, that the real estate which it shall be lawful for the said corporation to hold shall be only such as is now owned by the present association of the Newark City Bank, and such as may be necessary for its immediate accommodation for the convenient transaction of its business, or such as shall have been bona fide mortgaged to it by way of security for loans or contracts made or conveyed to it in full or in part satisfaction of debts previously contracted in the course of its dealings, or purchased upon judgment for the purpose of bona fide securing any debt or debts due to the said corporation.

Amount of
capital stock.

2. *And it be enacted*, That the capital stock of the said corporation shall be two hundred and fifty thousand dollars, to be divided into shares of fifty dollars each, with the privilege of increasing the same to five hundred thousand dollars at any time during the continuance of this charter, and that the present owners of stock in an association formed at the city of Newark, in this state, and doing business there, called and known as "the Newark City Bank," under the provisions of an act of the legislature of this state, passed February twenty-seventh, eighteen hundred and fifty, entitled, "An act to authorize the business of banking," shall have the right, and be deemed and taken, as the subscribers to the stock of the bank incorporated under this charter, to the same number of shares they may hold in the said association at the date of the passage of this act; and that from that time all the property, real and personal, of the said association 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 association and subscription to the stock had been made under this act.

3. *And be it enacted*, That all the affairs, property, and concerns of the said corporation shall be managed and conducted by thirteen directors, all of whom, together with the president, shall be stockholders and citizens of this state, and of whom at least eight, together with the president, shall have been resident within the said city of Newark for at least one year immediately preceding their election, which directors shall hold their offices for one year, and shall be elected on the second Tuesday of August in every year, in the banking house, at such time of the day as the board of directors for the time being shall appoint; and notice shall be given by the said directors, not less than fourteen days previous to the time of holding the said election, by an advertisement to be inserted in one of the newspapers printed in the city of Newark; for the well ordering of which election the directors shall previously thereto appoint three stockholders, not being directors, to be judges of elections, who shall conduct and regulate the same; they shall determine whether the persons voted for are qualified to be elected directors, and, after the conclusion of the ballot, shall decide and declare who are elected directors; and the 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 to one vote for each share of stock which he, she, or they shall have held, in his, her, or their names, at least twenty days before the time of voting; and all such elections shall be by ballot; and the persons who shall have the greatest number of votes shall be directors, who shall take an oath of office; and if it should so happen at any election that two or more persons shall have an equal number of votes, then the said directors in office at the time of such election, or a majority of them, shall proceed, by ballot and plurality of votes, to determine which of the persons so having an equal number shall be the director or directors, so as to

Election of
directors.

complete the whole number; and the directors so elected, as soon as may be thereafter, shall proceed in like manner to elect one of their number, by ballot, who shall be their president; and whenever a vacancy or vacancies shall happen among the directors, by death, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; and that Samuel H. Pennington, Daniel Condit, David Campbell, John M. Davies, Aaron Carter, jun., David Conger, Martin R. Dennis, Horatio N. Peters, Ira M. Harrison, Nehemiah Perry, Stafford R. W. Heath, and Zenas C. Crane shall be directors, and shall hold their offices, respectively, until the second Tuesday of August next and until others shall be chosen by the stockholders.

First directors.

Quorum.

4. *And be it enacted*, That seven directors shall constitute a quorum for the transaction of business, except in cases of discount, which shall be regulated by the by-laws of the corporation; *provided*, that no discount shall be made on any note or notes, bill or bills, without at least one good endorser or other good and sufficient security.

Proviso.

Powers and duties of directors.

5. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to carry on the business of banking, by discounting bills, notes, and other evidences of debt, issuing and circulating bank bills, receiving deposits, buying and selling gold and silver bullion, foreign coins, and bills of exchange, may loan money on real and personal security, and exercise such other incidental powers as shall be necessary to carry on such banking business, and also make and prescribe such by-laws, rules, and regulations as to them shall appear needful and proper touching the government of the said corporation, the management and disposition of the stock, business, and effects thereof, the time, manner, and terms at and upon which discounts and deposits shall be made and received by the said corporation, the duties and conduct of the officers, clerks, and servants employed therein, the election of directors, and all such other matters as may appertain

to the concerns of the said corporation ; and shall have power to appoint as many officers, clerks, and servants for carrying on said business, and with salaries and allowances, as to them shall seem meet ; *provided always*, that such Proviso. by-laws, rules, and regulations shall not be repugnant to the provisions and requirements of this charter or to the constitution and laws of the United States or of this state ; *and provided further*, that the president, cashier, and other Proviso. officers of the said bank shall, at the time of entering upon their stations, take an oath or affirmation faithfully to perform the duties of their respective offices ; and the cashier shall give bond, with good and sufficient security, in the penal sum of twenty thousand dollars, conditioned for the faithful performance of the duties of such cashier, and the clerks shall also give bonds in like manner for such amount as the directors shall order ; but it shall be the duty of the directors, as often as once in every year, to pass upon the sufficiency of the said bonds, and if any are not sufficient in their opinion, to require new and additional bonds and securities to be given ; *and provided further*, that all ap- Proviso. pointments made by the directors shall be held at the pleasure of the board.

6. *And be it enacted*, That the said corporation shall not Payment of instalments. issue bills of a less denomination than one dollar ; and that the stock of said corporation shall be considered as personal property ; and that the said stock, or the dividends arising therefrom, shall be subject to such taxes as all the other banking institutions in this state are liable to ; and their real estate shall be subject to be taxed as other lands in this state are or shall be taxed ; and the directors of said company may require payment for instalments unpaid at such times and in such proportions as they, or a majority of them, shall deem fit, under the penalty of the forfeiture of all previous payments thereon ; and that previous notice of the instalments required to be paid after the first, and of the time when the same are to be paid, shall be published at least thirty days in two of the newspapers printed in the city of Newark.

7. *And be it enacted*, That no transfer of stock of the

Transfers to
be register-
ed.

said corporation shall be valid and effectual until any debt or debts which may be due to said company from the person transferring shall have been fully discharged, and such transfer shall have been registered in a book or books to be kept for that purpose by the directors; and that the total amount of the debts which the said corporation shall at any time owe over and above the actual deposits in said bank shall not exceed twice the sum of the capital stock subscribed and actually paid into the said bank.

Bills or notes
of corpora-
tion assign-
able and ne-
gotiable.

8. *And be it enacted*, That the bills obligatory and of credit under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hands of such person or persons, his, her, or their assignee or assignees, successively, and so as to enable such assignee to bring and maintain an action thereupon in his, her, or their name or names; and the bills or notes which may be issued by order of said corporation, signed by the president and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her, or their order, or bearer, though not under the seal of said corporation, shall be binding and obligatory on the same, and with like power and effect as upon any private person or persons, if sued by him or them in their private and natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were issued by such private person or persons, and shall be received in payment for all debts due to said corporation; *provided*, that every bill or note issued by said corporation payable to bearer, or to any person or persons, his, her, or their order, or bearer, shall be deemed and taken to be payable and demandable at the office of the said banking company.

Proviso.

Dividends.

9. *And be it enacted*, That it shall be the duty of the directors of the said corporation to make semi-annual dividends of so much of the profits of said bank as to them, or a majority of them, shall seem advisable, but that they shall make no dividend of any part of the capital stock.

Rates of dis-
count.

10. *And be it enacted*, That the rate of discount at which loans may be made by the said corporation shall not exceed

the rate of interest authorized by the laws of this state for the time being ; *provided*, that nothing herein contained Proviso. shall be construed to prohibit the said company from dealing in bills of exchange, and the purchase and sale thereof.

11. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation for the time Annual statement to be made. being, under their respective oaths or affirmations and under the seal of the corporation, annually to lay before the legislature of this state a statement of its capital stock paid in, and of its notes, debts, and specie on hand ; and if the said president and cashier shall fail to do the same for the space of three years together, that then and from thenceforth this charter and the privileges hereby conferred shall cease and be for ever at an end.

12. *And be it enacted*, That if at any time after the passing of this act, the said president, directors, and company shall neglect, on demand being made at their banking house during the regular hours of doing business, to redeem in specie, or other lawful money of the United States, their said bills, notes, or other evidences of debt issued by the said corporation, the said president, directors, and company shall forfeit their charter for ever, and wholly discontinue and close their banking operations, either by way of discount or otherwise ; and the said bank shall be liable to pay the holder or holders of such notes or bills, the payment whereof has been refused or delayed upon demand as aforesaid, damages for the nonpayment thereof, at and after the rate of ten per centum per annum from the time of such demand until the same shall be paid as aforesaid or otherwise satisfied. Charter forfeited if bills are not redeemed.

13. *And be it enacted*, That if the said corporation shall at any time hereafter become insolvent, the whole assets of said corporation at the time of its becoming insolvent shall Assets of corporation liable for payment of bills. be first liable for its bills or notes then in circulation, and shall be first applied to the payment thereof ; and in case of a distribution of the assets of said corporation among the creditors, under the order or decree of the court of chancery or other court, the holders of such bills or notes shall be equal in priority, and shall have a preference over all the other creditors.

Liability of
directors.

14. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted, at law or in equity, by any receiver or receivers that shall or may be appointed for the payment of any such bills or notes, as if the same were their joint and several bills or notes, executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability, and if any director shall so attempt to resign his office, he shall be and continue liable the same as if no such resignation had been attempted; and such liability of directors shall continue after they cease to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property that shall or may be levied on or taken in execution under or by virtue of any judgment or decree in favor of any receiver or receivers, under the provisions of this act, shall be sold until after the expiration of four months from the date of said judgment or decree.

Proviso.

Amount of
assets to be
divided pro
rata.

15. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills or notes, then the amount that shall and may be realized from said assets and property shall be distributed ratably among the holders of the said bills and notes.

Liability of
stockholders

16. *And be it enacted*, That the stockholders of said corporation at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid to an amount sufficient to redeem the said bills and notes, after the assets of said corporation and the

property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder other than said Proviso. directors shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent; and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them, and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability.

17. *And be it enacted*, That in case of an action or suit Actions a- at law against any director or directors, stockholder or gainst stock- stockholders, under any of the preceding sections of this holders or act, the receiver or receivers may declare generally for directors. money had and received; *provided*, that a schedule shall Proviso. be annexed to the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof.

18. *And be it enacted*, That the bills or notes issued by Amount of said corporation shall not at any time exceed double the issue. amount of its capital stock actually paid in; and if the president or cashier thereof shall knowingly or wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment, not less than one year nor more than five years, in the discretion of the court.

19. *And be it enacted*, That it shall be the duty of said Monthly corporation, on the first Monday of May next, and on the first statements Monday of each month thereafter, to publish, in at least one to be made. newspaper published in the county where the banking house of said corporation shall be located, a statement, under oath or affirmation, of the actual condition of said corporation, conforming, as nearly as may be, with the annual statements now required by law, and shall, within ten days after making such statement, forward a duplicate thereof to the

secretary of state, to be by him filed in his office; and if any president, cashier, or director shall knowingly and wilfully falsely swear or affirm to any such statement, he shall be deemed guilty of perjury, and be liable to the pains and penalties thereof.

Stockholders to be residents of state.

20. *And be it enacted*, That a majority of the stockholders shall be residents of this state.

Former association merged in corporation created by this act.

21. *And be it enacted*, That the association aforesaid, under the name of "the Newark City Bank," shall, on the passage of this act, and the acceptance of the same by the directors, signified by a certificate of such acceptance, signed

Proviso.

by the president and cashier, under the seal of the said association, and filed in the office of the treasurer of this state, be deemed and taken as merged in the corporation created by this act; *provided*, that the new corporation shall be

Proviso.

liable to all the responsibilities and obligations of the said association; *and provided*, that the bills of the said association in circulation shall be redeemed in the manner and

Proviso.

under the provisions of the aforesaid act, entitled, "An act to authorize the business of banking," and the supplements thereto, made for any association desirous of relinquishing the banking business; *and provided further*, that the

treasurer of this state, on being presented with any amount of said bills, and cancelling the same, not less than five thousand dollars, shall give up to the said association an equal amount of stock or securities pledged for the redemption thereof, to be selected by the treasurer.

Limitation.

22. *And be it enacted*, That this act shall take effect immediately on its passage, and shall continue in force for the term of twenty years from the date thereof; and further, that it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify, or repeal this act whenever the public good requires it.

Passed March 29, 1855.

CHAPTER CXCI.

AN ACT to incorporate the Bellman's Creek Draining Company.

1. BE IT ENACTED *by the Senate and General Assembly* Names of corporators.
of the State of New Jersey, That James McFarlin, Thomas H. Herring, Remsen Verbrycke, John V. Banta, Cornelius Vreeland, Stephen Martling, Jacob Westervelt, Arthur Green, Francis Price, their associates and successors, being the owners of a certain tract of marsh, swamp, or meadow land, situate, lying, and being in the township of Hackensack, and county of Bergen, and the township of North Bergen, in the county of Hudson, bounded on the north by English creek, on the west by the Hackensack river, and on the south and east by the high land, are hereby constituted a body corporate, by the name of "Bellman's Creek Draining Company," for the purpose of improving the said tract, by building and erecting bridges, banks, dams, or sluices, and digging, clearing out, and opening ditches for draining the same, or such other improvements as may be deemed necessary.

2. *And be it enacted*, That the concerns of the said corporation shall be managed by five directors, being owners of meadow land lying within the bounds of the said tract; and at their first meeting shall choose a president, treasurer, and clerk, and shall hold their offices for one year and until others are chosen, a majority of whom shall be a quorum for transacting the business of the said company; and that Francis Price, John V. Banta, Remsen Verbrycke, Thomas H. Herring, and James McFarlin shall be the first directors of the said corporation, and shall hold their offices for one year and until others are chosen; and in electing future directors, and all other matters as pertain to the concerns of the said corporation, each owner or possessor shall be entitled to one vote for twenty-five, or any number under twenty-five acres, and one vote for every additional twenty-five acres held by him or her, and may vote in person or by proxy; and that the time and manner of electing said

directors, and all other matters as pertain to the concerns of said corporation not herein set forth, shall be managed, governed, and regulated by the by-laws of the said corporation; and that the remainder of the directors for the time being shall have power to fill any vacancy or vacancies which may occur in their board.

Duties and
powers of
directors.

3. *And be it enacted*, That it shall be the duty of the directors, or a majority of them, to cause a survey to be made of all the meadow ground, swamp, or marsh belonging to each owner, not previously reclaimed, lying within the bounds of the said tract, and a draft or plot to be made showing the quantity owned by each owner, and cause a valuation to be made of the land of each owner separately, by three disinterested men appointed by them for that purpose, and may, from time to time, cause a revaluation to be made as aforesaid, if in their opinion the same shall be necessary, and shall thereupon, from time to time, make an estimate of the sum or sums of money required for building and erecting said bridges, dams, and sluices, banking, digging, and opening of ditches, and of keeping open, repairing, maintaining, and rebuilding the same, and shall assess the same ratably agreeably to the valuation and quantity of each owner and the benefits to be derived therefrom; and shall state the said assessments in regular duplicate, containing the names of the owners or possessors, the number of acres held by each, and the sums assessed on them severally, which duplicate shall be delivered to the treasurer.

Treasurer to
collect as-
sessments.

4. *And be it enacted*, That the treasurer, on receipt of such duplicate, shall, by notice in writing left at the usual abode of each owner or possessor, demand from each owner or possessor, not less than twenty days before the time of payment, the sum assessed as aforesaid; and if any of the said owners or possessors shall neglect or refuse to pay the sum assessed as aforesaid for the space of sixty days after the time fixed for the payment thereof, it shall and may be lawful to and for the said treasurer to sue for the same, in the name of the said company, in an action of debt, in any court of competent jurisdiction, or to seize and rent out by public vendue, to the highest bidder, for so long a time, and no longer, as will be requisite, so much of the meadow ground within said tract

belonging to and in possession of such delinquent owner or possessor as may be sufficient to discharge such assessment and all expenses attending the recovery thereof, having first advertised the same, for at least twenty days, in three of the most public places in the neighborhood where the said meadow lies or may be sold.

5. *And be it enacted*, That it shall be the duty of the clerk, from time to time, to enter in a book, to be provided for that purpose, all votes, proceedings, orders, and assessments made by the directors, or by the owners or possessors, at any regular meeting, and all transactions which the directors from time to time may direct. Duties of clerk.

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

Approved March 30, 1855.

CHAPTER CXCII.

AN ACT to incorporate the Peapack and Plainfield Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Archibald Codington, M. Jelliff, Cornelius W. Schamp, James Jerolamon, Squire Terrell, Elias Bird, John W. Adams, Daniel Cory, Benjamin Moore, Isaac Titus, T. W. Haynes, Jonathan Cory, and such other persons as may hereafter be associated with them, shall be and they are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the Peapack and Plainfield Railroad Company." Names of corporators.

Amount of
capital stock.

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

Commission-
ers to receive
subscrip-
tions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of the said corporation, at such time or times, and place or places, in this state, as they, or a majority of them, may think proper, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in the newspapers printed in Plainfield and in a newspaper printed in the city of New York; and that the said books shall be kept open for three days, at least, from ten o'clock in the forenoon until three o'clock in the afternoon, and as much longer as the said commissioners, or a majority of them, shall think proper; and if more subscriptions be taken than the amount of the capital stock hereby authorized, it shall be the duty of the said commissioners, or a majority of them, to apportion the stock among the subscribers in proportion to their subscriptions, but no apportionment shall be made of any subscription for five shares or less.

Election of
directors.

4. *And be it enacted*, That at the time of subscribing for said stock, two dollars shall be paid to the above named persons, or some one of them, upon each share subscribed for, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and when the capital stock shall be subscribed for, and the books closed, and the apportionment made (if the same become necessary), it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose seven directors, a majority of whom shall be residents in this state; and such election shall be made by ballot, by such of the stockholders as shall attend for that purpose either in person or by lawful proxy, five shares of the capital stock entitling the holder thereof to one vote; and the

said named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall, in the same manner, elect the same number of directors, a majority of whom shall be residents in this state; and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at any of the elections of said corporation shall, as soon as may be after every election, choose out of their own number a president; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled, for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

5. *And be it enacted*, That in case an election of directors should not be made during the day when by this act it ought to have been made, the said corporation shall not be deemed to be dissolved, but such election may be afterwards held according to law, on notice as aforesaid, and the directors for the time being shall continue in office until an election shall take place.

6. *And be it enacted*, That five directors of said corporation shall be a quorum to transact business; and they shall have power to call in the remainder of the capital stock, by such instalments, not exceeding two dollars on each share at one time, and at such times as they may direct, and in case of nonpayment of any such instalment, to forfeit the share or shares upon which default shall arise; and shall have power to appoint a secretary, treasurer, engineers, agents, and such workmen as may be required to transact the business of the company, with such compensa-

Corporation
not dissolved
for failure to
elect on day
prescribed.

Duties of di-
rectors.

Proviso.

tion to them and the president as the board shall deem proper, and to take from the treasurer sufficient security for the due performance of his trust; and further, to make and prescribe such by-laws, rules, and regulations as to them shall appear needful and proper; *provided*, the same be not repugnant to the constitution or laws of this state or of the United States.

Company authorized to construct road.

7. *And be it enacted*, That the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad, from a suitable place in or near Peapack, through the counties of Somerset and Essex, passing at or within two miles of Liberty Corner, to some suitable point in or near Plainfield, and to locate and form said railroad, not exceeding sixty-six feet in width, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, and others in their employ, to enter upon all lands and waters, for the purpose of exploring, surveying, levelling, and laying out the route of said railroad, and of locating the same; and when the route and the location of said road shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, it shall then be lawful for said company, by its officers, engineers, agents, contractors, and workmen, to enter upon, take possession of, hold, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other necessary works thereon, and to lay rails and do all other things which may be suitable and necessary for the completion and repairs of the said railroad and to carry into full effect the object of this act; and may also take and use any stone, gravel, sand, clay, or other materials, wood and timber excepted, on or near the said route, which may be required for the construction of, repairing, or altering the said road, or any of the works or appendages, subject to such compensation to be made therefor as is herein after provided; *provided always*, that the payment of all damages for the occupancy of lands through which the said railroad may be laid out and located be

Proviso.

made by the company, either to the owner or into court, as herein after provided for, before they, or any person under their direction or in their employ, shall enter upon or break ground in the premises, excepting for the purpose of surveying and laying out said railroad, unless the consent of the owner or owners of such lands shall be first had in writing.

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 said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners herein after named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders commissioners to examine and appraise the said land or materials and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and ex-

Proceedings
when com-
pany and
owners can-
not agree.

amine the said lands or materials, and make a just and equitable estimate or appraisement of the value of the same, and assessment of damages to be paid by the company for such land or materials and damages aforesaid, and to make a true report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the land or materials and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county wherein said lands or materials may be, to remain of record therein, and shall be recorded by the said clerk; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land or materials, after payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage; and the said justice shall tax and allow such costs, fees, and expenses to the justice, commissioners, clerks, and other persons performing any of the duties prescribed in this section as he shall think equitable and right, which shall in all cases be paid by the company; *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 of the commissioners aforesaid, he, she, or they may appeal to the next circuit court of the county wherein said lands or materials shall be.

Proviso.

Parties aggrieved may appeal.

9. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section shall be made in writing, and filed with the clerk of the circuit court of the county wherein the lands or materials appraised by the said commissioners shall be; and notice in writing of such appeal shall be given to the oppo-

site party within ten days after the filing thereof, and thereupon, without any further proceedings, the parties shall be considered as at issue, and the like proceedings shall be had, and the like process awarded for the trial thereof by a jury and for compelling the attendance of witnesses, as may be had or awarded for the trial of any other issue before the said court, and the like judgment shall be rendered on the verdict of the jury, with costs, if costs ought to be awarded; and such judgment shall be recorded in the same manner, and have the like force and effect, as in any action of trespass or on the case prosecuted in the said court, and execution may be thereupon issued as in other cases; and if the verdict of the jury shall be for a greater amount than was reported by the commissioners, or, upon an appeal made by the company, shall be for the same amount which was reported by the commissioners, costs shall be awarded against the said company; and if the said verdict of the jury shall be for a less amount than was reported by the commissioners, or, upon an appeal made by the owner of the land or materials, shall be for the same amount which was reported by the commissioners, then each party shall pay his, her, or their own costs; and such appeal shall be brought on and disposed of at the first term of the court after the filing thereof, unless good and sufficient cause be shown to the court for a postponement; and the judgment of the circuit court rendered in such appeal shall be sufficient to authorize the company to take possession of and use the said land or materials; *provided*, the amount of the said judgment shall first be paid to the party or parties recovering the same, upon his, her, or their refusal to receive it, on tender thereof, it first be paid into the said court, to the clerk thereof. Proviso.

10. *And be it enacted*, That in case any owner or owners of any such required lands or materials so appraised, or in favor of whom damages may have been so assessed, shall be feme covert, under age, non compos mentis, or resident out of the state, or shall refuse to receive the amount so awarded or assessed, then and in any such case the said company shall pay the amount or amounts so Payment of damages to owners.

awarded to the last mentioned owner or owners, respectively, or the damages so assessed into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of the said owner or owners or of the said person or persons so damnified, which payment shall have the same force and effect, and vest in the company the same rights and privileges, as if paid to the owner or person damnified, or paid into the circuit court under the provisions of the next preceding section, subject, however, to the right of appeal, in the manner herein before provided.

Company to
construct
bridges.

11. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges over or under the said railroad, where any public or other road shall cross the same, so that the passage of carriages, horses, and cattle on the said road shall not be prevented thereby; and where the railroad shall intersect any farm or lands, they shall provide and keep in repair suitable wagon ways over or under the said railroad, so that persons may conveniently pass the same.

Company
may con-
struct car-
riages, &c.

12. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, and to place on their railroad, all machines, engines, wagons, carriages, and vehicles for the transportation of persons, or any species of property thereon, that they may think reasonable, expedient, and right.

Dividends.

13. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as they may deem prudent and proper, from time to time, of the net profits of said railroad.

Penalty
for injuring
works.

14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of the railroad constructed under the provisions of this act, or any of their necessary works, bridges, carriages, or machines, such person or persons so offending shall forfeit and pay to the said company any sum not exceeding two hundred dollars, at the discretion of a court or jury, to be by them recovered in action of debt, with costs of suit, in (any) court having competent jurisdiction, and also shall be liable to pay to

said company the amount of damages sustained thereby, with costs of suit, to be sued for in an action of trespass.

15. *And be it enacted*, That the said company may have ^{What real estate may be held.} and hold real estate, at the commencement and termination of said road, not exceeding four acres at each place, and may erect and build thereon houses, warehouses, stables, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property and construction of carriages and other necessary uses, and take and receive the rents, profits, and emoluments thereof, and shall have the privilege and authority to erect, build, and maintain, on or over such streams as the road may cross, such piers, bridges, and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act, subject to the aforesaid restrictions.

16. *And be it enacted*, That the road authorized by this act be and the same is hereby declared free for the passage ^{Road free on payment of tolls.} of any railroad carriage thereon with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the said carriages used thereon shall ^{Proviso.} be so constructed and so regulated, as to the time of starting, speed of travelling, and amount of tonnage, as not to interfere with the carriages of the company nor cause any injury to said road.

17. *And be it enacted*, That if the said railroad shall not be commenced in three years from the fourth day of July next, and completed at the expiration of five years from the same time, that then and in that case this act shall be void. ^{Commencement and completion of road.}

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

shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part for two months after the said appointment by the said chief justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding on the said corporation; 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 said appraisement as aforesaid, and thereupon the state shall have the privilege, for three years, of taking the said road, upon the payment to the company of the amount of the said report within one year after electing to take said road; which report shall be filed in the office of the secretary of this state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment of the amount so reported to the said company; and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the said road and the appendages thereof; *provided always*, that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company or advance of stock; and the said valuation shall in no case exceed the first cost of the said railroad, with the lands and appendages thereof.

Proviso.

Company
may contract
with other
corporations

19. *And be it enacted*, That it shall be lawful for the said company, at any time during the continuance of its charter, to make contracts and engagements with any other incorporation or with individuals for transporting or conveying any kind of goods, produce, merchandise, freight, or passengers between Peapack and Plainfield, or between any intermediate point or points on the line thereof, and to enforce the fulfilment of such contracts; *provided*, that the said company shall pay annually to the state of New Jersey one half of one per cent. upon its capital stock after its earnings shall exceed six per cent. upon the cost of the road.

Proviso.

20. *And be it enacted*, That it shall be lawful for the said company to demand and receive, for carrying each passenger over said railroad, at the rate of six cents per mile, and for the transportation thereon of every species of property and freight, the loading and unloading thereof upon and from the cars of said company inclusive, at the rate of ten cents per mile for each ton weight; and when such passengers or property are carried over and upon said road in vehicles, and by means not belonging to said company, but owned by others, the said company shall be empowered to demand and collect, as tolls therefor, at the rate of three cents per mile for each and every passenger, and at the rate of five cents per mile for each and every ton weight; and that the said company shall provide and maintain, at each end of the said road, suitable and sufficient warehouses for the reception and protection of all such goods, produce, merchandise, and freight as shall be brought to the same to be transported on the said road in the carriages of the said company.

21. *And be it enacted*, That from and after the completion of the said road, or its use by the company for public travel, it shall be the duty of the treasurer of the company, under oath or affirmation, to make annual returns to the treasurer of this state for the time being of the number of passengers and of the number of tons of goods, produce, merchandise, and freight transported over said road, and thereupon to pay to the said treasurer of the state the sum of five cents for each and every passenger, and the sum of eight cents for each and every ton of freight so transported thereon, and that no other state tax shall be levied or assessed on the said company; and that the said annual returns of the treasurer shall also contain statements of the number of passengers and of the number of tons of goods, produce, merchandise, and freight transported by the company hereby created on the Central Railroad of New Jersey, and the number of each delivered by this company to any other company, person or persons, to be transported on said Central Railroad of New Jersey.

22. *And be it enacted*, That the said corporation shall

Corporation
authorized
to borrow
money.

have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct, or repair said road, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of the said company, and to secure the repayment thereof by bond and mortgage, or otherwise, on the said road, lands, franchises, and appurtenances of or belonging to said corporation, to the extent of three hundred thousand dollars, at a rate of interest not exceeding seven per cent. per annum; *provided however*, that the said company shall not plead the statute of usury in consequence thereof; and they shall also have the right to extend their said road to German Valley, in the county of Morris, subject to all the rights and restrictions herein before provided for by this charter.

Proviso.

Certain offi-
cers to pass
free.

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

Act may be
amended.

24. *And be it enacted*, That it shall be lawful for the legislature, at any time hereafter, to alter, amend, or modify this act, whenever in their opinion the public good may require it.

Approved March 30, 1855.

CHAPTER CXCIH.

AN ACT relating to plank and turnpike roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all plank road companies, heretofore incorporated by the legislature of this state, that may have constructed, or may hereafter construct any plank road, and every turnpike company incorporated as aforesaid, that may have faced their road, or any part thereof, with plank, in whose acts of incorporation, or any supplement thereto, no provision shall have been made for causing the gate or gates on said roads, and said roads to be kept open in case any such road shall not be kept and maintained in the manner and of the materials required in their respective charters, or any supplement thereto, shall be subject to the provisions of the twenty-first section of an act entitled, "An act authorizing the incorporation of plank road companies," approved February twenty-sixth, one thousand eight hundred and fifty-two, as fully as if such section was inserted in the charter of any such company; *provided always*, that the provisions of said section shall take the place and be in lieu of any proceedings now authorized or directed to be taken against any such company, by the charter thereof, in case their road shall not be kept and maintained as aforesaid.

Proceedings
in case road
is not kept
in repair.

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

Approved March 30, 1855.

CHAPTER CXCIV.

AN ACT relating to telegraph companies.

Contents of
despatch not
to be divul-
ged.

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 connected with any line of telegraph within this state, whether as superintendent, operator, or in any other capacity whatsoever, to use or cause to be used, or make known or cause to be made known, the contents of any despatch, of whatsoever nature, which may be sent or received over any line of telegraph in this state, without the consent or direction of either the party sending or receiving the same; and all despatches which may be filed at any office in this state, for transmission to any point, shall be so transmitted without being made public, or their purport in any manner divulged at any intermediate point, on any pretence whatever; and in all respects the same inviolable secrecy, safe keeping, and conveyance shall be maintained by the officers and agents employed on the several telegraph lines of this state, in relation to all despatches which may be sent or received, as is now enjoined by the laws of the United States in reference to the ordinary mail service; *provided*, that nothing in this act contained shall be so construed as to prevent the publication, at any point, of any despatch of a public nature which may be sent by any person or persons with a view to general publicity.

Proviso.

Penalty for
divulging
contents of
despatch.

2. *And be it enacted*, That in case any person, superintendent, operator, or who may in any other capacity be connected with any telegraph line in this state, shall use or cause to be used, or make known or cause to be made known, the contents of any despatch sent from or received at any office in this state, or in any wise unlawfully expose another's business or secrets, such person, being duly convicted thereof, shall, for every such offence, be subject to a fine of not less than one hundred dollars, or imprisonment

not-exceeding six months, or both, according to the circumstances or aggravation of the offence.

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

Approved March 30, 1855.

CHAPTER CXC.V.

AN ACT to incorporate the Mount Holly and Tuckerton Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly* Names of corporators.
of the State of New Jersey, That John R. Slack, Thomas H. Richards, Jonathan Oliphant, Charles Collins, jun., Archelaus Pharo, William Sooy, Edward Bartlet, and Stephen Willits, 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 Mount Holly and Tuckerton Railroad Company," and shall be capable of purchasing, holding, and conveying any lands, tenements, goods, and chattels whatsoever necessary or expedient for the objects of this incorporation.

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

3. *And be it enacted*, That the above named persons Election of directors.
 may open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, as they, or a majority of them, may think

proper; and as soon as the same shall be subscribed, to give notice for a meeting of the stockholders to choose nine directors, a majority of whom shall be citizens of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said 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, or at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their own number a president; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled, for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Corporation
not dissolved
for failure to
elect on day
prescribed.

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

Duties and
powers of
directors.

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of the said corporation; and they shall have power to call in the capital stock of said company, by such instalments and at such times as they may direct, and in case of the nonpayment of

said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws, rules, and regulations as to them shall appear needful and proper touching the management and regulation of the stock, property, estate, and effects of the said corporation; and also shall have power to appoint a secretary, and so many clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad, or lateral roads, from one or more suitable place or places in the village of Mount Holly, Burlington county, through or near the village of Medford, to the village of Tuckerton, not exceeding one hundred feet in width, with as many sets of tracks and rails as they may deem necessary; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter, at all times, upon all lands and waters, for the purpose of exploring, surveying, levelling, or laying out the route or routes of such railroad, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such road shall have been determined upon, and a survey of such route or routes deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, ferries, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road or roads, subject to such compensation as is herein after provided; *provided always*, that the payment, or tender of the pay-

Company
authorized
to construct
road.

ment, 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 or roads, unless the consent of the owner or owners of such lands be first had and obtained.

Proceedings
in case com-
pany and
owners of
land cannot
agree.

7. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of 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 herein after named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, not resident in the county in which the lands or materials in controversy lie or the owners reside, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than six days; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in

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

8. *And be it enacted*, That in case the said company, or the owner or owners of the said land or materials, shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the supreme court, at the next term after the filing of the said report, the court shall have the power, upon good cause shown, to set the same aside, and thereupon to direct

Parties aggrieved may appeal.

a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried at the next circuit court to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the company shall have offered or the said commissioners awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; *provided*, that such application shall not prevent the company from taking the said land or materials upon the filing of the aforesaid report.

Proviso.

Company
may construct
bridges.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public or other road 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 wagon ways over or under said road, so that he may pass the same.

Company
may construct or purchase
vehicles, &c.

10. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, and to place on any railroad constructed by them, all machines, engines, wagons, carriages, or vehicles for the transportation of persons or any species of property thereon, as they may think reasonable, expedient, or right; *provided*, they shall not charge more than at the rate of eight cents per mile per ton for the transportation of property on the said road or

Proviso.

roads, or five cents per mile for carrying each passenger on said railways in the carriages of the company, or three cents per mile for each ton of property transported, or three cents per mile for each passenger carried on said railways in the carriages of others, and three cents per mile for each empty carriage; and that the railroad or roads, and their appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever belonging to the said company, at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

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

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

13. *And be it enacted*, That the said company may have What real estate may be held. and hold real estate at the commencement and termination of said road or roads at Mount Holly and Tuckerton, and at intermediate depots upon the line of the said road, not exceeding five acres at each place, and may erect and build thereon such houses, warehouses, machine shops, and other buildings and improvements, as they may deem expedient for the safety of property and the construction of cars, carriages, steam engines, and for other necessary uses; and shall also have the privilege and authority to erect, build,

and maintain, at Tuckerton, such wharves, piers, bridges, and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act, which said lands shall be obtained in the manner provided for in the seventh section of this act.

Annual statements to be made.

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

Proviso.

Company authorized to borrow money.

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

State may take road on payment of appraisal.

16. *And be it enacted*, That at any time after the expiration of fifty years from the completion of the said road, the legislature of this state may cause an appraisement of the said road, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the com-

pany, 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 the payment to the company of the amount of the said report within one year after electing to take said road; which report shall be filed in the office of the secretary of this state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon payment of the amount so reported to the said company; and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the cost of the said road, and of all the receipts and disbursements of the company; *provided always*, that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company or advance of the stock; and the said valuation shall in no case exceed the first cost of valuation of said road, with the lands and appendages thereof. Proviso.

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

Approved March 30, 1855.

CHAPTER CXCVI.

AN ACT to repeal the act entitled, "An act to protect fish in the Swartwout pond, in the county of Sussex."

Former act
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act to protect fish in the Swartwout pond, in the county of Sussex," approved March seventh, eighteen hundred and fifty, be and the same is hereby repealed.

Approved March 30, 1855.

CHAPTER CXCVII.

AN ACT relative to the Lunatic Asylum.

Appropriation for county patients.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of seventy-five cents for each county patient, per week, be paid by the treasurer, on the warrant of the governor, to the manager of the asylum, upon a statement furnished quarterly by the superintendent, giving the number of such county patients which may have been thus supported in said asylum during said quarter, and said statement be filed in the state treasury department.

Appropriation for balance due on contracts.

2. *And be it enacted*, That the sum of twenty-three thousand dollars be paid by the treasurer, out of the state treasury, upon the warrant of the governor, to the managers of the Lunatic Asylum, to pay the balance due on contracts for buildings and furnishing two wings to the Lunatic Asylum, pursuant to an act entitled, "An act relative to the Lunatic Asylum," approved March sixteenth, A. D. eighteen hundred and fifty-four.

3. *And be it enacted*, That the sum of six thousand dollars be paid by the treasurer, out of the state treasury, upon the warrant of the governor, to the commissioners appointed to superintend the erection of the building and removal of the boilers, &c., at the completion of said works, providing said works shall not exceed in cost the sum above named. Appropriation to commissioners for building asylum, &c.

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

Approved March 30, 1855.

CHAPTER CXC VIII.

AN ACT to incorporate the Farmers and Mechanics Bank at Camden.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Kaighn, Cooper P. Browning, Albert W. Markley, Abraham Browning, and Samuel J. Bayard, and their associates, shall be and they are hereby created a body politic and corporate, by the name of "the Farmers and Mechanics Bank;" and by that name they shall have and exercise banking powers and the incidental corporate powers enumerated in the first section of the act concerning corporations; *provided*, that the said corporation shall not trade or deal in any thing except money, bills of exchange, promissory notes, and gold or silver bullion; and shall in no case hold any real estate, goods, wares, merchandise, or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as security for debts, loans, or contracts, or shall be conveyed or sold in full or in part satisfaction of debts previously contracted in the course of dealings, or shall be purchased upon judgment or execution for the purpose of bona fide making or securing a debt or debts due or owing said corporation. Names of corporators. Proviso.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each; that the said Charles Kaighn, Cooper P. Browning, Albert W. Markley, Abraham Browning, and Samuel J. Bayard, or a majority of them, shall be and they are hereby appointed commissioners to open, at Camden, books of subscriptions for, and receive subscriptions to, said capital stock, giving at least twenty days' notice, in the several newspapers printed at Camden, of the time and place of receiving said subscriptions; that the said books, after having been opened, shall be kept open for three successive days, unless the amount of said capital stock shall be sooner subscribed for; that upon the first day of the opening of said books, no persons but citizens of the state of New Jersey shall be allowed to subscribe for said stock, and at the time of subscribing for said stock the respective subscribers shall pay to said commissioners five dollars for each share subscribed for.

Election of
directors.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of thirteen directors, seven of whom shall be a quorum for the transaction of business, except in cases of discount, which may be regulated by the by-laws; that the said directors shall be stockholders, and shall, before entering upon the duties of their office, severally take and subscribe an oath or affirmation faithfully to execute the trust reposed in them as directors; that the directors shall hold their offices for one year and until their successors shall be chosen; that the annual election of directors shall be on the second Tuesday of April, in every year, at the banking house of said corporation, at such time as the board of directors shall appoint, of which election at least fourteen days' notice shall be given by the directors, by advertisement in one of the newspapers printed at the city of Camden; that the said election shall be by ballot, those having the greatest number of votes to be deemed elected, and shall be by such of the stockholders as may attend in person or by proxy, they being, respectively, entitled to one vote for each share of

stock held in his, her, or their own name or names for at least three calendar months next before the election; that for the well ordering of said election, the board of directors shall previously thereto appoint three stockholders, not being directors, to be judges thereof, who shall conduct the election and determine upon the legality of votes, the eligibility of persons voted for, and who shall be elected, and in all cases of an equality of votes between two or more persons voted for, avoiding an election of a full board, the said judges, or a majority of them, shall thereupon select, from those not elected and having the highest number of votes, as many as may be required to make up the full number of thirteen directors; and the directors so elected shall, at the first meeting thereafter when a quorum shall be present, elect one of said thirteen directors to be president, as well of their board as of said corporation; and whenever a vacancy shall occur in said board of directors, by death, resignation, or otherwise, such vacancy may be filled for the remainder of the year by the board of directors; and if at any time it shall happen that an election of directors shall not take place at the time above required, the said corporation shall not for that reason be deemed dissolved, but an election thereof shall be had as soon as conveniently may be thereafter, upon like notice as above directed and at the place and in the mode above specified.

4. *And be it enacted*, That as soon as conveniently may be after the aforesaid capital stock shall have been subscribed for, the said commissioners, or a majority of them, shall call a meeting of the subscribers to the said capital stock in the city of Camden to elect the first board of directors, by giving at least twenty days' notice of the time and place of said meeting, by advertisement in at least two of the newspapers printed at Camden; and at such meeting the said commissioners, or a majority of them, shall be the judges of said first election, and shall have the same powers as the judges of the annual election of directors; and they shall conduct the said first election, as near as may be, in the manner herein before prescribed for the said annual elections, the subscribers attending said meeting, in person

Mode of
conducting
elections.

or by proxy, being entitled to one vote for each share of stock respectively subscribed by them; and the said first board of directors shall, as soon as conveniently may be after said election, organize by electing a president, in the manner herein before prescribed for an election of a president, and also a cashier; and after the said board shall have been thus organized, it shall be the duty of the said commissioners to pay over to the said board all the moneys received by them for subscriptions to said capital stock, deducting therefrom only the necessary expenses incurred by them, and the receipt of said president and cashier for said moneys shall be a full and absolute acquittance and discharge therefor; and the said first board of directors shall have power to fill vacancies therein, by death, resignation, or otherwise, and shall hold their offices until the second Tuesday of April next after their election and until their successors shall be chosen.

Payment of
instalments.

5. *And be it enacted*, That the capital stock of said corporation shall be deemed personal property, and shall be subject to such taxes as all the other banking institutions of this state are liable to, and the real estate of said corporation may be taxed as other lands in this state are or may be taxed; and that the board of directors for the time being shall have full power to call in the residue of the subscriptions to the said capital stock, by such instalments and at such times as the said board may think proper, under the penalty of the holders of said stock forfeiting to the said corporation all previous payments thereon, which forfeiture may be made and declared by an order or resolution of said board;

Proviso.

provided, that at least twenty days' previous notice of the time and place for paying said instalments shall be given, by advertisement, in two at least of the newspapers printed at Camden, and that no instalment of more than ten dollars on each share shall be called in at one time, nor shall said instalments be required to be paid nearer than within ten days of each other.

Appoint-
ment of cash-
ier.

6. *And be it enacted*, That there shall be a cashier of said bank appointed or reappointed annually, liable, however, to be removed, and another appointed in his stead, at

the pleasure of the said board of directors, and upon such appointment or reappointment he shall, before entering upon the duties of his office, take an oath or affirmation faithfully to perform the duties of his office, and shall give bond or bonds, with good and sufficient security, to be approved of by the board of directors, in the penal sum of at least fifty thousand dollars, conditioned for the faithful performance of his duties as cashier of said bank.

7. *And be it enacted*, That the said corporation shall not issue bills or notes of a less denomination than one dollar; and the bills or notes which may be issued by said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her, or their order, or to bearer, although not under the seal of said corporation, shall be binding and obligatory on said corporation, and of like force and effect, and shall be assignable and negotiable in like manner as if made by a natural person or persons; and all bills obligatory and of credit under the seal of said corporation, which shall be made for the payment of money to any person or persons, shall be assignable by assignment endorsed thereon, under the hand or hands of such person or persons, and his, her, or their assignee or assignees successively; and all bills or notes, bills obligatory or of credit, made or issued by said corporation, shall be deemed and taken to be payable and demandable at the banking house of said corporation.

Bills of corporation to be assignable and negotiable.

8. *And be it enacted*, That it shall be the duty of the board of directors of the said corporation to make semi-annual dividends of so much of the profits of the business of said corporation as the said board shall deem advisable, but no dividend shall be made of any part of the capital stock.

Dividends.

9. *And be it enacted*, That the rate of discount at which loans may be made by said corporation shall not exceed the legal rate of interest in this state for the time being; *provided*, that nothing herein contained shall be construed to prohibit the said corporation from dealing in bills of exchange, and the purchase and sale thereof.

Rates of discount.

Proviso.

Transfers to
be registered

10. *And be it enacted*, That no transfer of the stock of said corporation shall be valid and effectual until any debt or debts which may be due to said company from the person or persons, or any of them, transferring shall have been fully discharged, nor until such transfer shall have been registered in a book or books to be kept for that purpose by the board of directors.

Charter void
if notes not
redeemed.

11. *And be it enacted*, That if at any time the said corporation shall neglect or refuse, on demand being made at their banking house during the regular hours of business, to redeem in lawful money any of the bills or notes issued by said corporation, and which shall then be due and payable, the said corporation shall thereupon, under pain of forfeiting its charter, wholly discontinue and cease from banking operations until such bills or notes shall be fully paid.

Assets liable
for redemption
of bills.

12. *And be it enacted*, That if the said corporation shall at any time hereafter become insolvent, the whole assets of said corporation at the time of its becoming insolvent shall be first liable for the redemption of its bills or notes then in circulation, and shall be first applied to the payment thereof; and in case of a distribution of the assets of said corporation among the creditors thereof, under the order or decree of the court of chancery or other court, the holders of such bills or notes shall be equal in priority, and shall have a preference over all the other creditors.

Liability of
directors.

13. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted, at law or in equity, by any receiver or receivers that shall or may be appointed for the payment of any such bills or notes, as if the same were their joint and several bills or notes executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability; and if any director shall so attempt to resign his office he shall

be and continue liable the same as if no such resignation had been attempted; and such liability of directors shall continue after they cease to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property that shall or may be levied on Proviso. or taken in execution under or by virtue of any judgment or decree in favor of any receiver or receivers under the provisions of this act shall be sold until after the expiration of four months from the date of said judgment or decree.

14. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills and notes, then the amount that shall or may be realized from said assets and property shall be distributed ratably among the holders of the said bills and notes. Amount of assets to be distributed pro rata.

15. *And be it enacted*, That the stockholders of said corporation at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid to an amount sufficient to redeem the said bills and notes, after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder, other than said Liability of stockholders. directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent; and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them, and it shall not be lawful for any such stockholder to assign, or otherwise transfer, his stock or other property to avoid such liability. Proviso.

16. *And be it enacted*, That in case of an action or suit at law against any director or directors, stockholder or stock- Actions against directors or stockholders.

Proviso.

holders, under any of the preceding sections of this act, the receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof.

Amount of issue.

17. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in; and if the president or cashier thereof shall knowingly or wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock, actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment, not less than one year nor more than five years, in the discretion of the court.

Monthly statements.

18. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday of every month after commencing the business of banking, to publish, in at least one newspaper published in the county of Camden, a statement, under oath or affirmation, of the actual condition of said corporation, conforming, as nearly as may be, with the annual statements now required by law, and shall, within ten days after making such statement, forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier, or director shall knowingly and wilfully falsely swear or affirm to any such statement he shall be deemed guilty of perjury, and be liable to the pains and penalties thereof.

Affidavit to be made of amount of capital stock paid in.

19. *And be it enacted*, That it shall not be lawful for the said corporation to issue any bills or notes, or otherwise enter upon the business of banking, until an affidavit or affidavits shall have been made and filed in the office of the secretary of state stating that one hundred thousand dollars of the capital stock of said corporation had been subscribed for and paid in conformable to the provisions of this act.

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

immediately, and continue in force for twenty years; but Limitation. it shall be lawful for the legislature, at any time hereafter, to alter, modify, or repeal the same, whenever in their opinion the public good shall require it.

Passed March 30, 1855.

CHAPTER CXCIX.

AN ACT to renew the charter of the Morris County Bank, with amendments.

1. BE IT ENACTED *by the Senate and General Assembly* Charter extended. of the State of New Jersey, That the act to incorporate the Morris County Bank, passed February twenty-fourth, in the year of our Lord one thousand eight hundred and thirty-six, be and the same is hereby extended and continued for and during the term of twenty years from and after the time by said act limited for its continuance.

2. *And be it enacted*, That if the said corporation shall at any time hereafter become insolvent, the whole as- Assets liable in case of insolvency for payment of bills. sets of said corporation at the time of its becoming insolvent shall be first liable for its bills or notes then in circulation, and shall be first applied to the payment thereof; and in case of a distribution of the assets of said corporation among the creditors thereof, under an order or decree of the court of chancery or other court, the holders of such bills or notes shall be equal in priority, and shall have a preference over all other creditors.

3. *And be it enacted*, That all the directors of said cor- Liability of directors. poration shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted, at law or in equity, by any receiver or receivers

that shall or may be appointed for the payment of any such bills or notes, as if the same were their joint and several bills or notes executed by them in their individual capacity, and it shall not be lawful for any director of said corporation to resign his office to avoid such liability, and if any director shall so attempt to resign his office he shall be and continue liable the same as if no such resignation had been attempted; and such liability of directors shall continue after they cease to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property that shall or may be levied on or taken in execution under or by virtue of any judgment or decree in favor of any receiver or receivers under the provisions of this act shall be sold until after the expiration of four months from the date of such judgment or decree.

Proviso.

Amount of
assets to be
distributed
pro rata.

4. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills or notes, then the amount that shall or may be realized from said assets and said property shall be distributed ratably among the holders of the said bills and notes.

Liability of
stockholders

5. *And be it enacted*, That the stockholders of said corporation at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid to an amount sufficient to redeem the said bills or notes, after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder, other than said directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation became insolvent; and if that amount shall not be required for the full redemption of said bills and notes, then the said

Proviso.

stockholders shall be liable in the ratio of the said stock so held by them; and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability.

6. *And be it enacted*, That in case of an action or suit at law against any director or directors, stockholder or stockholders, under any of the preceding sections of this act, the receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof.

7. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in; and if the president or cashier thereof shall knowingly or wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment, not less than one year nor more than five years, at the discretion of the court.

8. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday of May next after this act shall take effect, and on the first Monday of each month thereafter, to publish, in at least one newspaper published in the county where the banking house of said corporation shall be located, a statement, under oath or affirmation, of the actual condition of said corporation, conforming, as nearly as may be, with the annual statements now required by law, and shall, within ten days after making such statement, forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier, or director shall knowingly and wilfully falsely swear or affirm to any such statement he shall be deemed guilty of perjury, and liable to the pains and penalties thereof.

Voting at
elections,
&c.

9. *And be it enacted*, That at all elections and meetings of the stockholders of said corporation, hereafter to be held, each stockholder shall be entitled to one vote for each share of stock which he, she, or they shall have held in his, her, or their names at least thirty days before the time of voting.

Presentchar-
ter to con-
tinue in force
until its ex-
piration.

10. *And be it enacted*, That nothing in this act contained shall be construed to alter or change the present charter of said corporation, but the same shall continue as if this act had not been passed up to the expiration of the time limited for its continuance.

A majority of
stockholders
to be resi-
dents of this
state.

11. *And be it enacted*, That a majority of the stockholders shall be residents of this state.

Charter void
unless assent
is filed.

12. *And be it enacted*, That unless the directors of said corporation shall, within six months hereafter, assent to this act, and file a written assent thereto, under the seal of said corporation, in the office of the secretary of state, this act shall be deemed and considered void.

Act may be
amended.

13. *And be it enacted*, That this act shall be subject to be modified, altered, or repealed, at the pleasure of the legislature.

Passed March 30, 1855.

CHAPTER CC.

A further supplement to an act entitled, "An act for the relief of persons imprisoned on civil process," approved April sixteenth, one thousand eight hundred and forty-six.

Application
for discharge
as an insol-
vent debtor
in cases of
seduction.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That if upon the hearing before the court or jury, as the case may be, of any person who shall hereafter be arrested and make application for the benefit of the act, to which this is a supple-

ment, as an insolvent debtor, it shall appear to the satisfaction of such court or jury that the object of such application shall be to be discharged from arrest or confinement, or to get rid of liability to arrest or confinement on mesne or final process hereafter to be issued for any cause of action for the seduction of any female, then and in such case the debtor so applying shall not be entitled to his discharge, but the said court shall remand him to prison for any period in their discretion, not to exceed three years ; *provided* Proviso. *nevertheless*, that at any time during said period, upon payment of the damages adjudged against him for the said seduction, with the interest thereon and costs, the said applicant shall be forthwith discharged.

2. *And be it enacted*, That upon the expiration of the period to which the said applicant shall have been remanded to prison, as in the preceding section mentioned, the said court shall direct him to be brought before them, and shall proceed and discharge him, if it shall appear to them that he has in all things complied with the insolvent laws of this state, in the same manner and upon the same conditions as such applicant would have been discharged under said law before the passage of the act entitled, "A supplement to an act entitled, an act for the relief of persons imprisoned on civil process," approved April sixteenth, eighteen hundred and forty-six, and which said supplement was approved March seventeenth, eighteen hundred and fifty-four. Court may grant discharge when provisions of insolvent law have been complied with.

3. *And be it enacted*, That this act shall be prospective in its operation, and shall not apply to cases in which any person shall be arrested on a judgment rendered before the passage of this act. Act may be prospective.

4. *And be it enacted*, That the supplement entitled, "A supplement to an act entitled, an act for the relief of persons imprisoned on civil process," approved April sixteenth, eighteen hundred and forty-six, and which supplement was approved March seventeenth, eighteen hundred and fifty-four, be and the same is hereby repealed. Former acts repealed.

5. *And be it enacted*, That no person who shall be remanded to prison by the court, in the manner heretofore Persons remanded to prison not to be entitled to walk in bounds of prison.

mentioned, shall be entitled, upon giving bond pursuant to the act to which this is a supplement, to have liberty to walk within the prison bounds.

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

Approved March 30, 1855.

CHAPTER CCI.

AN ACT to incorporate the Elizabethport Land Improvement Company.

Names of
corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That William W. Niles, Isaac T. Smith, Francis B. Chetwood, Francis V. Noyes, and James C. Blake, 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 Elizabethport Land Improvement Company," and by that name shall be capable in law of purchasing, using, holding, letting, improving, and disposing of such real and personal estate, in the county of Essex, as may be necessary or expedient to the purposes of this incorporation, and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements, and bargains whatsoever necessary or useful for the said purposes; *provided*, that nothing herein contained shall authorize said corporation to hold more than one thousand acres of land at any one time.

Proviso.

Election of
directors.

2. *And be it enacted*, That the stock, property, and concerns of 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 office for one

year and until others are elected ; and that the said directors shall be chosen on the first Tuesday of May in every year, at such time and place as shall be provided for by the by-laws of said corporation, by such of the stockholders as shall attend for that purpose either in person or by proxy ; and notice of the time and place of such election shall be published, not less than two weeks previous thereto, in a newspaper published in the county of Essex ; 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 compensation, and assign such duties to the 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 being, or a majority of them, shall appoint ; and until other directors are chosen from the stockholders, the first directors shall be William W. Niles, Isaac T. Smith, Francis B. Chetwood, Francis V. Noyes, and James C. Blake, who shall hold their office until the first Tuesday of May next or until others are legally chosen.

3. *And be it enacted*, That the capital stock of said corporation shall be five hundred thousand dollars, which shall be divided into five thousand shares of one hundred dollars each ; but as soon as one thousand shares of the capital stock shall have been subscribed, and the sum of five dollars on each share so subscribed paid, or secured to be paid, it shall and may be lawful for said 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 instalments, and at such times and in such proportion as they shall deem proper, not exceeding twenty dollars on each share at any one time, under 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 of such default shall have been published, for the space of three weeks, in a newspaper published in the county of Essex; but any person subscribing for any share or shares of said capital stock may, at the time of such subscription, pay the whole price of such share or shares, and not be liable to be subsequently called upon for any instalments called for; and the books of subscription for such stock shall be opened at such time and place, and remain open such time, in the said county of Essex, as the directors shall appoint, notice thereof being given two weeks previous thereto in a newspaper printed in said county.

Corporation
authorized
to improve
land.

4. *And be it enacted*, That the said corporation be and they are hereby empowered to improve all such lands as they are hereby authorized to own or purchase, by laying out any portion of the same into lots, streets, squares, parks, lanes, alleys, and other divisions; also, to level, raise, and grade the same, and to make thereon all such docks, wharves, and piers as they may deem desirable, but in such manner, nevertheless, as not to obstruct the navigation of the waters upon which they may be built; also, to build workshops, factories, warehouses, stores, and other buildings, and make such other improvements as may be deemed necessary, ornamental, or convenient; also, to let, rent, lease, mortgage, or sell the same, or use the same for agricultural purposes.

Directors to
make by-
laws.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of the business of said corporation, and shall have full power to make by-laws, ordinances, and regulations as shall seem necessary and convenient for the management or the 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.

Provide.

Corporation
not dissolved
for failure to
election day
prescribed.

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.

7. *And be it enacted*, That the capital stock of said corporation shall be deemed personal property, and transferable only on the books of said corporation in such manner as the by-laws shall direct; and any of the owners of the lands hereby authorized to be purchased by the said corporation may take stock to the amount of the whole or any part of his, her, or their interest therein; *provided*, that nothing herein contained shall be construed to authorize the said corporation to use any part of its capital for banking purposes or to take stock in any banking institution. Stock transferable.
Proviso.

8. *And be it enacted*, That this legislature may at any time, for reasonable cause, amend, alter, or repeal this act. Act may be amended.

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

Approved March 30, 1855.

CHAPTER CCII.

AN ACT to incorporate the Hudson Land and Improvement Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph O. Johnson, John M. Board, Edwin R. V. Wright, John H. Platt, and Silas H. Jessup, 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 Hudson Land and Improvement Company," and, by that name, shall be capable in law of purchasing, using, holding, letting, improving, and disposing of such real and personal Names of corporators.

estate, in the county of Hudson, as may be necessary or expedient to the objects of this incorporation, and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements, and bargains whatsoever necessary for the said purposes; *provided*, that nothing herein contained shall authorize said company to hold more than five hundred acres of land at any one time.

Proviso.

Election of directors.

2. *And it be enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by five directors, a majority of whom shall be residents of this state, and all of whom shall be stockholders, one of whom to be president, who shall hold their office for one year and until others are elected; and that the said directors shall be chosen on the first Tuesday of April, in every year, at such time and place as shall be directed by the by-laws of said corporation, and notice of such time and place shall be published, not less than two weeks previous thereto, in a newspaper published 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 to one vote for each share of stock he or she shall hold in said company; and the persons having the greatest number of votes shall be directors; and the said directors may appoint such agents, officers, and superintendents, and assign such compensation and duties 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 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 John M. Board, Joseph O. Johnson, Edwin R. V. Wright, John H. Platt, and Silas H. Jessup, who shall hold their office until the first Tuesday of April next or until others are legally chosen.

First directors.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said corporation shall not exceed the sum of one hundred and fifty thousand dollars, which shall be divided into six thousand

shares, of twenty-five dollars each; but as soon as one thousand shares of the capital stock shall have been subscribed, and the sum of five dollars on each share so subscribed paid, or secured to be paid, it shall and may be lawful for said 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 stockholders thereof, respectively, such instalments, and 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 three weeks, in a newspaper published in the county of Hudson; but any person subscribing for any share or shares of said capital stock may, at the time of such subscription, pay the whole price of such share or shares, and not be liable to be subsequently called upon for any instalments called for; and the books of subscription for such stock shall be opened at such time and place, in the county of Hudson, and remain open such time as the directors named in this bill shall appoint, notice thereof being given, two weeks previous thereto, in a newspaper printed in said county.

4. *And be it enacted*, That the said company be and they are hereby empowered to improve all such lands as they are hereby authorized to own or purchase, by laying out any portion of the same which may lie in the township of Bergen, in the county of Hudson, into lots, streets, squares, parks, lanes, alleys, and other divisions; of leveling, raising, and grading the same, or making thereon all such workshops, factories, warehouses, stores, dwellings, and such other buildings and improvements as may be found or deemed necessary, ornamental, or convenient; for letting, renting, leasing, mortgaging, selling, or changing the same, or using the same for agricultural or manufacturing purposes.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of

Company
authorized
to improve
lands.

Directors to
make by-
laws.

the business of said corporation, and shall have full power to make by-laws, ordinances, and regulations as shall seem necessary and convenient for the management or the disposition of the stock, effects, and concerns of the said corporation; *provided*, that the same are not contrary to the laws and constitution of the United States or of this state.

Proviso.

Corporation not dissolved for failure to elect on day prescribed.

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, 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.

Stock transferable.

7. *And be it enacted*, That the capital stock of said corporation shall be deemed personal property, and transferable only on the books of said corporation in such manner as the by-laws shall direct; and any of the owners of the lands hereby authorized to be purchased by the said corporation may take stock to the amount of the whole or any part of his, her, or their interest therein.

Company may take stock in canal or railroad.

8. *And be it enacted*, That the said company shall be at liberty to subscribe for and take stock in any canal, railroad, turnpike, or other highway, that now is or hereafter may be incorporated or established by the legislature of this state, which shall lead to or pass through any lands that may be owned by said company; *provided*, that nothing herein contained shall be construed to authorize the said company to use any part of its capital for banking purposes or to take stock in any banking institution.

Proviso.

Act may be amended.

9. *And be it enacted*, That the legislature may at any time, for reasonable cause, amend, alter, or repeal this act.

Limitation.

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

Approved March 30, 1855.

CHAPTER CCIII.

A supplement to an act entitled, "An act to authorize the sale of certain real estate of John T. Halsey, deceased, late of Elizabethtown, in the county of Essex," passed November fourth, eighteen hundred and forty-two.

WHEREAS James F. Meeker, the trustee named in the act Preamble. to which this is a supplement, hath lately departed this life, leaving a last will and testament, which has been duly proved by Rebecca C. Meeker, his widow, and James R. Meeker and William Bloomfield Meeker, his two sons, the executrix and executors therein named; and whereas the trust mentioned in said act remains in part unexecuted, and said executrix and executors not desiring to take upon themselves the said trust—therefore,

1. BE IT ENACTED *by the Senate and General Assembly* Trustees appointed. of the State of New Jersey, That Cyrus Peck, of the city of Newark, in the county of Essex, be and he is hereby appointed trustee, in the place and stead of the said James F. Meeker, deceased, and his executors, with full power and authority to execute and fulfil the said trust, or so much thereof as was not executed and fulfilled by said James F. Meeker in his lifetime, subject to all the provisions, requirements, and obligations in the aforesaid act contained.

2. *And be it enacted*, That it shall be the duty of the aforesaid executrix and executors of James F. Meeker, deceased, to pay over, assign, transfer, and deliver to the said Cyrus Peck all moneys, properties, bonds, and mortgages, and other securities for the payment of money, belonging to said trust, which remained in the hands of the said James F. Meeker at the time of his death, or for which he would be bound or ought to account if living. Executors to transfer moneys, &c. to trustee.

3. *And be it enacted*, That the acknowledgment, in writing, of the said Cyrus Peck of the receipt of the aforesaid moneys, property, bonds, and mortgages, and other securities for the payment of money, shall be held and Receipt of trustee to be sufficient discharge.

Proviso.

deemed to be a good and sufficient exoneration and discharge of the said executrix and executors of James F. Meeker, deceased, and his estate from said trust, and all liability on account thereof; *provided*, that such acknowledgment shall be approved of by Margaret Halsey, widow of said John T. Halsey, by her endorsement thereon, under her own hand.

Orphans' court to settle differences between executor and trustee.

4. *And be it enacted*, That if any differences shall arise between said executrix and executors of James F. Meeker and the trustee hereby appointed, touching the accounts of said trust, it shall be lawful for the same to be settled in the orphans' court of the county of Essex, in the same manner as the accounts of executors and administrators are settled before said court; and the order or decree of said orphans' court in relation thereto shall be binding upon the parties.

Trustee to give bond.

5. *And be it enacted*, That before the said trustee shall enter upon the execution of said trust, he shall give bond, in such sum and with such sureties as shall be approved of by the orphans' court of said county of Essex, to the governor of this state, conditioned for the faithful execution and performance of said trust, which bond shall be deposited in the office of the surrogate of said county.

Approved March 30, 1855.

CHAPTER CCIV.

Supplement to an act entitled, "An act to authorize the inhabitants of School District, No. 3, in Union township, Camden county, to raise money to build school houses, and for the support of public schools," approved March seventh, eighteen hundred and fifty.

Provisions of former act extended.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the several provisions of the act, to which this is a supplement, be and the same are

hereby extended to school districts No. 2 and No. 3, of the township of Union, in the said county of Camden, and the legal voters of the said school districts No. 2 and No. 3, in the said township of Union, in the county of Camden, shall be and they are hereby vested with all the powers conferred by the said original act upon the inhabitants of school district No. 3, of the said township of Union.

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

Approved March 30,* 1855.

CHAPTER CCV.

A supplement to "An act granting certain privileges to firemen," &c., passed February twenty-third, eighteen hundred and thirty-eight.

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 to increase the number of firemen attached to the fire engines within the limits of the Rahway Fire Association to any number not exceeding thirty-five to each engine; and said firemen are hereby exempted from liability to serve as jurors within the respective counties to which they belong.

Approved March 30, 1855.

CHAPTER CCVI.

A supplement to the act entitled, "An act to incorporate the National Insurance Company," approved February nineteenth, one thousand eight hundred and fifty-two.

Location of
office of
company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the directors of the National Insurance Company to locate the office, keep the records, and hold the elections for said company at any place within the county of Hudson, and that the publication required previous to any election be made by advertisement, inserted for two weeks previous thereto, in one of the newspapers printed in said county of Hudson.

Approved March 30, 1855.

CHAPTER CCVII.

A supplement to the act entitled, "An act to incorporate the Camden and Atlantic Land Company," approved March tenth, eighteen hundred and fifty-three.

Preamble.

WHEREAS, in consequence of the lands of the said company lying along the line, and at or near the termini of the road of the Camden and Atlantic Railroad Company, the interests and business of said two companies have become somewhat connected, so that the said land company hath guarantied certain bonds made and issued by the said railroad company, and doubts are suggested whether such guarantees are authorized by the charter of said land company, whereby said bonds are rendered insecure in the hands of the bona fide holders thereof—therefore,

Guarantees
confirmed.

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

the Camden and Atlantic Land Company shall be held, deemed, and considered to authorize it to guaranty the payment of any bonds that have been, or that may be hereafter made or issued by the said the Camden and Atlantic Railroad Company; and that all such guarantees heretofore made by said land company shall be and they hereby are ratified and confirmed as valid and effectual in law and equity.

2. *And be it enacted*, That this act shall take effect immediately after the same shall be accepted by the board of directors of the said land company, and such acceptance shall be certified under the seal of said company, and filed in the office of the secretary of state. When act to take effect.

Approved March 30, 1855.

CHAPTER CCVIII.

A supplement to an act entitled, "An act to incorporate the New Jersey Exploring and Mining Company," approved February fifteenth, one thousand eight hundred and forty-nine, and a supplement thereto, approved February twelfth, one thousand eight hundred and fifty-two.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the New Jersey Zinc Company be and they are hereby authorized and empowered to convert twelve thousand six hundred and eleven shares of their unissued capital stock into an equal number of shares of preferred stock, the holders of which preferred shares shall be entitled to receive on the same, out of the first net earnings of the company, eight per cent. on the first of December next following, and after that at the rate of eight per cent. per annum, payable semi-annually, before any dividends of profits are paid to the other shareholders; *provided*, that the holders of the preferred stock Shares of preferred stock.

shall be entitled to share equally with the holders of the original stock any and all net profits that may remain after eight per cent. shall have been divided upon the entire capital of the company.

Holders of original stock may subscribe for preferred stock.
Proviso.

2. *And be it enacted*, That each holder of the original stock of the New Jersey Zinc Company shall be entitled to subscribe to the preferred stock in proportion to the amount of original stock held by him; *provided*, that so much of the preferred stock as shall not have been subscribed for by the holder of the original stock may be sold either to the subscribers to the preferred stock, pro rata, or at private or public sale, as the directors of the company may think proper, and upon the best terms they can obtain for the same.

Approved March 30, 1855.

CHAPTER CCIX.

Supplement to the act respecting roads.

Repairs of roads abandoned as turnpikes.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in case any turnpike road which has been laid upon a public road shall for any cause be abandoned as a turnpike, and the company owning the same shall suffer the same to become out of repair, it shall be the duty of the overseer or overseers of the highways of the townships in which the said road runs to take charge thereof, and to amend and repair the same as if the same were a regularly laid out public road; and the inhabitants of the said townships shall and may raise money for the support of said roads in the same manner that other road taxes are raised; *provided*, that this act shall not be held or constituted to give authority to any turnpike company to abandon certain portions of their roads at their own

pleasure or profit, and to retain the right or power, after so doing, of taking toll on the unabandoned portions of their roads.

Approved March 30, 1855.

CHAPTER CCX.

A further supplement to the act authorizing the inhabitants of several townships to vote by ballot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the townships of Alexandria, Kingwood, and Franklin, in the county of Hunterdon, of the township of Upper Freehold, in the county of Monmouth, of the township of East Windsor, in the county of Mercer, of the townships of Mantua, Woolwich, and Greenwich, in the county of Gloucester, of the township of West Milford, in the county of Passaic, of the township of Greenfield, in the county of Cumberland, and of the township of Oxford, in the county of Warren, authorized by law to vote at state or county elections, are hereby authorized and required to elect, on the next usual day for township election in the several townships, between the hours of nine o'clock, A. M., and four o'clock, P. M., by ballot, all the officers now required by law for townships, and who shall possess the necessary qualifications required by statute, also the amount of money to be raised for school purposes, said election to be conducted in all respects according to the law providing for townships to elect by ballot, except as herein specified.

Certain townships authorized to vote by ballot.

2. *And be it enacted*, That the judges of election who presided at the last county election in said townships shall preside at and conduct the election at the next town meeting, and the clerk of the township shall be the clerk thereof;

Officers of election.

and the officers of said election shall be eligible to any office at said election, except that of justice of the peace.

Compensation to officers.

3. *And be it enacted*, That the election specified in this act shall be held at the place appointed at the last town meeting in the several townships; and the same ballot box shall be provided by the clerk, and used, which is used at the state and county elections; the judges of election and clerks shall receive the same compensation for attending said town meeting as for attending a state or county election.

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

Approved March 30, 1855.

CHAPTER CCXI.

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

Part of Manchester annexed to North ward of Paterson.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all that territory situate, lying, and being within the limits of the township of Manchester, in the county of Passaic, embraced within the following lines, to wit: beginning on the westerly side of the Passaic river in the line of lands of Garrett I. Blauvelt and George Petrey, and running from thence along the said line of lands between the said Garrett I. Blauvelt and George Petrey a northwesterly course to the old patent line; thence easterly, along the said patent line, to the southerly line of the Paterson and Hamburg Turnpike Company's road; thence, in a southerly direction, along the southerly line of said road, until it intersects the northwesterly line of the city of Paterson; and that the said land or territory embraced within the limits aforesaid shall constitute and be a

portion of the North ward of the city of Paterson ; and the inhabitants resident within the limits aforesaid shall possess all the powers, privileges, rights, and immunities of the inhabitants now living within the North ward of said city, and be subject to all the duties and obligations now incumbent upon and due from the citizens of said North ward of the city aforesaid.

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

Approved March 30, 1855.

CHAPTER CCXII.

A further supplement to an act entitled, "An act authorizing the removal of certain mill dams from Rahway river and its branches, within the limits of the townships of Woodbridge and Rahway, in the counties of Essex and Middlesex," and 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 so much of the fifth section of the act, to which this is a supplement, as imposes a poll tax of one dollar, be and the same is hereby repealed.

Part of former act repealed.

Approved March 30, 1855.

CHAPTER CCXIII.

A further supplement to the act entitled, "An act to erect and establish a Banking and Insurance Company in the town of Newark, and county of Essex," passed February seventeenth, eighteen hundred and four.

Charter extended.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act to erect and establish a Banking and Insurance Company in the town of Newark, and county of Essex," passed the seventeenth day of February, in the year of our Lord one thousand eight hundred and four, be and the same is hereby further extended and limited to the seventeenth day of February, in the year of our Lord one thousand eight hundred and seventy-nine.

Assets liable in case of insolvency for payment of bills.

2. *And be it enacted*, That if the said corporation shall at any time hereafter become insolvent, the whole assets of said corporation at the time of its becoming insolvent shall be first liable for its bills or notes then in circulation, and shall be first applied to the payment thereof; and in case of a distribution of the assets of said corporation among the creditors thereof, under the order or decree of the court of chancery or other court, the holders of such bills or notes shall be equal in priority, and shall have a preference over all other creditors.

Liability of directors.

3. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted, at law or in equity, by any receiver or receivers that shall or may be appointed for the payment of any such bills or notes, as if the same were their joint and several bills or notes, executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability, and if any director shall so attempt to resign his office, he shall

be and continue liable the same as if no such resignation had been attempted ; and such liability of directors shall continue after they cease to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors ; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability ; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other ; *pro-Provido.* *vided*, that no property that shall or may be levied on or taken in execution under or by virtue of any judgment or decree in favor of any receiver or receivers, under the provisions of this act, shall be sold until after the expiration of four months from the date of said judgment or decree.

4. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills and notes, then the amount that shall or may be realized from said assets and property shall be distributed ratably among the holders of the said bills and notes. Amount of assets, &c., to be distributed pro rata.

5. *And be it enacted*, That the stockholders of said corporation at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid to an amount sufficient to redeem the said bills and notes, after the assets of said corporation and the property of said directors shall have been distributed as aforesaid ; *provided*, that no stockholder shall be made Liability of stockholders liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent ; Provido. and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them, and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability.

6. *And be it enacted*, That in case of an action or suit Actions against directors or stockholders. at law against any director or directors, stockholder or

Proviso.

stockholders, under any of the preceding sections of this act, the receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof.

Amount of
issue.

7. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in; and if the president or cashier thereof shall knowingly or wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment, not less than one year nor more than five years, in the discretion of the court.

Monthly
statements
to be made.

8. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday of May next, after the expiration of the present charter of said corporation, and on the first Monday of each month thereafter, to publish, in at least one newspaper published in the county where the banking house of said corporation shall be located, a statement, under oath or affirmation, of the actual condition of said corporation, conforming, as nearly as may be, with the annual statements now required by law, and shall, within ten days after making such statement, forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier, or director shall knowingly and wilfully falsely swear or affirm to any such statement he shall be deemed guilty of perjury, and be liable to the pains and penalties thereof.

Voting at
elections,
&c.

9. *And be it enacted*, That at all elections and meetings of the stockholders of said corporation hereafter to be held, each stockholder shall be entitled to one vote for each share of stock which he, she, or they shall have held in his, her, or their names at least thirty days before the time of voting.

Act void if
assent be not
filed.

10. *And be it enacted*, That unless the directors of said

corporation shall, within six months hereafter, assent to this act, and file a written assent thereto, under the seal of said corporation, in the office of the secretary of state, this act shall be deemed and considered void.

11. *And be it enacted*, That the twelfth section of the said act of incorporation, and also the proviso in the ninth rule of the fourteenth section of said act, so far as the same authorize the said corporation to insure against loss by fire or otherwise, be and the same are hereby repealed. Part of former act repealed.

12. *And be it enacted*, That nothing in this act contained shall be construed to alter or change the present charter of said corporation, but the same shall continue, as if this act had not been passed, up to the expiration of the time therein limited for its continuance, except that from and after the seventeenth day of February, Anno Domini one thousand eight hundred and fifty-nine, the name of the said corporation shall be "the Newark Banking Company," and from and after the passage of this act it shall be lawful for the said corporation to make and issue bills and notes in that name. Present charter to be in force until its expiration.

13. *And be it enacted*, That a majority of the stockholders shall be residents of this state. Stockholders to be residents of state.

14. *And be it enacted*, That this act shall be subject to be modified, altered, or repealed, at the pleasure of the legislature. Act may be repealed &c.

Passed March 31, 1855.

CHAPTER CCXIV.

AN ACT to extend the charter of the Burlington County Bank at Medford.

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 Burlington County Bank at Medford, to be located in the town of Medford, in the county of Bur- Charter extended.

lington," passed on the first day of March, eighteen hundred and thirty-seven, shall be and hereby is continued and extended for and during the term of twenty years from and after the time by the said act limited for its continuance.

Assets liable
for redemp-
tion of bills.

2. *And be it enacted*, That if the said corporation shall at any time hereafter become insolvent, the whole assets of said corporation at the time of its becoming insolvent shall be first liable for its bills or notes then in circulation; and shall be first applied to the payment thereof; and in case of a distribution of the assets of said corporation among the creditors thereof, under the order or decree of the court of chancery or other court, the holders of such bills or notes shall be equal in priority, and shall have a preference over all other creditors.

Liability of
directors.

3. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted, at law or in equity, by any receiver or receivers that shall or may be appointed for the payment of any such bills or notes, as if the same were their joint and several bills or notes executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability, and if any director shall so attempt to resign his office, he shall be and continue liable the same as if no such resignation had been attempted; and such liability of directors shall continue after they cease to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property, that shall or may be levied on or taken in execution under or by virtue of any judgment or decree in favor of any receiver or receivers under the pro-

Proviso.

visions of this act shall be sold until after the expiration of four months from the date of such judgment or decree.

4. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills or notes, then the amount that shall or may be realized from said assets and said property shall be distributed ratably among the holders of the said bills and notes. Amount of assets to be distributed pro rata.

5. *And be it enacted*, That the stockholders of said corporation at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid to an amount sufficient to redeem the said bills or notes, after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder, other than said directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation became insolvent, and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them; and it shall not be lawful for any such stockholder to assign, or otherwise transfer, his stock or other property to avoid such liability. Liability of stockholders Proviso.

6. *And be it enacted*, That in case of an action or suit at law against any director or directors, stockholder or stockholders, under any of the preceding sections of this act, the receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof. Actions against directors or stockholders.

7. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in; and if the president or cashier thereof shall knowingly or wilfully issue, or cause or suffer to be issued, bills or notes of said Amount of issue.

corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment, not less than one year nor more than five years, at the discretion of the court.

Monthly
statements
to be made.

8. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday of May next after this act shall take effect, and on the first Monday of each month thereafter, to publish, in at least one newspaper published in the county where the banking house of said corporation shall be located, a statement, under oath or affirmation, of the actual condition of said corporation, conforming, as nearly as may be, with the annual statements now required by law, and shall, within ten days after making such statement, forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier, or director shall knowingly and wilfully falsely swear or affirm to any such statement he shall be deemed guilty of perjury, and liable to the pains and penalties thereof.

Voting at
elections &c.

9. *And be it enacted*, That at all elections and meetings of the stockholders of said corporation, hereafter to be held, each stockholder shall be entitled to one vote for each share of stock which he, she, or they shall have held, in his, her, or their names, at least thirty days before the time of voting.

Presentchar-
ter to be in
force until
its expira-
tion.

10. *And be it enacted*, That nothing in this act contained shall be construed to alter or change the present charter of said corporation, but the same shall continue, as if this act had not been passed, up to the expiration of the time limited for its continuance.

Act void if
assent be not
filed.

11. *And be it enacted*, That unless the directors of said corporation shall, within six months hereafter, assent to this act, and file a written assent thereto under the seal of said corporation, in the office of the secretary of state, this act shall be deemed and considered void.

Act may be
repealed, &c.

12. *And be it enacted*, That a majority of the stockholders shall be residents of this state, and that this act shall be subject to be modified, altered, or repealed, at the pleasure of the legislature.

Passed March 31, 1855.

CHAPTER CCXV.

AN ACT to renew the charter of the Sussex Bank, with amendments.

1. BE IT ENACTED *by the Senate and General Assembly* Charter extended. of the State of New Jersey, That the act entitled, "An act to establish the Sussex Bank, at Newton, in the county of Sussex," passed the thirty-first day of January, one thousand eight hundred and eighteen, and the supplement thereto entitled, "A further supplement to the act entitled, an act to establish the Sussex Bank, at Newton, in the county of Sussex," passed the thirty-first day of January, eighteen hundred and eighteen, which supplement was passed the thirty-first day of January, in the year eighteen hundred and forty-nine, be and the same are hereby declared to be in force until the thirty-first day of January, one thousand eight hundred and seventy-eight.

2. *And be it enacted*, That if the directors of said bank Capital stock may be increased. shall at any time hereafter deem it expedient, it shall be lawful for them to increase the amount of their capital stock to any sum not exceeding two hundred and fifty thousand dollars, in the manner and under the same provisions as are directed in the said original act and supplement.

3. *And be it enacted*, That the number of the directors Number of directors increased. of said bank to be annually elected shall be increased to thirteen.

4. *And be it enacted*, That if the said corporation shall Assets liable for redemption of bills. at any time hereafter become insolvent, the whole assets of said corporation at the time of its becoming insolvent shall be first liable for its bills or notes then in circulation, and shall be first applied to the payment thereof; and in case of a distribution of the assets of said corporation among the creditors, under the order or decree of the court of chancery or other court, the holders of such bills or notes shall be equal in priority, and shall have a preference over all the other creditors.

Liability of
directors.

5. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted, at law or in equity, by any receiver or receivers that shall or may be appointed for the payment of any such bill or notes, as if the same were their joint and several bills or notes executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability, and if any director shall so attempt to resign his office he shall be and continue liable the same as if no such resignation had been attempted; and such liability of directors shall continue after they cease to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property, that shall or may be levied on or taken in execution under or by virtue of any judgment or decree in favor of any receiver or receivers under the provisions of this act, shall be sold until after the expiration of four months from the date of such judgment or decree.

Proviso.

Amount of
assets to be
distributed
pro rata.

6. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills or notes, then the amount that shall or may be realized from said assets and said property shall be distributed ratably among the holders of the said bills and notes.

Liability of
stockholders

7. *And be it enacted*, That the stockholders of said corporation at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid to an amount sufficient to redeem the said bills or notes, after the assets of said corporation and the pro-

erty of said directors shall have been distributed as aforesaid; *provided*, that no stockholder, other than said directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation became insolvent, and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them; and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability. Proviso.

8. *And be it enacted*, That in case of an action or suit at law against any director or directors, stockholder or stockholders, under any of the preceding sections of this act, the receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof. Actions against directors and stockholders
Proviso.

9. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in; and if the president or cashier thereof shall knowingly or wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment, not less than one year nor more than five years, at the discretion of the court. Amount of issue.

10. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday of May next after this act shall take effect, and on the first Monday of each month thereafter, to publish, in at least one newspaper published in the county where the banking house of said corporation shall be located, a statement, under oath or affirmation, of the actual condition of said corporation, conforming, as nearly as may be, with the annual statements now required by law, and Monthly statements to be made.

shall, within ten days after making such statement, forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier, or director shall knowingly and wilfully falsely swear or affirm to any such statement, he shall be deemed guilty of perjury, and liable to the pains and penalties thereof.

Voting at
elections &c.

11. *And be it enacted*, That at all elections and meetings of the stockholders of said corporation, hereafter to be held, each stockholder shall be entitled to one vote for each share of stock which he, she, or they shall have held, in his, her, or their names, at least thirty days before the time of voting.

Present char-
ter to be in
force until
its expira-
tion.

12. *And be it enacted*, That nothing in this act contained shall be construed to alter or change the present charter of said corporation, but the same shall continue, as if this act had not been passed, up to the expiration of the time limited for its continuance.

Stockhold-
ers to be re-
sidents of
state.

13. *And be it enacted*, That a majority of the stockholders shall be residents of this state.

Act void un-
less assent
be filed.

14. *And be it enacted*, That unless the directors of said corporation shall, within six months hereafter, assent to this act, and file a written assent thereto under the seal of said corporation, in the office of the secretary of state, this act shall be deemed and considered void.

Act may be
amended.

15. *And be it enacted*, That this act shall be subject to be modified, altered, or repealed, at the pleasure of the legislature.

Passed March 31, 1855.

CHAPTER CCXVI.

AN ACT to incorporate the Central Bank of New Jersey, at Hightstown.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert E. Morrison, Thomas Appleget, Isaac Pullen, Joseph S. Ely, Enoch Allen,

and their associates, shall be and they are hereby created a body politic and corporate, by the name of "the Central Bank of New Jersey," and by that name they shall have and exercise banking powers and the incidental corporate powers enumerated in the first section of the act concerning corporations; *provided*, that the said corporation shall Proviso. not trade or deal in any thing except money, bills of exchange, promissory notes, and gold or silver bullion; and shall, in no case, hold any real estate, goods, wares, merchandise, or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as security for debts, loans, or contracts, or shall be conveyed or sold in full or in part satisfaction of debts previously contracted in the course of dealings, or shall be purchased upon judgment or execution for the purpose of bona fide making or securing a debt or debts due or owing said corporation.

2. *And be it enacted*, That the capital stock of the said Amount of capital stock. corporation shall be two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; that the said Robert E. Morrison, Thomas Appleget, Isaac Pullen, Joseph S. Ely, Enoch Allen, or a majority of them, shall be and they are hereby appointed commissioners to open, at Hightstown, in the county of Mercer, books of subscriptions for and receive subscriptions to said capital stock, giving at least twenty days' notice, in the newspaper printed at Hightstown, of the time and place of receiving said subscriptions; that the said books, after having been opened, shall be kept open for three successive days, unless the amount of said capital stock shall be sooner subscribed for; that upon the opening of said books, no persons but citizens of the state of New Jersey shall be allowed to subscribe for said stock; and at the time of subscribing for said stock, the respective subscribers shall pay to said commissioners five dollars for each share subscribed for.

3. *And be it enacted*, That the affairs of said corporation Annual election of directors. shall be managed by a board of nine directors, who shall be residents of this state, five of whom shall be a quorum for the transaction of business, except in cases of discount,

which may be regulated by the by-laws; that the said directors shall be stockholders, and shall, before entering upon the duties of their office, severally take and subscribe an oath or affirmation faithfully to execute the trust reposed in them as directors; that the directors shall hold their offices for one year and until their successors shall be chosen; that the annual election of directors shall be on the first Monday of January, in every year, at the banking house of said corporation, at such time as the board of directors shall appoint, of which election at least fourteen days' notice shall be given by the directors, by advertisement in the newspaper printed at Hightstown; that the said election shall be by ballot, those having the greatest number of votes to be deemed elected, and shall be, by such of the stockholders as may attend, in person or by proxy, they being respectively entitled to one vote for each share of stock held in his, her, or their own name or names for at least three calendar months next before the election; that for the well ordering of said election, the board of directors shall, previously thereto, appoint three stockholders, not being directors, to be judges thereof, who shall conduct the election and determine upon the legality of votes, the eligibility of persons voted for, and who shall be elected; and in all cases of an equality of votes between two or more persons voted for, avoiding an election of a full board, the said judges, or a majority of them, shall thereupon select from those not elected, and having the highest number of votes, as many as may be required to make up the full number of nine directors; and the directors so elected shall, at the first meeting thereafter when a quorum shall be present, elect one of said nine directors to be president, as well of their board as of said corporation; and whenever a vacancy shall occur in said board of directors, by death, resignation, or otherwise, such vacancy may be filled, for the remainder of the year, by the board of directors; and if at any time it shall happen that an election of directors shall not take place at the time above required, the said corporation shall not for that reason be deemed dissolved, but an election thereof shall be had as soon as conveniently

may be thereafter, upon like notice as above directed, and at the place and in the mode above specified.

4. *And be it enacted*, That as soon as conveniently may ^{Election of first directors.} be after the aforesaid capital stock shall have been subscribed for, the said commissioners, or a majority of them, shall call a meeting of the subscribers to the said capital stock, in the borough of Hightstown, to elect the first board of directors, by giving at least twenty days' notice of the time and place of said meeting, by advertisement in the newspaper printed at Hightstown; and at such meeting the said commissioners, or a majority of them, shall be the judges of said first election, and shall have the same powers as the judges of the annual election of directors; and they shall conduct the said first election, as near as may be, in the manner herein before prescribed for the said annual elections, the subscribers attending said meeting, in person or by proxy, being entitled to one vote for each share of stock respectively subscribed by them; and the said first board of directors shall, as soon as conveniently may be after said election, organize by electing a president, in the manner herein before prescribed for an election of a president, and also a cashier; and after the said board shall have been thus organized, it shall be the duty of the said commissioners to pay over to the said board all the moneys received by them for subscriptions to said capital stock, deducting therefrom only the necessary expenses incurred by them, and the receipt of said president and cashier for said moneys shall be a full and absolute acquittance and discharge therefor; and the said first board of directors shall have power to fill vacancies therein, by death, resignation, or otherwise, and shall hold their offices until the first Monday of January next after their election and until their successors shall be chosen.

5. *And be it enacted*, That the capital stock of said corporation shall be deemed personal property, and shall be ^{Payment of instalments.} subject to such taxes as all the other banking institutions of this state are liable to, and the real estate of said corporation may be taxed as other lands in this state are or may be taxed; and that the board of directors for the time be-

ing shall have full power to call in the residue of the subscriptions to the said capital stock, by such instalments and at such times as the said board may think proper, under the penalty of the holders of said stock forfeiting to the said corporation all previous payments thereon, which forfeiture may be made and declared by an order or resolution of said board; *provided*, that at least twenty days' previous notice of the time and place for paying said instalments shall be given, by advertisement, in the newspaper printed at Hightstown; and that no instalment of more than ten dollars on each share shall be called in at one time, nor shall said instalments be required to be paid nearer than within ten days of each other.

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Appointment of cashier.

6. *And be it enacted*, That there shall be a cashier of said bank appointed or reappointed annually, liable, however, to be removed, and another appointed in his stead, at the pleasure of the said board of directors; and upon such appointment or reappointment, he shall, before entering upon the duties of his office, take an oath or affirmation faithfully to perform the duties of his office, and shall give bond or bonds, with good and sufficient security, to be approved of by the board of directors, in the penal sum of at least fifty thousand dollars, conditioned for the faithful performance of his duties as cashier of said bank.

Bills of corporation to be assignable and negotiable.

7. *And be it enacted*, That the said corporation shall not issue bills or notes of a less denomination than one dollar; and the bills or notes which may be issued by said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her, or their order, or to bearer, although not under the seal of said corporation, shall be binding and obligatory on said corporation, and of like force and effect, and shall be assignable and negotiable in like manner as if made by a natural person or persons; and all bills obligatory and of credit, under the seal of said corporation, which shall be made for the payment of money to any person or persons, shall be assignable by assignment endorsed thereon, under the hand or hands of such person or persons, and his, her, or their assignee or assignees, succes-

sively ; and all bills or notes, bills obligatory or of credit, made or issued by said corporation, shall be deemed and taken to be payable and demandable at the banking house of said corporation, and at such other places as are now prescribed by law for the redemption of bills issued by the banks of the state of New Jersey.

8. *And be it enacted*, That it shall be the duty of the Dividends. board of directors of the said corporation to make semi-annual dividends of so much of the profits of the business of said corporation as the said board shall deem advisable ; but no dividend shall be made of any part of the capital stock.

9. *And be it enacted*, That the rate of discount at which Rate of discount. loans may be made by said corporation shall not exceed the legal rate of interest in this state for the time being ; *provided*, that nothing herein contained shall be construed Proviso. to prohibit the said corporation from dealing in bills of exchange, and the purchase and sale thereof.

10. *And be it enacted*, That no transfer of the stock of Transfers to be registered. said corporation shall be valid and effectual until any debt or debts which may be due to said company from the person or persons, or any of them, transferring shall have been fully discharged, nor until such transfer shall have been registered in a book or books to be kept for that purpose by the board of directors.

11. *And be it enacted*, That if at any time the said cor- Charter void if bills not redeemed. poration shall neglect or refuse, on demand being made at their banking house during the regular hours of business, to redeem, in lawful money, any of the bills or notes issued by said corporation, and which shall then be due and payable, the said corporation shall thereupon, under pain of forfeiting its charter, wholly discontinue and cease from banking operations, until such bills or notes shall be fully paid, and shall, until such bills or notes shall be fully paid, be deemed and considered insolvent.

12. *And be it enacted*, That if the said corporation shall Assets reliable for redemption of notes. at any time hereafter become insolvent, the whole assets of said corporation at the time of its becoming insolvent shall be first liable for its bills or notes then in circulation, and

shall be first applied to the payment thereof; and in case of a distribution of the assets of said corporation among the creditors thereof, under the order or decree of the court of chancery or other court, the holders of such bills or notes shall be equal in priority, and shall have a preference over all the other creditors.

Liability of
directors.

13. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted, at law or in equity, by any receiver or receivers that shall or may be appointed for the payment of any such bills or notes, as if the same were their joint and several bills or notes executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability; and if any director shall so attempt to resign his office he shall be and continue liable the same as if no such resignation had been attempted; and such liability of directors shall continue after they cease to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property, that shall or may be levied on or taken in execution under or by virtue of any judgment or decree in favor of any receiver or receivers under the provisions of this act, shall be sold until after the expiration of four months from the date of said judgment or decree.

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Amount of
assets to be
distributed
pro rata.

14. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills and notes, then the amount that shall or may be realized from said assets and property shall be distributed ratably among the holders of the said bills and notes.

15. *And be it enacted*, That the stockholders of said corporation at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid to an amount sufficient to redeem the said bills and notes, after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder, other than said directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent; and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them, and it shall not be lawful for any such stockholder to assign, or otherwise transfer, his stock or other property to avoid such liability.

Liability of
stockholders

Proviso.

16. *And be it enacted*, That in case of an action or suit at law against any director or directors, stockholder or stockholders, under any of the preceding sections of this act, the receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof.

Actions a-
gainst direct-
ors or stock-
holders.

Proviso.

17. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in; and if the president or cashier thereof shall knowingly or wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment, not less than one year nor more than five years, in the discretion of the court.

Amount of
issue.

18. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday of every month after commencing the business of banking, to publish, in at least

Monthly
statements
to be made.

one newspaper published in the county of Burlington, a statement, under oath or affirmation, of the actual condition of said corporation, conforming, as nearly as may be, with the annual statements now required by law, and shall, within ten days after making such statement, forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier, or director shall knowingly and wilfully falsely swear or affirm to any such statement he shall be deemed guilty of perjury, and be liable to the pains and penalties thereof.

Stockholders to be residents of this state.

Affidavit to be made of payment of capital stock.

19. *And be it enacted*, That a majority of the stockholders shall be residents of this state.

20. *And be it enacted*, That it shall not be lawful for the said corporation to issue any bills or notes, or otherwise enter upon the business of banking, until an affidavit or affidavits shall have been made and filed in the office of the secretary of state stating that seventy-five thousand dollars of the capital stock of said corporation had been subscribed for and paid in conformable to the provisions of this act.

Limitation.

21. *And be it enacted*, That this act shall go into effect immediately, and continue in force for twenty years; but it shall be lawful for the legislature, at any time hereafter, to alter, modify, or repeal the same, whenever in their opinion the public good shall require it.

Passed April 3, 1855.

CHAPTER CCXVII.

AN ACT to extend the charter of the Mechanics Bank of Burlington.

Charter extended.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the act entitled, "An act to incorporate the Mechanics Bank of Burlington," passed

on the fifth day of March, in the year eighteen hundred and thirty-nine, (1839) shall be and is hereby continued and extended for and during the term of twenty years from and after the term by the said act limited for its continuance.

2. *And be it enacted*, That if the said corporation shall at any time hereafter become insolvent, the whole assets of said corporation at the time of its becoming insolvent shall be first liable for the redemption of its bills or notes then in circulation, and shall be first applied to the payment thereof; and in case of a distribution of the assets of said corporation among the creditors thereof, under an order or decree of the court of chancery or other court, the holders of such bills or notes shall be equal in priority, and shall have a preference over all other creditors.

3. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted, at law or in equity, by any receiver or receivers that shall or may be appointed for the payment of any such bills or notes, as if the same were their joint and several bills or notes executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability, and if any director shall so attempt to resign his office he shall be and continue liable the same as if no such resignation had been attempted; and such liability of directors shall continue after they cease to be directors; either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property, that shall or may be levied on or taken in execution under or by virtue of any judgment or

Assets liable
in case of in-
solvency for
payment of
bills.

Liability of
directors.

Proviso.

decree in favor of any receiver or receivers under the provisions of this act, shall be sold until after the expiration of four months from the date of such judgment or decree.

Amount of
assets to be
distributed
pro rata.

4. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills or notes, then the amount that shall or may be realized from said assets and said property shall be distributed ratably among the holders of the said bills and notes.

Liability of
stockholders

5. *And be it enacted*, That the stockholders of said corporation at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid to an amount sufficient to redeem the said bills or notes, after the assets of said corporation and the property of said directors shall have been distributed as aforesaid;

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provided, that no stockholder, other than said directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation became insolvent; and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them; and it shall not be lawful for any such stockholder to assign, or otherwise transfer, his stock or other property to avoid such liability.

Actions a-
gainst direct-
ors or stock-
holders.

6. *And be it enacted*, That in case of an action or suit at law against any director or directors, stockholder or stockholders, under any of the preceding sections of this act, the receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof.

Proviso.

Amount of
issue.

7. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in; and if the

president or cashier thereof shall knowingly or wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment, not less than one year nor more than five years, at the discretion of the court.

8. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday of May next after this act shall take effect, and on the first Monday of each month thereafter, to publish, in at least one newspaper published in the county where the banking house of said corporation shall be located, a statement, under oath or affirmation, of the actual condition of said corporation, conforming, as nearly as may be, with the annual statements now required by law, and shall, within ten days after making such statement, forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier, or director shall knowingly and wilfully falsely swear or affirm to any such statement he shall be deemed guilty of perjury, and liable to the pains and penalties thereof.

9. *And be it enacted*, That at all elections and meetings of the stockholders of said corporation, hereafter to be held, each stockholder shall be entitled to one vote for each share of stock which he, she, or they shall have held in his, her, or their names at least thirty days before the time of voting.

10. *And be it enacted*, That nothing in this act contained shall be construed to alter or change the present charter of said corporation, but the same shall continue, as if this act had not been passed, up to the expiration of the time limited for its continuance.

11. *And be it enacted*, That a majority of the stockholders shall be residents of this state.

12. *And be it enacted*, That unless the directors of said corporation shall, within six months hereafter, assent to this act, and file a written assent thereto, under the seal of said corporation, in the office of the secretary of state, this act shall be deemed and considered void.

Act may be
amended.

13. *And be it enacted*, That this act shall be subject to be modified, altered, or repealed, at the pleasure of the legislature.

Passed April 3, 1855.

CHAPTER CCXVIII.

AN ACT to incorporate the Bordentown Banking Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John L. McKnight, Garret S. Cannon, Mahlon Hutchinson, Charles Mickle, Joseph Waln, Henry H. Longstreet, and their associates, shall be and they are hereby created a body politic and corporate, by the name of "the Bordentown Banking Company," and by that name they shall have and exercise banking powers and the incidental corporate powers enumerated in the first section of the act concerning corporations; *provided*, that the said corporation shall not trade or deal in any thing except money, bills of exchange, promissory notes, and gold or silver bullion; and shall in no case hold any real estate, goods, wares, merchandise, or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as security for debts, loans, or contracts, or shall be conveyed or sold in full or in part satisfaction of debts previously contracted in the course of dealings, or shall be purchased upon judgment or execution for the purpose of bona fide making or securing a debt or debts due or owing said corporation.

Proviso.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each; that the said John L. McKnight, Garret S. Cannon, Mahlon Hutchinson, Charles Mickle, Joseph Waln, Henry H. Long-

street, or a majority of them, shall be and they are hereby appointed commissioners to open, at Bordentown, books of subscriptions for, and receive subscriptions to, said capital stock, giving at least twenty days' notice, in the newspaper printed at Bordentown, of the time and place of receiving said subscriptions; that the said books, after having been opened, shall be kept open for three successive days, unless the amount of said capital stock shall be sooner subscribed for; that upon the opening of said books, no persons but citizens of the state of New Jersey shall be allowed to subscribe for said stock, and at the time of subscribing for said stock the respective subscribers shall pay to said commissioners five dollars for each share subscribed for.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of nine directors, ^{Annual election of directors.} who shall be residents of this state, five of whom shall be a quorum for the transaction of business, except in cases of discount, which may be regulated by the by-laws; that the said directors shall be stockholders, and shall, before entering upon the duties of their office, severally take and subscribe an oath or affirmation faithfully to execute the trust reposed in them as directors; that the directors shall hold their offices for one year and until their successors shall be chosen; that the annual election of directors shall be on the second Tuesday of April, in every year, at the banking house of said corporation, at such time as the board of directors shall appoint, of which election at least fourteen days' notice shall be given by the directors, by advertisement in the newspaper printed at Bordentown; that the said election shall be by ballot, those having the greatest number of votes to be deemed elected, and shall be by such of the stockholders as may attend in person or by proxy, they being, respectively, entitled to one vote for each share of stock held in his, her, or their own name or names for at least three calendar months next before the election; that for the well ordering of said election, the board of directors shall previously thereto appoint three stockholders, not being directors, to be judges thereof, who shall conduct the

election and determine upon the legality of votes, the eligibility of persons voted for, and who shall be elected; and in all cases of an equality of votes between two or more persons voted for, avoiding an election of a full board, the said judges, or a majority of them, shall thereupon select, from those not elected and having the highest number of votes, as many as may be required to make up the full number of nine directors; and the directors so elected shall, at the first meeting thereafter when a quorum shall be present, elect one of said nine directors to be president, as well of their board as of said corporation; and whenever a vacancy shall occur in said board of directors, by death, resignation, or otherwise, such vacancy may be filled for the remainder of the year by the board of directors; and if at any time it shall happen that an election of directors shall not take place at the time above required, the said corporation shall not for that reason be deemed dissolved, but an election thereof shall be had as soon as conveniently may be thereafter, upon like notice as above directed and at the place and in the mode above specified.

Election of
directors.

4. *And be it enacted*, That as soon as conveniently may be after the aforesaid capital stock shall have been subscribed for, the said commissioners, or a majority of them, shall call a meeting of the subscribers to the said capital stock in the borough of Bordentown to elect the first board of directors, by giving at least twenty days' notice of the time and place of said meeting, by advertisement, in the newspaper printed at Bordentown; and at such meeting the said commissioners, or a majority of them, shall be the judges of said first election, and shall have the same powers as the judges of the annual election of directors; and they shall conduct the said first election, as near as may be, in the manner herein before prescribed for the said annual elections, the subscribers attending said meeting, in person or by proxy, being entitled to one vote for each share of stock respectively subscribed by them; and the said first board of directors shall, as soon as conveniently may be after said election, organize by electing a president, in the manner herein before prescribed for an election of a pre-

sident, and also a cashier; and after the said board shall have been thus organized, it shall be the duty of the said commissioners to pay over to the said board all the moneys received by them for subscriptions to said capital stock, deducting therefrom only the necessary expenses incurred by them, and the receipt of said president and cashier for said moneys shall be a full and absolute acquittance and discharge therefor; and the said first board of directors shall have power to fill vacancies therein, by death, resignation, or otherwise, and shall hold their offices until the second Tuesday of April next after their election and until their successors shall be chosen.

5. *And be it enacted*, That the capital stock of said corporation shall be deemed personal property, and shall be subject to such taxes as all the other banking institutions of this state are liable to, and the real estate of said corporation may be taxed as other lands in this state are or may be taxed; and that the board of directors for the time being shall have full power to call in the residue of the subscriptions to the said capital stock, by such instalments and at such times as the said board may think proper, under the penalty of the holders of said stock forfeiting to the said corporation all previous payments thereon, which forfeiture may be made and declared by an order or resolution of said board; *provided*, that at least twenty days' previous notice of the time and place for paying said instalments shall be given, by advertisement, in the newspaper printed at Bordentown, and that no instalment of more than ten dollars on each share shall be called in at one time, nor shall said instalments be required to be paid nearer than within ten days of each other. Payment of instalments.

6. *And be it enacted*, That there shall be a cashier of said bank appointed or reappointed annually, liable, however, to be removed, and another appointed in his stead, at the pleasure of the said board of directors, and upon such appointment or reappointment he shall, before entering upon the duties of his office, take an oath or affirmation faithfully to perform the duties of his office, and shall give bond or bonds, with good and sufficient security, to be ap- Appointment of cashier.

proved of by the board of directors, in the penal sum of at least fifty thousand dollars, conditioned for the faithful performance of his duties as cashier of said bank.

Bills of corporation to be assignable and negotiable.

7. *And be it enacted*, That the said corporation shall not issue bills or notes of a less denomination than one dollar; and the bills or notes which may be issued by said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her, or their order, or to bearer, although not under the seal of said corporation, shall be binding and obligatory on said corporation, and of like force and effect, and shall be assignable and negotiable in like manner as if made by a natural person or persons; and all bills obligatory and of credit under the seal of said corporation, which shall be made for the payment of money to any person or persons, shall be assignable by assignment endorsed thereon, under the hand or hands of such person or persons, and his, her, or their assignee or assignees successively; and all bills or notes, bills obligatory or of credit, made or issued by said corporation, shall be deemed and taken to be payable and demandable at the banking house of said corporation, and at such other places as are now prescribed by law for the redemption of bills issued by the banks of the state of New Jersey.

Dividends.

8. *And be it enacted*, That it shall be the duty of the board of directors of the said corporation to make semi-annual dividends of so much of the profits of the business of said corporation as the said board shall deem advisable, but no dividend shall be made of any part of the capital stock.

Rate of discount.

Proviso.

9. *And be it enacted*, That the rate of discount at which loans may be made by said corporation shall not exceed the legal rate of interest in this state for the time being; *provided*, that nothing herein contained shall be construed to prohibit the said corporation from dealing in bills of exchange, and the purchase and sale thereof.

Transfers to be registered

10. *And be it enacted*, That no transfer of the stock of said corporation shall be valid and effectual until any debt or debts which may be due to said company from the per-

son or persons, or any of them, transferring shall have been fully discharged, nor until such transfer shall have been registered in a book or books to be kept for that purpose by the board of directors.

11. *And be it enacted*, That if at any time the said corporation shall neglect or refuse, on demand being made at their banking house during the regular hours of business, to redeem in lawful money any of the bills or notes issued by said corporation, and which shall then be due and payable, the said corporation shall thereupon, under pain of forfeiting its charter, wholly discontinue and cease from banking operations until such bills or notes shall be fully paid, and shall, until such bills or notes shall be fully paid, be deemed and considered insolvent. Charter void if notes not redeemed.

12. *And be it enacted*, That if the said corporation shall at any time hereafter become insolvent, the whole assets of said corporation at the time of its becoming insolvent shall be first liable for its bills or notes then in circulation, and shall be first applied to the payment thereof; and in case of a distribution of the assets of said corporation among the creditors thereof, under the order or decree of the court of chancery or other court, the holders of such bills or notes shall be equal in priority, and shall have a preference over all the other creditors. Assets liable for redemption of bills.

13. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted, at law or in equity, by any receiver or receivers that shall or may be appointed for the payment of any such bills or notes, as if the same were their joint and several bills or notes executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability, and if any director shall so attempt to resign his office, he shall be and continue liable the same as if no such resignation had been attempted; and such liability of directors shall continue after they cease to be directors, either by resignation Liability of directors.

or otherwise, if the said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property that shall or may be levied on or taken in execution under or by virtue of any judgment or decree in favor of any receiver or receivers, under the provisions of this act, shall be sold until after the expiration of four months from the date of said judgment or decree.

Proviso.

Amount of assets to be distributed pro rata.

14. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills and notes, then the amount that shall or may be realized from said assets and property shall be distributed ratably among the holders of the said bills and notes.

Liability of stockholders

15. *And be it enacted*, That the stockholders of said corporation at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid to an amount sufficient to redeem the said bills and notes, after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder, other than said directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent; and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them, and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability.

Proviso.

Actions against directors or stockholders.

16. *And be it enacted*, That in case of an action or suit at law against any director or directors, stockholder or stockholders, under any of the preceding sections of this act, the receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall

be annexed to the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof.

17. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in; and if the president or cashier thereof shall knowingly or wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment, not less than one year nor more than five years, in the discretion of the court.

18. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday of every month after commencing the business of banking, to publish, in at least one newspaper published in the county of Burlington, a statement, under oath or affirmation, of the actual condition of said corporation, conforming, as nearly as may be, with the annual statements now required by law, and shall, within ten days after making such statement, forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier, or director shall knowingly and wilfully falsely swear or affirm to any such statement he shall be deemed guilty of perjury, and be liable to the pains and penalties thereof.

19. *And be it enacted*, That a majority of the stockholders shall be residents of this state.

20. *And be it enacted*, That it shall not be lawful for the said corporation to issue any bills or notes, or otherwise enter upon the business of banking, until an affidavit or affidavits shall have been made and filed in the office of the secretary of state stating that thirty thousand dollars of the capital stock of said corporation had been subscribed for and paid in, conformable to the provisions of this act.

21. *And be it enacted*, That this act shall go into effect immediately, and continue in force for twenty years; but

it shall be lawful for the legislature, at any time hereafter, to alter, modify, or repeal the same, whenever in their opinion the public good shall require it.

Passed April 3, 1855.

CHAPTER CCXIX.

AN ACT to establish an independent battalion in the city of Newark.

Formation of
independent
battalion au-
thorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be organized in the city of Newark, in the county of Essex, a battalion of uniformed militia, to be composed of not less than two, nor more than four companies, which battalion, when organized, shall be attached to the Independent Essex Brigade, and under the order and direction of the commanding officer of the said brigade in all things lawfully appertaining to the duties of the said commanding officer, but in no wise under the control nor subject to the order or direction of the brigade board of the said Independent Essex Brigade.

Officers of
battalion.

2. *And be it enacted*, That to the battalion, so organized, there shall be one major, one adjutant, to serve also as judge advocate, with the rank of captain, one paymaster, with the rank of first lieutenant, and one assistant surgeon, with the rank of first lieutenant, who shall constitute the commissioned staff of the battalion; also one sergeant major, who shall serve also as battalion commissary, and one quartermaster sergeant, who shall serve also as battalion quartermaster, who shall constitute the noncommissioned staff of the battalion, all of whom shall be designated by the major of the battalion, and who shall receive their commissions and warrants in the same manner as is prescribed by the laws of the state for like officers.

3. *And be it enacted*, That to the battalion, so organized, ^{Battalion board.} there shall be a battalion board, to be composed of the commandant of the battalion, the adjutant and the commandants of companies; and a majority of them shall be necessary to form a board, and such board shall meet at such times and places as the commanding officer of the battalion shall direct; and the said board may make such regulations for the discipline and government of the battalion, not inconsistent with the provisions of this act, as to them may seem proper; and the said board shall hold the same relation to the battalion, and possess the same powers and perform the same duties as is conferred upon or required of the several brigade boards in the brigades of the militia of this state, so far as relates to this battalion only.

4. *And be it enacted*, That the companies known as the ^{Union Blues and City Guard attached to battalion.} Union Blues and City Guard, of Newark, attached to the first regiment of the Independent Essex Brigade, or such members of the said companies as may volunteer in the service of the said battalion, in the manner herein after prescribed, are by this act, in manner herein provided, set off from the said regiment and the battalions composing the said regiment, and attached to the battalion herein directed to be organized; and that the present officers of the said Union Blues and the said City Guard shall continue to hold and exercise, in the battalion herein provided for, the same ranks and commissions which they now hold.

5. *And be it enacted*, That the companies attached to ^{Organization of companies.} the said battalion shall consist of not more than eighty, nor less than thirty noncommissioned officers and privates; and to each of said companies there shall be one captain, one first lieutenant, and one second lieutenant, and the same noncommissioned officers as are required by the laws regulating and governing the militia of this state; and every noncommissioned staff officer and every noncommissioned officer and private of any company attached to this battalion shall be holden to do duty therein for the term of seven years from the date of his enrolment, unless disability should incapacitate him to perform such duty or he should be regularly discharged by the battalion board; but no

company shall be disbanded, unless, in the opinion of a majority of the officers composing the battalion board, the good of the service shall require the same, or unless it shall appear that such company is constituted in violation of the provisions of this act, in which case such company may be disbanded.

Formation
of compa-
nies.

6. *And be it enacted*, That whenever any number of persons, not more than eighty, nor less than thirty, shall volunteer, in the manner herein prescribed, to form a company in the said battalion, they shall present their application to the battalion board, and if approved by a majority of the officers composing said board, they shall recommend the organization of such company to the commandant of the said Independent Essex Brigade, who shall thereupon immediately proceed to effect such organization; such application shall be by petition, addressed to the battalion board, and signed by each volunteer asking to be so organized, and shall designate the names of the persons to be the commissioned officers of such company; and such members of the companies, which, by the fourth section of this act, are set off from the third regiment of the Independent Essex Brigade, and attached to the said independent battalion, as may volunteer in the service of said battalion, shall enrol their names, on an application for that purpose addressed to the commandant of the said Independent Essex Brigade, on or before the fourth day of July next after the passage of this act, who shall preserve the same until the said battalion board is organized, when he shall place the said applications in the possession of the said board, to be filed among the archives of the battalion.

Election of
major.

7. *And be it enacted*, That it shall be the duty of the commandant of the said Independent Essex Brigade, upon receiving the applications of the said companies, to issue his orders forthwith, declaring the said battalion to be organized, and to appoint a time, not more than thirty days distant from the date of said order, when the said battalion board shall meet for the purpose of receiving said applications and for the purpose of a more effectual organization; it shall further be the duty of the commandant of the said

Independent Essex Brigade, upon the written application of the senior captain in the said battalion, to hold an election for major of said battalion, of the time and place of which he shall give the same notice as of a vacancy in such office ; and he shall attend and preside at such election, the result shall be certified, and the person elected shall receive his commission, in all respects as in cases of a vacancy in such office.

8. *And be it enacted*, That the battalion shall be subject to the orders of the mayor of the city of Newark, at all times when in his opinion their services may be required in aid of the civil authorities, to quell riots, suppress insurrections, to protect the property, or preserve the tranquillity of the city ; and in consideration thereof, every officer, non-commissioned officer, and private of the said battalion shall be exempt from serving upon any grand or petit jury in any of the courts of law in this state, if he shall have served at the several parades, drills, and reviews of the said battalion, and of the companies attached to the same, to the satisfaction of the battalion board, during the year up to the time of claiming such exemption, armed and equipped in accordance with the provisions of this act and in accordance with the regulations of the said board ; and every officer, noncommissioned officer, and private of the said battalion, who shall have served at the several battalion and company parades, drills, and reviews for the full term of seven years, shall be thereafter exempt from serving on any grand or petit jury in any of the courts of law in this state.

9. *And be it enacted*, That it shall be the duty of the commandant of the battalion to file a list, containing the names of the officers, noncommissioned officers, and privates, who, in the opinion of a majority of the battalion board, should be exempt for the year from jury duty, as herein provided, with the sheriff of the county of Essex, on or before the first day of October in each and every year ; and the list of officers, noncommissioned officers, and privates, so filed, shall exempt the persons whose names are so filed from jury ser-

Battalion to be subject to the orders of the mayor.

List of members to be filed.

vice in any of the courts of law in this state for the year next after the filing of such list.

Penalty for
violating
laws of bat-
talion.

10. *And be it enacted*, That for the violation of the laws or regulations of the battalion, the noncommissioned officer or private offending, by a vote of the company, may be expelled from the company; and upon the action of the company being confirmed in orders by the commandant of the battalion, the name of such person or persons shall be stricken from the roll of such company, and he or they shall cease to be a member or members of such company.

Uniform.

11. *And be it enacted*, That the uniform dress of the battalion shall be as follows (the term army dress, wherever used, being intended to mean, in compliance with the bill of dress issued from the headquarters of the army, June twelfth, one thousand eight hundred and fifty-one, for the government of the army of the United States):

COAT.

For commissioned officers.—Army dress.

For noncommissioned officers and privates.—Army dress, except that the collar and cuffs to be of the same color and material as the coat, with a white welt sewed in the bottom seam of the collar and the upper seams of the cuffs; the skirt to extend to two-thirds the distance from the top of the hip to the bend of the knee.

TROUSERS.

For all grades.—Army dress, except that the welt in the outer seam shall be white.

CAP.

For all grades.—Shape and dimensions, army dress, black felt body, tip and vizor black japanned leather, a band of same, one inch wide, around the lower edge; two straps, half inch wide, running from the end of the chin strap to the tip; chin strap, army dress, fastened by a yellow metal ornament.

CAP ORNAMENTS.

For commissioned officers.—A gilt bugle, with the letters N. J. in silver, old English characters, within the bend.

For noncommissioned officers and privates.—The arms of the state of New Jersey in yellow metal.

PLUME.

For the major.—White heron.

POMPON.

Of white worsted, four and a half inches high, worn in a yellow metal tulip and ball.

For the adjutant.—The upper quarter buff.

For the paymaster.—The upper quarter olive green.

For the assistant surgeon.—The upper quarter emerald green.

For all other grades.—Plain.

EPAULETTES.

For commissioned officers.—Army dress, omitting the regimental number within the crescent.

For the noncommissioned staff.—White worsted, size and pattern army dress.

For all other noncommissioned officers and privates.—White worsted, size and pattern of army dress for sergeants of infantry.

SHOULDER STRAPS.

For all commissioned officers.—Army dress, except embroidered on dark blue cloth.

CHEVRONS.

For all noncommissioned officers.—Army dress in white.

OVERCOAT.

Of grey mixed kersey, stand up collar to hook in front, and made large enough to enclose the chin, skirt to extend one to two inches below the knee, outside pocket on the left breast, pockets in the skirt, with a button at the centre and each end of the lappel, which extends from the waist seam to two-thirds the length of the skirt, cuffs closed, to turn up five inches on the sleeve (which is made loose), and braided as army dress.

For the major.—Double-breasted, buttoning in front with

two rows of eight buttons, cape reaching to the cuff when the arm is extended, removable at pleasure, and to button up in front.

For all other commissioned officers.—The same as for the major, except that there shall be only seven buttons in each row.

For noncommissioned officers and privates.—Single-breasted, buttoning with a single row of ten buttons, cape to extend down to the elbows and button in front with four small buttons, and permanently fastened to the coat.

JACKET.

For all noncommissioned officers and privates.—Of dark blue cloth, single-breasted, standing collar to fit close to the neck and hook in front, one row of ten gilt buttons, small size, in front, two of the same at the cuff, shoulder strap of same color and material, edged with a white welt, and buttoning on a single button below the collar.

BELTS.

For all noncommissioned officers and privates.—White leather cross and body belts of the kind worn in the army of the United States, last previous to June twelfth, eighteen hundred and fifty-one.

BELT PLATES.

Breast plate.—Brass, three and one-quarter inches long, and same width as belt, with the company letter in white metal, raised, one and one-quarter inches long.

Body belt plate.—Brass, oval, plain.

CARTOUCH BOX.

Army dress, with the letters C. B. in brass Roman letters, one inch long, on the flap, in place of the prescribed plate.

KNAPSACK.

To be made of black patent enamelled leather, fifteen inches deep, the corners being bound with black enamelled leather, with two white buff leather straps three-quarters of an inch wide, with shoulder straps and breast strap of the

same material, with the letters "C. B." painted on the outside, with a round roll, four and a half inches in height on the top.

MISCELLANEOUS.

For all officers; noncommissioned officers, and privates.

—All articles of dress and equipment, not above specified, to be in compliance with the army dress.

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

Approved April 3, 1855.

CHAPTER CCXX.

AN ACT to renew the charter of the Trenton Banking Company.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the charter of the Trenton Banking Company shall be and the same is hereby continued in force for the term of twenty years from and after the third day of December, eighteen hundred and fifty-nine. Charter extended.

2. *And be it enacted*, That if the said corporation shall at any time hereafter become insolvent, the whole assets of said corporation at the time of its becoming insolvent shall be first liable for its bills or notes then in circulation, and shall be first applied to the payment thereof; and in case of any distribution of the assets of said corporation among the creditors thereof, under the order or decree of the court of chancery or other court, the holders of such bills or notes shall be equal in priority, and shall have preference over all other creditors. Assets liable in case of insolvency for payment of bills.

3. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes Liability of directors.

of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted, at law or in equity, by any receiver or receivers that shall or may be appointed for the payment of any such bills or notes, as if the same were their joint and several bills or notes executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability, and if any director shall so attempt to resign his office, he shall be and continue liable the same as if no such resignation had been attempted; and such liability of directors shall continue after they cease to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property, that shall or may be levied on or taken in execution under or by virtue of any judgment or decree in favor of any receiver or receivers under the provisions of this act, shall be sold until after the expiration of four months from the date of such judgment or decree.

Proviso.

Amount of
assets to be
divided pro
rata.

4. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills or notes, then the amount that shall or may be realized from said assets and said property shall be distributed ratably among the holders of the said bills and notes.

Liability of
stockholders

5. *And be it enacted*, That the stockholders of said corporation at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid to an amount sufficient to redeem the said bills or notes, after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder, other than said directors, shall be made liable to an amount exceeding the par value

Proviso.

of the stock held by him at the time said corporation became insolvent, and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them; and it shall not be lawful for any such stockholder to assign, or otherwise transfer, his stock or other property to avoid such liability.

6. *And be it enacted*, That in case of an action or suit at law against any director or directors, stockholder or stockholders, under any of the preceding sections of this act, the receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof.

Actions against directors or stockholders.

Proviso.

7. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in; and if the president or cashier thereof shall knowingly or wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment, not less than one year nor more than five years, at the discretion of the court.

Amount of issue.

8. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday of May next after this act shall take effect, and on the first Monday of each month thereafter, to publish, in at least one newspaper published in the county where the banking house of said corporation shall be located, a statement, under oath or affirmation, of the actual condition of said corporation, conforming, as nearly as may be, with the annual statements now required by law, and shall, within ten days after making such statement, forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier, or director shall knowingly and wilfully falsely

Monthly statements to be made.

swear or affirm to any such statement he shall be deemed guilty of perjury, and liable to the pains and penalties thereof.

Voting at elections &c.

9. *And be it enacted*, That at all elections and meetings of the stockholders of said corporation, hereafter to be held, each stockholder shall be entitled to one vote for each share of stock which he, she, or they shall have held, in his, her, or their names, at least thirty days before the time of voting.

Present charter to be in force until its expiration.

10. *And be it enacted*, That nothing in this act contained shall be construed to alter or change the present charter of said corporation, but the same shall continue, as if this act had not been passed, up to the expiration of the time limited for its continuance.

Act void if assent be not filed.

11. *And be it enacted*, That unless the directors of said corporation shall, within six months hereafter, assent to this act, and file a written assent thereto under the seal of said corporation, in the office of the secretary of state, this act shall be deemed and considered void.

Act may be repealed, &c.

12. *And be it enacted*, That a majority of the stockholders shall be residents of this state, and that this act shall be subject to be modified, altered, or repealed, at the pleasure of the legislature.

Passed April 3, 1855.

CHAPTER CCXXI.

AN ACT to incorporate the Burlington Bank.

Names of corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That George W. South, Caleb Gaskill, Samuel W. Taylor, Thomas Milnor, Elwood Conner, Samuel Keys, and Thomas Robb, and their associates, shall be and they are hereby created a body politic and corporate, by the name of "the Burlington Bank," and by that

name they shall have and exercise banking powers and the incidental corporate powers enumerated in the act concerning corporations; *provided*, that the said corporation shall Proviso. not trade or deal in any thing except money, bills of exchange, promissory notes, and gold or silver bullion; and shall, in no case, hold any real estate, goods, wares, merchandise, or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as security for debts, loans, or contracts, or shall be conveyed or sold in full or in part satisfaction of debts previously contracted in the course of dealings, or shall be purchased upon judgment or execution for the purpose of bona fide making or securing a debt or debts due or owing said corporation.

2. *And be it enacted*, That the capital stock of the said Amount of capital stock. corporation shall be one hundred thousand dollars, and shall be divided into shares of fifty dollars each; that the said George W. South, Caleb Gaskill, Samuel W. Taylor, Thomas Milnor, Elwood Conner, Samuel Keys, and Thomas Robb, or a majority of them, shall be and they are hereby appointed commissioners to open, at Burlington city, books of subscriptions for and receive subscriptions to said capital stock, giving at least twenty days' notice, in a newspaper printed at Burlington, or in the county of Burlington, of the time and place of receiving said subscriptions; that the said books, after having been opened, shall be kept open for three successive days, unless the amount of said capital stock shall be sooner subscribed for; that upon the opening of said books, no persons but citizens of the state of New Jersey shall be allowed to subscribe for said stock; and at the time of subscribing for said stock, the respective subscribers shall pay to said commissioners five dollars for each share subscribed for.

3. *And be it enacted*, That the affairs of said corporation Annual election of directors. shall be managed by a board of nine directors, who shall have resided in the state of New Jersey one year before they are eligible, five of whom shall be a quorum for the transaction of business, except in cases of discount, which may be regulated by the by-laws; that the said di-

rectors shall be stockholders, and shall, before entering upon the duties of their office, severally take and subscribe an oath or affirmation faithfully to execute the trust reposed in them as directors; that the directors shall hold their offices for one year and until their successors shall be chosen; that the annual election of directors shall be on the second Tuesday of April, in every year, at the banking house of said corporation, at such time as the board of directors shall appoint, of which election at least fourteen days' notice shall be given by the directors, by advertisement in a newspaper printed at the city of Burlington, or in the county of Burlington; that the said election shall be by ballot, those having the greatest number of votes to be deemed elected, and shall be, by such of the stockholders as may attend in person or by proxy, they being respectively entitled to one vote for each share of stock held in his, her, or their own name or names for at least three calendar months next before the election; that for the well ordering of said election, the board of directors shall, previously thereto, appoint three stockholders, not being directors, to be judges thereof, who shall conduct the election and determine upon the legality of votes, the eligibility of persons voted for, and who shall be elected; and in all cases of an equality of votes between two or more persons voted for, avoiding an election of a full board, the said judges, or a majority of them, shall thereupon select, from those not elected and having the highest number of votes, as many as may be required to make up the full number of nine directors; and the directors so elected shall, at the first meeting thereafter when a quorum shall be present, elect one of said nine directors to be president, as well of their board as of said corporation; and whenever a vacancy shall occur in said board of directors, by death, resignation, or otherwise, such vacancy may be filled, for the remainder of the year, by the board of directors; and if at any time it shall happen that an election of directors shall not take place at the time above required, the said corporation shall not for that reason be deemed dissolved, but an election thereof shall be had, as soon as conveniently

may be thereafter, upon like notice as above directed, and at the place and in the mode above specified.

4. *And be it enacted*, That as soon as conveniently may be after the aforesaid capital stock shall have been subscribed for, the said commissioners, or a majority of them, shall call a meeting of the subscribers to the said capital stock, in the city of Burlington, to elect the first board of directors, by giving at least twenty days' notice of the time and place of said meeting, by advertisement, in at least one newspaper printed at Burlington, or in the county of Burlington; and at such meeting the said commissioners, or a majority of them, shall be the judges of said first election, and shall have the same powers as the judges of the annual election of directors; and they shall conduct the said first election, as near as may be, in the manner herein before prescribed for the said annual elections, the subscribers attending said meeting, in person or by proxy, being entitled to one vote for each share of stock respectively subscribed by them; and the said first board of directors shall, as soon as conveniently may be after said election, organize by electing a president, in the manner herein before prescribed for an election of a president, and also a cashier; and after the said board shall have been thus organized, it shall be the duty of the said commissioners to pay over to the said board all the moneys received by them for subscriptions to said capital stock, deducting therefrom only the necessary expenses incurred by them, and the receipt of said president and cashier for said moneys shall be a full and absolute acquittance and discharge therefor; and the said first board of directors shall have power to fill vacancies therein, by death, resignation, or otherwise, and shall hold their offices until the second Tuesday of April next after their election and until their successors shall be chosen.

5. *And be it enacted*, That the capital stock of said corporation shall be deemed personal property, and shall be subject to such taxes as all the other banking institutions of this state are liable to, and the real estate of said corporation may be taxed as other lands in this state are or may

Election of
first directors.

Payment of
instalments.

be taxed ; and that the board of directors, for the time being, shall have full power to call in the residue of the subscriptions to the said capital stock, by such instalments and at such times as the said board may think proper, under the penalty of the holders of said stock forfeiting to the said corporation all previous payments thereon, which forfeiture may be made and declared by an order or resolution of said board ; *provided*, that at least twenty days' previous notice of the time and place for paying said instalments shall be given, by advertisement, in a newspaper printed at Burlington, or in the county of Burlington ; and that no instalment of more than ten dollars on each share shall be called in at one time, nor shall said instalments be required to be paid nearer than within ten days of each other.

Proviso.

Appointment of cashier.

6. *And be it enacted*, That there shall be a cashier of said bank appointed or reappointed annually, liable, however, to be removed, and another appointed in his stead, at the pleasure of the said board of directors ; and upon such appointment or reappointment, he shall, before entering upon the duties of his office, take an oath or affirmation faithfully to perform the duties of his office, and shall give bond or bonds, with good and sufficient security, to be approved of by the board of directors, in the penal sum of at least fifty thousand dollars, conditioned for the faithful performance of his duties as cashier of said bank.

Bills of corporation to be assignable and negotiable.

7. *And be it enacted*, That the said corporation shall not issue bills or notes of a less denomination than one dollar ; and the bills or notes which may be issued by said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her, or their order, or to bearer, although not under the seal of said corporation, shall be binding and obligatory on said corporation, and of like force and effect, and shall be assignable and negotiable in like manner as if made by a natural person or persons ; and all bills obligatory and of credit, under the seal of said corporation, which shall be made for the payment of money to any person or persons, shall be assignable by assignment endorsed thereon, under the hand or hands of such person or per-

sons, and his, her, or their assignee or assignees, successively; and all bills or notes, bills obligatory or of credit, made or issued by said corporation, shall be deemed and taken to be payable and demandable at the banking house of said corporation and at such other places as are now prescribed by law for the redemption of bills issued by the banks of the state of New Jersey.

8. *And be it enacted*, That it shall be the duty of the ^{Dividends.} board of directors of the said corporation to make semi-annual dividends of so much of the profits of the business of said corporation as the said board shall deem advisable; but no dividend shall be made of any part of the capital stock.

9. *And be it enacted*, That the rate of discount at which ^{Rate of discount.} loans may be made by said corporation shall not exceed the legal rate of interest in this state for the time being; *provided*, that nothing herein contained shall be construed ^{Proviso.} to prohibit the said corporation from dealing in bills of exchange, and the purchase and sale thereof.

10. *And be it enacted*, That no transfer of the stock of ^{Transfers to be registered.} said corporation shall be valid and effectual until any debt or debts which may be due to said company from the person or persons, or any of them, transferring shall have been fully discharged, nor until such transfer shall have been registered in a book or books to be kept for that purpose by the board of directors.

11. *And be it enacted*, That if at any time the said cor- ^{Charter void if bills not redeemed.} poration shall neglect or refuse, on demand being made at their banking house during the regular hours of business, to redeem, in lawful money, any of the bills or notes issued by said corporation, and which shall then be due and payable, the said corporation shall thereupon, under pain of forfeiting its charter, wholly discontinue and cease from banking operations until such bills or notes shall be fully paid, and shall, until such bills or notes shall be fully paid, be deemed and considered insolvent.

12. *And be it enacted*, That if the said corporation shall ^{Assets reliable for redemption of notes.} at any time hereafter become insolvent, the whole assets of said corporation at the time of its becoming insolvent shall

be first liable for its bills or notes then in circulation, and shall be first applied to the payment thereof; and in case of a distribution of the assets of said corporation among the creditors thereof, under the order or decree of the court of chancery or other court, the holders of such bills or notes shall be equal in priority, and shall have a preference over all other creditors.

Liability of
directors.

13. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted, at law or in equity, by any receiver or receivers that shall or may be appointed for the payment of any such bills or notes, as if the same were their joint and several bills or notes executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability; and if any director shall so attempt to resign his office he shall be and continue liable the same as if no such resignation had been attempted; and such liability of directors shall continue after they cease to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property, that shall or may be levied on or taken in execution under or by virtue of any judgment or decree in favor of any receiver or receivers under the provisions of this act, shall be sold until after the expiration of four months from the date of said judgment or decree.

Proviso.

Amount of
assets to be
distributed
pro rata.

14. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills and notes, then the amount that shall or may be realized from said assets and property shall be distributed ratably among the holders of the said bills and notes.

15. *And be it enacted*, That the stockholders of said corporation at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid to an amount sufficient to redeem the said bills or notes, after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder, other than said directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent, and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them; and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability.

Liability of
stockholders

Proviso.

16. *And be it enacted*, That in case of an action or suit at law against any director or directors, stockholder or stockholders, under any of the preceding sections of this act, the receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof.

Actions a-
gainst direct-
ors and
stockholders

Proviso.

17. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in; and if the president or cashier thereof shall knowingly, or wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment, not less than one year nor more than five years, in the discretion of the court.

Amount of
issue.

18. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday of every month after

Monthly
statements to
be made.

commencing the business of banking, to publish, in at least one newspaper published in the county of Burlington, a statement, under oath or affirmation, of the actual condition of said corporation, conforming, as nearly as may be, with the annual statements now required by law, and shall, within ten days after making such statement, forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier, or director shall knowingly and wilfully falsely swear or affirm to any such statement, he shall be deemed guilty of perjury, and be liable to the pains and penalties thereof.

Stockholders to be residents of state.

19. *And be it enacted*, That a majority of the stockholders shall be residents of this state.

Affidavit to be filed of payment of capital stock.

20. *And be it enacted*, That it shall not be lawful for the said corporation to issue any bills or notes, or otherwise enter upon the business of banking, until an affidavit or affidavits shall have been made and filed in the office of the secretary of state stating that thirty thousand dollars of the capital stock of said corporation had been subscribed for and paid in conformable to the provisions of this act.

Limitation.

21. *And be it enacted*, That this act shall go into effect immediately, and continue in force for twenty years; but it shall be lawful for the legislature, at any time hereafter, to alter, modify, or repeal the same, whenever in their opinion the public good shall require it.

Passed April 3, 1855.

CHAPTER CCXXII.

AN ACT to incorporate the Hackettstown Bank, of the county of Warren, at Hackettstown.

Names of incorporators.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That David V. C. Crate, Robert Rusling, George W. Johnson, Robert Steele, and William

Rea be and they are hereby appointed commissioners, which commissioners, or any three of them, shall open a subscription at Hackettstown, and such other places, in the counties of Warren, Morris, and Sussex, as the said commissioners, or a majority of them, may deem proper, to raise the sum of seventy-five thousand dollars, in shares of fifty dollars each; the said commissioners to give notice of the time and place or places of opening the books of subscription, by advertising the same in the newspapers printed at Belvidere at least three weeks, and the books to continue open from day to day for ten days, unless the same may be sooner subscribed; and if the whole amount shall not within that time be subscribed, the said commissioners may continue to keep the books open until the whole capital stock be subscribed; and should more than seventy-five thousand dollars be subscribed, shall make an equitable deduction and apportionment; *provided always*, that citizens and residents of the counties of Warren, Morris, and Sussex, only, shall have the first right to subscribe for the said stock; and if they fail or neglect to take the same, then and in that case citizens only of other counties in this state shall be permitted to subscribe for and own the balance of the said stock.

2. *And it be enacted*, That all such persons as shall become subscribers to the capital stock in the preceding section mentioned, their successors and assigns, shall be and they are hereby created and made a corporation and body politic, by the name and style of "the President, Directors, and Company of the Hackettstown Bank, of the county of Warren, at Hackettstown."

3. *And be it enacted*, That the sums subscribed shall be paid in manner following, that is to say: five dollars on each share, at the time of subscribing, to the persons receiving subscriptions, and the remainder, in instalments of five dollars on each share, when called for by the president and directors of the said company, appointed and chosen in the manner herein after prescribed, upon thirty days' previous notice being given by the cashier of the said company in the newspapers aforesaid; and any person, copartnership,

Commissioners to receive subscriptions.

Proviso.

Style of incorporation.

Payment of instalments.

or body politic failing to pay any instalment, or any part thereof, at the time prescribed and required, shall forfeit to the said company every share upon which there shall be a deficiency and all money thereon previously paid.

When corporation may commence business.

4. *And be it enacted*, That it shall not be lawful for this corporation to commence banking operations until fifty per cent. of its capital shall be actually paid in gold or silver or in the notes of specie paying banks, and an affidavit setting forth such fact shall be sworn to by the president and cashier, and filed in the office of the treasurer of this state.

Election of first directors.

5. *And be it enacted*, That all the property and concerns of the said corporation shall be managed and conducted by nine directors, all of whom shall be stockholders and citizens of this state, and shall have been residents within the counties of Warren, Morris, and Sussex for at least three years immediately preceding their election, and shall continue to reside within one of said counties during their continuance in office ; and that as soon as one thousand shares shall be subscribed, the persons hereby empowered to receive subscriptions, or a majority of them, may call a meeting of the subscribers, at Hackettstown aforesaid, by giving at least three weeks' previous notice in the newspapers aforesaid ; and the subscribers, assembled in consequence of said notice, shall choose by ballot, from among themselves, by a majority of such as are present, or by proxy, nine directors as aforesaid, who shall hold their offices until the first Monday in January, in the year of our Lord one thousand eight hundred and fifty-six, and until others shall be chosen by the stockholders ; and the said directors shall choose one of their number for president, as herein after directed ; and all moneys received by the commissioners on the subscriptions to the said capital stock shall be delivered over to the said directors, when duly organized, together with the original books of subscription.

Annual election of directors.

6. *And be it enacted*, That there shall be an election for directors on the first Monday in January, in the year of our Lord one thousand eight hundred and fifty-six, and on the same day annually thereafter, at the banking house of the company in Hackettstown, at such hour of the day as

the board of directors for the time being may appoint, two weeks' previous notice thereof being given by the cashier in some newspaper printed in the county of Warren, which directors shall hold their offices for one year and until others are chosen; and no person shall be eligible as a director who shall not be at the time a stockholder and resident of one of the said counties of Warren, Morris, or Sussex aforesaid; and the said elections shall be made by such stockholders as shall attend in the manner aforesaid, voting agreeably to the ratio hereafter established for the number of shares held by them respectively; and all such elections shall be by ballot, and the person or persons who shall have a majority of the votes given shall be directors; *provided*, that no president, director, cashier, or other officer of said bank, or candidate for any office in the bank, shall be allowed to vote in virtue of any proxy; *and provided further*, that in all cases where two persons shall have an equal number of votes, the directors of the preceding year, or a majority of them, shall, by ballot and by a majority of votes, determine which of the directors so having an equal number of votes shall be director or directors, so as to complete the whole number; and the directors so elected, as soon as may be thereafter, shall elect one of their number, by ballot and by a majority of the votes, for president; and whenever any vacancy or vacancies shall happen among the directors, by death, resignation, or removal from the counties aforesaid, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year by such person or persons as the other directors for the time being, or a majority of them, shall appoint; and if the office of president shall at any time during the year become vacant, the directors shall meet, as soon as may be thereafter, and elect, in the manner before mentioned, another person, qualified as aforesaid, for president; *provided*, that in case it should happen that an election for directors shall not be made on the day herein prescribed, the said company shall not thereby be considered dissolved, but it shall be lawful, on any other day thereafter, to hold an election for directors for the rest of the year, in such manner as the by-laws of the corporation shall direct.

Meetings of
directors.

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

Inspectors
to be chosen.

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

Stock personal
property.

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

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

ARTICLE I.

Number of
votes of
stockholders.

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

ARTICLE II.

Judges of
election.

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

ARTICLE III.

A general statement of the affairs of the company shall

be exhibited every year at the banking house of the company, at least thirty days before the annual election of directors, and remain open to the inspection and examination of any stockholder during the usual hours of business. Annual statements to be exhibited.

ARTICLE IV.

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

ARTICLE V.

Not less than five directors shall constitute a quorum to do business, of whom the president shall always be one, except in cases of sickness or necessary absence, in which case his presence may be supplied by any other director chosen by the directors so met for business. Quorum.

ARTICLE VI.

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

ARTICLE VII.

Bills and
notes of cor-
poration as-
signable.

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

ARTICLE VIII.

Debts of cor-
poration not
to exceed
double the
amount of
capital.

The total amount of debts which the said corporation shall at any time owe, exclusive of deposits, whether by bond or bill, or note or other contract, shall not exceed double the amount of the capital paid in; and in case the said debt shall exceed double the amount of the capital paid in, then and in such case the directors (except as herein after excepted) under whose administration such malpractice shall occur shall be liable to pay to every creditor of the said bank the amount of such claim as such creditor may have against said bank, to be recovered by action of debt, with costs of suit; *provided always*, that no director shall be liable as aforesaid who shall have been absent from the

Proviso.

meeting of the board, or shall have dissented from the act or resolution by which such malpractice shall have been authorized; *and provided also*, that such director shall Proviso. forthwith give notice of the fact of his absence or dissent to the governor of the state for the time being, and to the stockholders at a general meeting, which the said director shall have power to call for that purpose.

ARTICLE IX.

After the first year, half yearly dividends shall be made Dividends. to the stockholders of so much of the profits of the banking business as shall appear to the directors advisable; but the said directors shall not at any time make any dividend of any part of the capital stock of the said company, but only of the net profits thereof; and in case they shall divide any part of the capital stock as aforesaid, the directors under whose administration it shall happen, being present and consenting thereto, shall be jointly and severally liable for that part of the capital stock so divided in their individual and private capacity.

ARTICLE X.

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

ARTICLE XI.

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

ARTICLE XII.

That no loans or discounts shall ever be made by the

Loans and
discounts.

said bank on the stock note or notes of any stockholder or director, nor on any note or notes that may be drawn by one director and endorsed by any other director; nor shall any note be discounted if any one director present shall object to such discount, and in case of any objection being made, the director objecting shall not be required to give any reasons therefor, nor shall the bank discount any note or bill of exchange without at least one good endorser thereon.

ARTICLE XIII.

Cashier to
give bond.

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

ARTICLE XIV.

Directors
and cashier
to take oath.

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

Denomina-
tion of notes
issued.

11. *And be it enacted*, That the said corporation shall not issue any notes or bills of a less denomination than one dollar; nor shall any note or bill issued by the said corporation, and made payable to bearer, or to any person or persons, his, her, or their order, or bearer, express any other place of payment than the office of the said banking company.

Rate of dis-
counts.

12. *And be it enacted*, That this corporation shall not take more for or upon its loans or discounts than the legal

rate of interest for the time being ; and the capital stock of the said company shall be subject to the same tax as other banks in this state are or shall be subject to, and the same shall be levied, collected, and paid in the same manner as the taxes on other banks in this state now are or hereafter may be recovered.

13. *And be it enacted*, That if, at any time after the passing of this act, the said president, directors, and company shall neglect or refuse, on demand being made at their banking house at any time during their regular hours of business, to redeem in specie any of the bills, notes, or other evidences of debt issued by the said corporation, and which shall be due and payable, the said president, directors, and company shall, on pain of forfeiture of their charter, wholly discontinue and close their banking operations, either by way of discount or otherwise, unless the said president, directors, and company shall resume the redemption of their bills, notes, and evidences of debt in specie within thirty days after such demand shall have been made ; and the said company shall be liable to pay to the holder or holders of such notes or bills, the payment whereof has been refused or delayed upon demand as aforesaid, damages for the nonpayment thereof at and after the rate of ten per centum per annum from the time of such demand and until the same shall be paid or otherwise satisfied.

Charter void
if notes are
not redeemed.

14. *And be it enacted*, That if the said corporation shall at any time hereafter become insolvent, the whole assets of said corporation at the time of its becoming insolvent shall be first liable for its bills or notes then in circulation, and shall be first applied to the payment thereof ; and in case of a distribution of the assets of said corporation among the creditors thereof, under the order or decree of the court of chancery or other court, the holders of such bills or notes shall be equal in priority, and shall have a preference over all other creditors.

Assets liable
for redemption
of bills.

15. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time

Liability of
directors.

of its becoming insolvent, and may be jointly or severally prosecuted, at law or in equity, by any receiver or receivers that shall or may be appointed for the payment of any such bill or notes, as if the same were their joint and several bills or notes executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability, and if any director shall so attempt to resign his office he shall be and continue liable the same as if no such resignation had been attempted; and such liability of directors shall continue after they cease to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property, that shall or may be levied on or taken in execution under or by virtue of any judgment or decree in favor of any receiver or receivers under the provisions of this act, shall be sold until after the expiration of four months from the date of said judgment or decree.

Provide.

Amount of
assets to be
distributed
pro rata.

16. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills or notes, then the amount that shall or may be realized from said assets and property shall be distributed ratably among the holders of the said bills and notes.

Liability of
stockholders

17. *And be it enacted*, That the stockholders of said corporation at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid to an amount sufficient to redeem the said bills and notes, after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder, other than said directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said corpo-

Provide.

ration becomes insolvent; and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them, and it shall not be lawful for any such stockholder to assign, or otherwise transfer, his stock or other property to avoid such liability.

18. *And be it enacted*, That in case of an action or suit at law against any director or directors, stockholder or stockholders, under any of the preceding sections of this act, the receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof.

Actions against directors or stockholders.

Proviso.

19. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in; and if the president or cashier thereof shall knowingly or wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment, not less than one year nor more than five years, in the discretion of the court.

Amount of issue.

20. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday of every month after commencing the business of banking, to publish, in at least one newspaper published in the county of Warren, a statement, under oath or affirmation, of the actual condition of said corporation, conforming, as nearly as may be, with the annual statements now required by law, and shall, within ten days after making such statement, forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier, or director shall knowingly and wilfully falsely swear or affirm to any such statement he shall be deemed guilty of perjury, and be liable to the pains and penalties thereof.

Monthly statements to be made.

Limitation. 21. *And be it enacted*, That a majority of the stockholders shall be residents of this state; and that this act shall continue in force for and during the term of twenty years from the passing thereof; and that it shall and may be lawful for the legislature, at any time hereafter, to alter, modify, or repeal the same.

Passed April 3, 1855.

CHAPTER CCXXIII.

A further supplement to act entitled, "An act to incorporate the New Jersey Railroad and Transportation Company," passed the seventh day of March, one thousand eight hundred and thirty-two.

Company
authorized
to build
bridge.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said the New Jersey Railroad and Transportation Company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to build and construct a bridge over the Passaic river, at or near Commercial dock, in the city of Newark, and to extend their railroad, by the direct route across said bridge, to the present line in the county of Hudson, on the route and location designated in the survey and field book filed by them in the office of the secretary of state of this state; *provided however*, that, within one year from the completion and use of the bridge authorized by this act, the present railroad bridge over the Passaic river near Centre street and the railroad tracks between said bridge and Market street be removed, so that no interruption to navigation or of communication with the docks on Passaic river shall continue after that time on account of said bridge and railroad tracks so to be removed; and that the amount of compensation for, and damages to lands, docks, or other property, if any, which may be taken

for the bridge and railroad tracks to be constructed in virtue of this supplemental act, shall be ascertained, determined, and paid for in the manner provided in the ninth section of the act to which this is a supplement.

2. *And be it enacted*, That the said bridge across the Passaic river shall be built with a draw that shall have two openings, of at least sixty-five feet, each, in width, for the free passage of such vessels as shall pass up and down said river; and the said draw shall be constructed with piles and piers on each side, and in the centre, as near as may be, where the channel of said river runs; and for the safety of navigators, a light shall be kept and maintained at said draw every night; and the said company shall keep, or cause to be kept, at the said bridge, a careful person to open the said draw for the free passage of vessels; and for every wilful neglect in opening said draw, when necessary for the passage of such vessels, the said company shall forfeit the sum of twenty-five dollars, to be recovered by action of debt before any court of competent jurisdiction, and shall also be liable to an action for damages at the suit of the party aggrieved.

3. *And be it enacted*, That nothing contained in this supplement shall be so construed as to impair in any manner any reversionary interest or vested right which the state, or any incorporated company or companies, or any individual, may possess in virtue of an act entitled, "An act for building bridges over the rivers Passaic and Hackensack, and for other purposes therein mentioned," passed November twenty-fourth, seventeen hundred and ninety, and the contract and agreement for building said bridges, entered into in pursuance of said act, bearing date the seventeenth day of February, seventeen hundred and ninety-three.

4. *And be it enacted*, That it shall not be lawful to erect the bridge mentioned in the first section of this supplement, until the consent thereto, in writing, of "the Proprietors of the Bridges over the rivers Passaic and Hackensack," under their common seal, shall be filed in the office of the secretary of state of this state; and that the giving of such

Description
of bridge.

Vested rights
of state or
companies
not to be im-
paired.

Consent of
proprietors
of bridges to
be filed.

consent shall not, except as to the said bridge so consented to, be construed, held, or deemed in any manner to strengthen or impair any rights or privileges which the said "the Proprietors of the Bridges over the rivers Passaic and Hackensack" may possess in virtue of an act entitled, "An act for building bridges over the rivers Passaic and Hackensack, and for other purposes therein mentioned," passed November twenty-fourth, seventeen hundred and ninety, and the contract and agreement for building said bridges, entered into in pursuance of said act, bearing date the seventeenth day of February, seventeen hundred and ninety-three, but the same shall be and remain of the same force and effect as if this act had not been passed.

Capital may
be increased.

5. *And be it enacted*, That, for the purpose of building the aforesaid bridge and road, for widening the tracks to a gauge of six feet from Elizabethtown to Jersey City, for constructing a double track on the main line, and for obtaining land by purchase or assessment for such purposes, the capital stock of the aforesaid company be increased five hundred thousand dollars, divided into shares of fifty dollars each, held and transferred in the same manner, entitled to the same privileges and benefits, and subject to the same annual tax as the capital stock created by the act to which this is a supplement is now or may hereafter be subject to.

Passed April 3, 1855.

CHAPTER CCXXIV.

Supplement to an act entitled, "An act to incorporate the Elizabethtown Savings Institution," approved March first, eighteen hundred and fifty.

Quorum.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That five of the managers of the said institution shall be a quorum to do business.

2. *And be it enacted*, That the said institution, in addition to the power of investing money in the manner prescribed in the act to which this is a supplement, may invest the money in the public stocks of the state of Virginia, authorized by the laws of the said state, and also in the stocks of the city of Newark, in this state, and of the cities of New York and Brooklyn, in the state of New York, authorized by the laws of the said states respectively, also bonds of railroad companies of New Jersey, secured by first mortgage, not exceeding in amount one half of the cost of the construction of said roads. Money may be invested in public stock.

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

Approved April 3, 1855.

CHAPTER CCXXV.

A. supplement to an act entitled, "An act for the government and regulation of the state prison," 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 from and after the passage of this act it shall not be lawful for the keeper of the state prison, or for any other officer thereof, to furnish any entertainment of food, liquors, or refreshment to any inspector or inspectors, or to any visitor or visitors, official or otherwise, of the said prison, at the expense of the state. No refreshments to be furnished to visitors.

2. *And be it enacted*, That each inspector of the said prison, duly appointed according to law, shall be entitled to receive, for their attendance at their stated meetings, to be held once a month, at the rate of three dollars per day, to be paid to him by the treasurer of this state, upon an order drawn by such inspector. Compensation to inspectors.

Accounts to
be kept of
moneys paid
from state
treasury.

3. *And be it enacted*, That, in addition to the accounts and abstract of the said prison now required to be kept and prepared, it shall also be the duty of the said keeper to include and exhibit in the said accounts and abstract a full account and statement of all moneys paid from the state treasury as salaries to the several officers and attendants of the state prison, and to the inspectors thereof, together with all moneys paid or expended by the state on account of repairs made to the said prison, or for or on any other account whatever; and the said accounts and abstracts shall be so kept and prepared as annually to exhibit the true and actual receipts and expenditures for and on account of the said prison of every kind and description whatsoever.

Approved April 3, 1855.

CHAPTER CCXXVI.

A supplement to an act, approved April the sixteenth, eighteen hundred and forty-six, and entitled, "An act regulating proceedings and trials in criminal cases."

Provisions of
act relating
to bills of
exceptions
extended.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the act, passed March the seventh, seventeen hundred and ninety-seven, and entitled, "An act directing bills of exceptions to be sealed," and each and every of the provisions thereof, shall be taken, deemed, and adjudged to extend to trials of indictments for treason, murder, or other crimes punishable with death, misprision of treason, manslaughter, sodomy, rape, arson, burglary, robbery, forgery, perjury, and subornation of perjury; and that the act, approved March the ninth, eighteen hundred and forty-eight, and entitled, "An act directing bills of exceptions to be sealed in certain criminal cases," be and the same is hereby repealed.

Act relating
to bills of ex-
ceptions in
criminal ca-
ses repealed.

2. *And be it enacted*, That no judgment given upon any indictment shall be reversed for any imperfection, omission, defect in, or lack of form, nor for any error, except such as shall or may have prejudiced the defendant in maintaining his defence upon the merits. Judgment not to be reversed for lack of form.

Approved April 3, 1855.

CHAPTER CCXXVII.

AN ACT respecting the trustees of Burlington College.

WHEREAS it has been represented, in behalf of the corporation of Burlington College, that, by their charter, thirteen trustees are requisite to form a quorum, to the great hindrance of the necessary business of the institution and the proper execution of their trust, by reason of the non-attendance of members living at a distance from Burlington, and of others who omit to come, and they have prayed that the quorum may be lessened to nine; and whereas the relief prayed for has been granted in another similar case, and is proper and reasonable—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any nine or more of the trustees of the said college, when duly convened, shall constitute the necessary quorum, and be competent for performing and executing the duties, business, matters, and things connected with the said institution, as fully and effectually as if thirteen of them had so convened, any thing in their charter to the contrary notwithstanding; *provided*, that the governor of the state for the time being, who is a trustee ex officio, and the president of the board, or the president of the college, shall always be one of the said nine trustees so at any time constituting a quorum as aforesaid. Preamble. Quorum. Proviso.

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

Approved April 3, 1855.

CHAPTER CCXXVIII.

AN ACT further supplementary to an act entitled, "An act establishing a militia system," approved April seventeenth, eighteen hundred and forty-six.

Officers of
regiments.

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, instead of major for each battalion of a regiment consisting of two battalions, as now directed by the act to which this a supplement, there shall be one lieutenant colonel and one major to each of such regiments, in conformity to the act of congress of the United States entitled, "An act concerning field officers of the militia," approved April twentieth, eighteen hundred and sixteen.

Elections of
officers.

2. *And be it enacted*, That all elections of officers of companies, by the act, to which this is a supplement, directed to be held by the major or commanding officer of the battalion to which the company by whom any officer or officers is or are to be chosen, in pursuance of the provisions of said act, be held by the colonel or commanding officer of any regiment or independent battalion of the militia of this state, shall be charged with organizing the several companies under their respective commands.

Meetings
of brigade
board.

3. *And be it enacted*, That it shall be lawful for the brigadier general or commanding officers of any brigade of the militia of this state to convene, for the transaction of any appropriate business which may come or be laid before them, the brigade board of said brigade, whenever in his opinion it shall be deemed proper or necessary so to do; and a meeting of said board shall be called for such transaction of business by the brigadier general or commanding officer whenever so requested by the majority of the members of said board.

Annual pa-
rades.

4. *And be it enacted*, That the several uniform companies and all officers attached to the brigades of these counties shall parade, for inspection, review, or improvement, by company, battalion, regiment, or brigade, not less than

four nor more than six times annually, at such times and places as the respective commandants of said brigades shall respectively designate for their brigades and the uniform companies and officers thereof.

5. *And be it enacted*, That fines for nonattendance or Fines. nonperformance of duty at any parade by this act directed shall be the same, and recovered in the manner prescribed by the act to which this is a supplement.

6. *And be it enacted*, That in case of any breach of the peace, tumult, riot, or resistance to process of this state, or apprehension of imminent danger of the same in any city or county of this state, it shall be lawful for the mayor of such city, or the sheriff of such county, to call for aid from any brigade, regiment, battalion, or company of such city or county; and it shall be the duty of the commanding officers of such brigade, regiment, battalion, or company, to whom such order is given in writing, to order out, verbally or otherwise, in aid of the civil authorities, the military force, or any part thereof, under his command, and to provide the force so ordered out with the requisite ammunition for the service; in such case verbal notice from commandants of companies shall be sufficient to order out the men under their command. Mayor may call out military in case of riot.

7. *And be it enacted*, That any officer refusing to obey the command of the mayor or other officer by whom such order for military shall have been given in writing, or in any way being guilty of contumacious or improper conduct in regard to the discharge of his duty when so ordered out, shall be liable to a fine of not less than one hundred dollars, or imprisonment in the county jail not exceeding six months, and shall also be liable to be tried by court martial for such offence, and, on conviction by such court, shall be cashiered, and be for ever thereafter thereby rendered incapable of holding any commission in the militia of this state. Penalty for disobedience of orders by officers.

8. *And be it enacted*, That any noncommissioned officer, musician, or private, who, when so ordered out for actual service, shall neglect or refuse to obey the order of his commanding officer, shall be liable to a fine of not less than Penalty for disobedience of orders by noncommissioned officers, &c.

twenty-five dollars, nor more than one hundred dollars, or to be imprisoned in the county jail for a period not to exceed three months, unless sick or absent from the county.

Penalties,
how enforced.

9. *And be it enacted*, That the penalties imposed by the last two preceding sections of this act, shall be prosecuted for, in the name of and to the use of the state, by the prosecutor of the pleas of the county wherein the liability occurs.

Pensions to
persons
wounded,
&c.

10. *And be it enacted*, That all persons who shall be wounded or disabled in such actual service shall be taken care of and provided for at the expense of the county where such services shall be rendered, and receive the same reward in a pension that the general government pay their wounded and invalid soldiers, and the payment of the same be made under the same regulations as to amount and times of payment.

Members of
companies
exempt from
jury duty.

11. *And be it enacted*, That every commissioned, noncommissioned officer, musician, and private, of each and every uniformed company who shall faithfully serve as a member of a uniformed company attached to the brigades of these counties, shall be exempt from jury duty during such service, and every such commissioned, noncommissioned officer, musician, and private, when he shall have served for the full term of ten years, and shall have been honorably discharged at the end of such term, shall be for ever thereafter exempt from military and jury duty, except in case of insurrection, riot, or of actual invasion; *provided always*, that nothing in this act shall be so construed as to disqualify or deprive any commissioned officer, noncommissioned officer, musician, or private, that holds commissions or membership in any brigade, regiment, battalion, or company at the time of the passage of this act, that resides out, or who shall hereafter remove not more than five miles out of the bounds of his brigade, regiment, battalion, or company, shall be entitled to all the rights, immunities, and privileges, so long as he wishes to hold membership, and be subject to all the pains and penalties of the provisions of this act.

Proviso

12. *And be it enacted*, That all acts or parts of acts in-

consistent with or repugnant to the provisions of this act, ^{Parts of former acts repealed.} or any of them, be and the same are hereby, so far as the same are inconsistent or repugnant as aforesaid, repealed.

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

Approved April 3, 1855.

CHAPTER CCXXIX.

AN ACT for the relief of the Methodist Episcopal Church at Madison, in the county of Morris.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the corporate name ^{Corporate name changed.} of the president and trustees of the Methodist Episcopal Church in the village of Madison, in the township of Chatham, in the county of Morris, be and the same is hereby changed to "the Trustees of the Methodist Episcopal Church in Madison," and by that name they may and shall exercise all legal corporate powers.

2. *And be it enacted*, That the said trustees are hereby authorized and empowered to sell, either at public or private sale, such part or parts of the real estate now held by them as they may deem expedient, and to make and deliver to the purchaser or purchasers a good and sufficient deed for the same, by which the whole title of said corporation shall pass to the purchaser free and clear and absolutely discharged from all trusts whatsoever upon which the same now is or has heretofore been held. ^{Trustees authorized to sell real estate.}

3. *And be it enacted*, That the proceeds of the said sale shall be invested by the said trustees either in the purchase of other real estate, for the use of said corporation or for such other use as the said trustees shall determine. ^{Proceeds of sale to be invested.}

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

Approved April 3, 1855.

CHAPTER CCXXX.

A supplement to the act entitled, "An act for the punishment of crimes."

Penalty for
issuing false
certificates.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every president, vice president, director, cashier, treasurer, secretary, or other officer, and every agent of any bank, insurance company, railroad company, manufacturing company, or of any other corporation, who shall wilfully and designedly sign, with intent to issue, transfer, sell, or pledge, or to cause to be issued, transferred, sold, or pledged, any false, fraudulent, or simulated certificate or other evidence of the ownership or transfer of any share or shares of the capital stock of such corporation, or who shall wilfully and designedly sign, with intent to issue, transfer, sell, or pledge, or to cause to be issued, transferred, sold, or pledged, any certificate or other evidence of the ownership or transfer of any share or shares in such corporation, or any instrument purporting to be a certificate or other evidence of such ownership or transfer, the signing, issuing, transferring, selling, or pledging of which, by such president, vice president, director, cashier, treasurer, secretary, or other officer or agent, shall not be authorized by the charter and by-laws of such corporation, or by some amendment thereof, and every such president, vice president, director, cashier, treasurer, secretary, or other officer or agent who shall wilfully, designedly, and fraudulently issue, transfer, sell, or pledge any such certificate or other evidence, or any such instrument as aforesaid, with intent to prejudice, injure, damage, or defraud any person or persons, body politic or corporate, shall be deemed guilty of a high misdemeanor, and on conviction thereof shall be punished by fine, not exceeding three thousand dollars, or imprisonment at hard labor for any term not exceeding ten years, or both.

Penalty for
offering to
bribe mem-
bers of the
legislature.

2. *And be it enacted*, That if any person shall, directly or indirectly, give, offer, or promise to give any sum of

money or other valuable thing, or any promissory note, bill of exchange, check, or other evidence of debt, or any other bribe, present, or reward, or give or make, or offer to give or make, any promise, contract, covenant, obligation, or security for the payment, delivery, alienation, or transfer of any money or other valuable thing, or any other bribe, present, or reward, to obtain, procure, or influence the opinion, behavior, vote, or abstaining from voting, of any member of the senate or general assembly of this state upon any bill, resolution, or other proceeding depending before the legislature or before the senate or general assembly of this state, or upon any election or appointment to office to be made by the senate or the general assembly of this state, or by the senate and general assembly in joint meeting, such person, so giving, offering, or promising to give, or making or offering to make, any such sum of money or other valuable thing, promissory note, bill of exchange, check, evidence of debt, promise, contract, covenant, obligation, security, bribe, present, or reward, and the member of the senate or general assembly, or other person, who shall in any wise, directly or indirectly, receive or accept the same shall be adjudged guilty of a high misdemeanor, and on conviction thereof shall be punished by fine or imprisonment at hard labor or both; but such fine shall not exceed one thousand dollars, and such imprisonment shall not exceed five years, and shall also be for ever disqualified to hold any office of honor, trust, or profit under this state.

3. *And be it enacted*, That if any member of the senate or general assembly of this state shall, directly or indirectly, offer, propose, promise, or agree, to or with any other member thereof, or any other person whatsoever, to vote or abstain from voting for or against any bill, resolution, or other proceeding depending before the legislature or the senate or general assembly of this state, in order thereby directly or indirectly to obtain, procure, or influence the vote, or abstaining from voting, opinion, or behavior, of any other member of the senate or general assembly upon any bill, resolution, or other proceeding depending before the legis-

Member of legislature not to influence vote of another member, under penalty.

lature or the senate or general assembly of this state, such person so offering, proposing, promising, or agreeing to vote or abstain from voting shall be adjudged guilty of a misdemeanor, and on conviction thereof be punished by fine or imprisonment at hard labor, or both; but such fine shall not exceed two hundred dollars, and such imprisonment shall not exceed one year.

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

Approved April 3, 1855.

CHAPTER CCXXXI.

AN ACT to incorporate the Gloucester County Bank, at Woodbury.

Names of
corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Joseph Saunders, Thomas H. Whitney, William R. Tatum, Amos J. Peaslee, and Carlton P. Stokes, and their associates, shall be and they are hereby created a body politic and corporate, by the name of "the Gloucester County Bank," and by that name they shall have and exercise banking powers and the incidental corporate powers enumerated in the first section of the act concerning corporations; *provided*, that the said corporation shall not trade or deal in any thing except money, bills of exchange, promissory notes, and gold or silver bullion; and shall in no case hold any real estate, goods, wares, merchandise, or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as security for debts, loans, or contracts, or shall be conveyed or sold in full or in part satisfaction of debts previously contracted in the course of dealings, or shall be purchased upon judgment or execution for the purpose of bona fide making or securing a debt or debts due or owing said corporation.

Proviso.

2. *And be it enacted*, That the capital stock of the said Amount of capital stock. corporation shall be one hundred thousand dollars, with privilege, in the board of directors, of increasing the same to one hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each ; that the said Joseph Saunders, Thomas H. Whitney, William R. Tatum, Amos J. Peaslee, and Carlton P. Stokes, or a majority of them, shall be and they are hereby appointed commissioners to open, at Woodbury, in the county of Gloucester, books of subscriptions for, and receive subscriptions to said capital stock, giving at least twenty days' notice, in the newspaper printed at Woodbury, of the time and place of receiving said subscriptions ; that the said books, after having been opened, shall be kept open for three successive days, unless the amount of said capital stock shall be sooner subscribed for ; and no persons but citizens of the state of New Jersey shall be allowed to subscribe for said stock ; and at the time of subscribing for said stock the respective subscribers shall pay to said commissioners five dollars for each share subscribed for.

3. *And be it enacted*, That the affairs of said corpora- Annual election of directors. tion shall be managed by a board of nine directors, five of whom shall be a quorum for the transaction of business ; that the said directors shall be stockholders, and shall, before entering upon the duties of their office, severally take and subscribe an oath or affirmation faithfully to execute the trust reposed in them as directors ; that the directors shall hold their offices for one year and until their successors shall be chosen ; that the annual election of directors shall be on the first Monday of January in every year, at the banking house of said corporation, in the borough of Woodbury, at such time as the board of directors shall appoint, of which election at least fourteen days' notice shall be given by the directors, by advertisement in the newspaper printed at Woodbury ; that the said election shall be by ballot, those having the greatest number of votes to be deemed elected, and shall be by such of the stockholders as may attend, in person or by proxy, they being, respectively, entitled to one vote for each share of stock held in his, her, or their own name or names for at

least three calendar months next before the election ; that for the well ordering of said election, the board of directors shall previously thereto appoint three stockholders, not being directors, to be judges thereof, who shall conduct the election and determine upon the legality of votes, the eligibility of persons voted for, and who shall be elected ; and in all cases of an equality of votes between two or more persons voted for, avoiding an election of a full board, the said judges, or a majority of them, shall thereupon select, from those not elected and having the highest number of votes, as many as may be required to make up the full number of nine directors ; and the directors so elected shall, at the first meeting thereafter when a quorum shall be present, elect one of said nine directors to be president, as well of their board as of said corporation ; and whenever a vacancy shall occur in said board of directors, by death, resignation, or otherwise, such vacancy may be filled for the remainder of the year by the board of directors ; and if at any time it shall happen that an election of directors shall not take place at the time above required, the said corporation shall not for that reason be deemed dissolved, but an election thereof shall be had as soon as conveniently may be thereafter, upon like notice as above directed and at the place and in the mode above specified.

Election of
first directors.

4. *And be it enacted*, That as soon as conveniently may be after the aforesaid capital stock shall have been subscribed for, the said commissioners, or a majority of them, shall call a meeting of the subscribers to the said capital stock in the borough of Woodbury, to elect the first board of directors, by giving at least twenty days' notice of the time and place of said meeting, by advertisement, in the newspaper printed at Woodbury ; and at such meeting the said commissioners, or a majority of them, shall be the judges of said first election, and shall have the same powers as the judges of the annual election of directors ; and they shall conduct the said first election, as near as may be, in the manner herein before prescribed for the said annual elections, the subscribers attending said meeting, in person or by proxy, being entitled to one vote for each share of

stock respectively subscribed by them; and the said first board of directors shall, as soon as conveniently may be after said election, organize by electing a president, in the manner herein before prescribed for an election of a president, and also a cashier; and after the said board shall have been thus organized, it shall be the duty of the said commissioners to pay over to the said board all the moneys received by them for subscriptions to said capital stock, deducting therefrom only the necessary expenses incurred by them, and the receipt of said president and cashier for said moneys shall be a full and absolute acquittance and discharge therefor; and the said first board of directors shall have power to fill vacancies therein, by death, resignation, or otherwise, and shall hold their offices until the first Monday of January next after their election and until their successors shall be chosen.

5. *And be it enacted*, That the capital stock of said corporation shall be deemed personal property, and shall be subject to such taxes as all the other banking institutions of this state are liable to, and the real estate of said corporation may be taxed as other lands in this state are or may be taxed; and that the board of directors for the time being shall have full power to call in the residue of the subscriptions to the said capital stock, by such instalments and at such times as the said board may think proper, under the penalty of the holders of said stock forfeiting to the said corporation all previous payments thereon, which forfeiture may be made and declared by an order or resolution of said board; *provided*, that at least twenty days' previous notice of the time and place for paying said instalments shall be given, by advertisement, in the newspaper printed at Woodbury, and that no instalment of more than ten dollars on each share shall be called in at one time, nor shall said instalments be required to be paid nearer than within ten days of each other.

6. *And be it enacted*, That there shall be a cashier of said bank appointed or reappointed annually, liable, however, to be removed, and another appointed in his stead, at the pleasure of the said board of directors, and upon such

appointment or reëppointment he shall, before entering upon the duties of his office, take an oath or affirmation faithfully to perform the duties of his office, and shall give bond or bonds, with good and sufficient security, to be approved of by the board of directors, in the penal sum of at least twenty thousand dollars, conditioned for the faithful performance of his duties as cashier of said bank.

Bills of corporation to be assignable and negotiable.

7. *And be it enacted*, That the said corporation shall not issue bills or notes of a less denomination than one dollar; and the bills or notes which may be issued by said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her, or their order, or to bearer, although not under the seal of said corporation, shall be binding and obligatory on said corporation, and of like force and effect, and shall be assignable and negotiable in like manner as if made by a natural person or persons; and all bills obligatory and of credit under the seal of said corporation, which shall be made for the payment of money to any person or persons, shall be assignable by assignment endorsed thereon, under the hand or hands of such person or persons, and his, her, or their assignee or assignees successively; and all bills or notes, bills obligatory or of credit, made or issued by said corporation, shall be deemed and taken to be payable and demandable at the banking house of said corporation and at such other place or places as the laws of this state may direct.

Dividends.

8. *And be it enacted*, That it shall be the duty of the board of directors of the said corporation to make semi-annual dividends of so much of the profits of the business of said corporation as the said board shall deem advisable, but no dividend shall be made of any part of the capital stock.

Rate of discount.

Proviso.

9. *And be it enacted*, That the rate of discount at which loans may be made by said corporation shall not exceed the legal rate of interest in this state for the time being; *provided*, that nothing herein contained shall be construed to prohibit the said corporation from dealing in bills of exchange, and the purchase and sale thereof.

10. *And be it enacted*, That no transfer of the stock of said corporation shall be valid and effectual until any debt or debts which may be due to said company from the person or persons, or any of them, transferring shall have been fully discharged, nor until such transfer shall have been registered in a book or books to be kept for that purpose by the board of directors.

11. *And be it enacted*, That if at any time the said corporation shall neglect or refuse, on demand being made at their banking house during the regular hours of business, to redeem in lawful money any of the bills or notes issued by said corporation, and which shall then be due and payable, the said corporation shall thereupon, under pain of forfeiting its charter, wholly discontinue and cease from banking operations until such bills or notes shall be fully paid, and shall, until such bills or notes shall be fully paid, be deemed and considered insolvent.

12. *And be it enacted*, That if the said corporation shall at any time hereafter become insolvent, the whole assets of said corporation at the time of its becoming insolvent shall be first liable for its bills or notes then in circulation, and shall be first applied to the payment thereof; and in case of a distribution of the assets of said corporation among the creditors thereof, under the order or decree of the court of chancery or other court, the holders of such bills or notes shall be equal in priority, and shall have a preference over all the other creditors.

13. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted, at law or in equity, by any receiver or receivers that shall or may be appointed for the payment of any such bills or notes, as if the same were their joint and several bills or notes executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability, and if any director shall so attempt to resign his office, he shall

be and continue liable the same as if no such resignation had been attempted ; and such liability of directors shall continue after they cease to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors ; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability ; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other ; *provided*, that no property that shall or may be levied on or taken in execution under or by virtue of any judgment or decree in favor of any receiver or receivers, under the provisions of this act, shall be sold until after the expiration of four months from the date of said judgment or decree.

Proviso.

Amount of
assets to be
distributed
pro rata.

14. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills and notes, then the amount that shall or may be realized from said assets and property shall be distributed ratably among the holders of the said bills and notes.

Liability of
stockholders

15. *And be it enacted*, That the stockholders of said corporation at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid to an amount sufficient to redeem the said bills and notes, after the assets of said corporation and the property of said directors shall have been distributed as aforesaid ; *provided*, that no stockholder, other than said directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent ; and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them, and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability.

Proviso.

Actions a-
gainst di-
rectors or
stockhold-
ers.

16. *And be it enacted*, That in case of an action or suit at law against any director or directors, stockholder or

stockholders, under any of the preceding sections of this act, the receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof.

17. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in; and if the president or cashier thereof shall knowingly or wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment, not less than one year nor more than five years, in the discretion of the court.

18. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday of every month after commencing the business of banking, to publish, in at least one newspaper published in the county of Gloucester, a statement, under oath or affirmation, of the actual condition of said corporation, conforming, as nearly as may be, with the annual statements now required by law, and shall, within ten days after making such statement, forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier, or director shall knowingly and wilfully falsely swear or affirm to any such statement he shall be deemed guilty of perjury, and be liable to the pains and penalties thereof.

19. *And be it enacted*, That a majority of the stockholders shall be residents of this state.

20. *And be it enacted*, That it shall not be lawful for the said corporation to issue any bills or notes, or otherwise enter upon the business of banking, until an affidavit or affidavits shall have been made and filed in the office of the secretary of state stating that twenty-five thousand dollars of the capital stock of said corporation had been sub-

Proviso.

Amount of issue.

Monthly statements to be made.

Stockholders to be residents of state.

Affidavit to be filed of payment of capital stock.

scribed for and paid in, conformable to the provisions of this act.

Limitation.

21. *And be it enacted*, That this act shall continue in force for twenty years; but it shall be lawful for the legislature, at any time hereafter, to alter, modify, or repeal the same, whenever in their opinion the public good shall require it.

Passed April 5, 1855.

CHAPTER CCXXXII.

AN ACT to regulate the grading of the streets, paving, and curbing in the town of Salem.

Names of
street com-
missioners.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Benjamin Acton, jun., Clement Acton, and William Carpenter, of the township of Salem, in the county of Salem, be and are hereby appointed street commissioners, whose duty it shall be to fix, regulate, and determine the grade of the streets, gutters, and curbs of the said township, and also to fix and determine the proper height and position of all pavements and curbs hereafter to be laid in said township; and in all cases where said commissioners do perform any of the duties above specified, they shall make a report thereof in writing, under their hands, or the hands of any two of them, and deliver the same to the clerk of the township, who shall record the same in the minute book of said township, and serve a copy upon the party or parties to be affected thereby, for which the clerk shall receive twenty-five cents, to be paid by the township; and the service of the said paper shall be sufficient notice to the said party, and shall then be binding.

2. *And be it enacted*, That the said commissioners shall

be appointed for one, two, and three years, and the respective period of each to be fixed by the next annual town meeting; and at each annual town meeting thereafter the term of the commissioner that expires shall be filled by a new election; the said commissioners shall be allowed at the rate of one dollar per day when actually employed in the duties of their appointment, which fees shall be paid by the collector of the township, after being approved by the annual town meeting.

3. *And be it enacted*, That said commissioners shall have power to require owners of property to pave the gut-^{Penalty for refusing to pave, &c.}ters in front of it to a width not exceeding sixteen inches; and the overseers of the highways and all inhabitants of said township, their workmen and agents, shall conform to the grade and regulations to be fixed and adopted by the said commissioners, or any two of them, and shall alter, if need be, and relay the same as directed by the said commissioners; and if any person or persons shall refuse to submit to the decision of said commissioners, or any two of them, so to be made as aforesaid, or shall make any grade or gutter, or lay any pavement or curb in a manner different from the regulation adopted as aforesaid by the street commissioners, he or she so offending shall and may be prosecuted in any court of competent jurisdiction in the name of the inhabitants of the said township, and on conviction shall pay a fine of not more than fifty dollars or less than five dollars, at the discretion of the court before whom the trial is had.

4. *And be it enacted*, That nothing in this act shall be construed to compel any person or persons in the said township to curb or pave in front of his or her lands where the same is not now paved.^{When persons are not required to pave.}

5. *And be it enacted*, That this act shall take effect immediately after the same shall have been approved at a special town meeting of the township of Salem, to be called at the discretion of the township committee.^{When act to take effect.}

Approved April 5, 1855.

CHAPTER CCXXXIII.

AN ACT explanatory of an act entitled, "An act further supplemental to an act establishing a militia system," approved April seventeenth, A. D. eighteen hundred and forty-six, and which said further supplement was approved April third, eighteen hundred and fifty-five.

Preamble. WHEREAS the said further supplemental act is doubtful and vague, and the fourth and eleventh sections of said act are intended to be applied to certain counties which are not therein mentioned—therefore,

Counties to
be affected
by provi-
sions of act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the fourth and eleventh sections of said further supplemental act, approved the third day of February, A. D. eighteen hundred and fifty-five, shall not be held to include or extend to any other counties of this state than the counties of Essex, Mercer, and Passaic, but shall be held to include the said counties of Essex, Mercer, and Passaic, as fully as though said counties were particularly mentioned in said fourth and eleventh sections.

Approved April 5, 1855.

CHAPTER CCXXXIV.

AN ACT to extend the time for completing the New York, Elizabethtown, and Morristown railroad.

Time of
completion
of road ex-
tended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time for completing the railroad, limited in the seventeenth section of the act entitled, "An act to incorporate the New York, Elizabeth-

town, and Morristown Railroad Company," passed the sixth day of February, eighteen hundred and fifty, be extended for a period of five years from the fourth day of July next, and that the said act shall not be deemed void by reason of said road not having been commenced within the time limited in said section.

Approved April 5, 1855.

CHAPTER CCXXXV.

AN ACT relative to certain banks.

WHEREAS several banks now organized in this state, under Preamble.
the provisions of an act entitled, "An act to authorize the business of banking," approved February twenty-seventh, eighteen hundred and fifty, have at the present session of the legislature received special charters; and whereas, by the twelfth section of said act, the plates, dies, and materials connected with and belonging to said several banks, so organized, are in the custody and under the direction of the treasurer of this state—therefore,

1. BE IT ENACTED *by the Senate and General Assembly* Treasurer
of the State of New Jersey, That the treasurer of this authorized
state be and he is hereby authorized and required to deliver to deliver
to the order of the president of said banks, so chartered, the plates, dies, and materials so held by him. plates, &c.

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

Approved April 5, 1855.

CHAPTER CCXXXVI.

AN ACT concerning evidence.

Parties interested not incompetent as witnesses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That interest, in the event of an action or proceeding, shall not render the person so interested incompetent to testify in such action or proceeding, but such interest may be shown for the purpose of affecting the credibility of the witness.

When parties considered competent witnesses.

Proviso.

2. *And be it enacted*, That nothing contained in the preceding section shall be so construed as to render a party to an action or proceeding competent to testify in his own behalf, except where it may now lawfully be done; *provided however*, that the complainant or petitioner, in any action or proceeding of an equitable nature in any court, shall be a competent witness to disprove so much of the defendant's answer as may be responsive to the allegations contained in the bill of complaint or petition, and that a defendant in any such action or proceeding shall be a competent witness for or against any other defendant not jointly interested with him in the matter in controversy.

Interest of witness, &c., may be proved by cross-examination.

3. *And be it enacted*, That the interest of a witness in the event of the action or proceeding, or his conviction of a crime, may be proved by an examination of such witness or otherwise, and his answers upon such examination may be contradicted by other evidence.

Witness not excused from answering.

Proviso.

4. *And be it enacted*, That a witness shall not be excused from answering any questions relevant and material to the issue; *provided*, the answers will not expose him to a criminal prosecution or penalty, or to a forfeiture of his estate.

Written interrogatories may be served on opposite party.

5. *And be it enacted*, That after an action at law is at issue, either party may serve upon the opposite party written interrogatories upon any matter material to the issue, and the same shall be answered in writing under oath, and the answer served upon the parties proposing the interroga-

tories, in fifteen days after their service, and the answer shall be strictly responsive to the interrogatories proposed ; and in default of such answer, the party making default shall not be allowed to testify in his own behalf on the trial of the action ; and the court may also, by an attachment for contempt or otherwise, compel an answer thereto ; and such answer shall be evidence in the action, if offered as such by the parties proposing the interrogatories, but not otherwise ; *provided however*, that the court, or a judge Proviso. out of court, may, upon good cause shown, and upon two days' notice to the other party, order any of said interrogatories to be stricken out, or amended, or new ones to be added, or give further time for answering the same, or order the answer to be amended.

6. *And be it enacted*, That the court, other than the court for the trial of small causes, before which a civil action or proceeding, whether of a legal or equitable nature, is pending, or a judge thereof, in term time or vacation, may, in their discretion, and upon five days' notice of the application, order either party to give to the other, within a specified time, and under such terms as may be imposed, an inspection and copy, or permission to take a copy, of any books, papers, or documents in his possession or under his control, containing evidence relating to the merits of the action or proceeding, or of the defence thereto, and if compliance with the order be refused, such books, papers, or documents shall not be given in evidence in such action or proceeding, and the court may punish the party so refusing as for a contempt of the court. Court may order either party to give copies of books, papers, &c.

7. *And be it enacted*, That any application in pursuance of the next preceding section shall be by petition, stating the grounds of such application, and verified by the oath of the party, or of his attorney, solicitor, or agent in the matter, and the affidavit of the opposite party, or of his attorney, solicitor, or agent in the matter, may be read in opposition to such application, without notice of the taking of such affidavit, or either party, or any other witness, may, on such application, be examined in relation thereto ; *pro-* Application to be by petition. *vided however*, that if the action or proceeding be pending Proviso.

before the orphans' court, then the application authorized by the preceding section shall be made in open court, or to the president judge thereof.

Approved April 5, 1855.

CHAPTER CCXXXVII.

AN ACT to incorporate the Children's Aid Society in the city of Newark.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Horace J. Poinier, David Ripley, Daniel M. Wilson, William Rankin, Cortlandt Parker, Beach Vanderpool, Frederick T. Frelinghuysen, Alfred D. Dennis, James B. Pinneo, Daniel Price, Samuel P. Smith, John P. Jube, and William D. Russell be and they are hereby constituted and made a body politic and corporate, in fact, name, and law, by the name of "the Children's Aid Society in the city of Newark;" and by that name they and their successors shall have perpetual succession, power to sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and places whatsoever, to make and use a common seal, and the same to change at pleasure, and to purchase, take, have, hold, receive, and enjoy any lands, tenements, or hereditaments, in fee simple or otherwise, and any goods, chattels, legacies, donations, annuities, or other personal property, of what kind or quality soever, by gift, grant, devise, bequest, or otherwise, and the same to grant, convey, assign, sell, or otherwise dispose of; for the purposes of the said corporation; *provided always*, that the net yearly income of such estate shall at no time exceed in value the sum of ten thousand dollars, nor be applied to any other purpose than those for which this corporation is formed.

General
powers.

Proviso.

2. *And be it enacted*, That the object and purpose of such corporation shall be— Objects of incorporation.

I. To assist the destitute in said city of Newark to support themselves, by providing for them employment, protection, and instruction, according to their necessities.

II. To provide partial or entire support, with suitable instruction, to children and others in said city incapable of self-support and not satisfactorily provided for by their parents, guardians, or existing institutions.

III. As a principal auxiliary to the last end, to establish in the city of Newark schools where destitute, vagrant, or neglected children or others may be gathered from day to day, temporarily clothed, fed, and taught industry, morality, and the precepts and truths of the christian religion.

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

4. *And be it enacted*, That upon the death, removal, or resignation of any of the aforesaid trustees, the said board shall have power to fill the vacancy so occasioned; *provided always*, that the person so chosen shall have a majority of the votes of the said trustees. Vacancies, how supplied. Proviso.

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

6. *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. Act may be amended.

Approved April 5, 1855.

CHAPTER CCXXXVIII.

AN ACT to incorporate the Port Monmouth Transportation Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Morford, Aaron Seabrook, Jacob Conover, William Morford, John B. Crawford, Garret Vandorn, Elias Morford, William W. Murray, and all such persons as are now members or stockholders of an association called and known by the name of "the Port Monmouth Steamboat and Sloop Transportation Company," and all other persons who may be hereafter associated with them, their successors and assigns, are hereby constituted and declared a body politic and corporate, in fact and in law, by the name of "the Port Monmouth Transportation Company," for the purpose of transporting, by steamboat or steamboats, and such other vessels as the company may consider necessary, passengers, goods, wares, produce, merchandise, and other articles of freight, to and from Port Monmouth, in the county of Monmouth, and the city of New York, and any other ports and places the said corporation may deem expedient; and, for that purpose, shall have full power, right, and legal authority to purchase, build, hold, use, employ, and convey any steamboat or steamboats, or other vessels, necessary for the proper transaction of their said business, and to purchase, hold, rent, repair, and build suitable landings, wharves, store houses, and to hold such real and personal estate as may be necessary to carry into effect the objects of said corporation.

Joint stock
vested in
corporation.

2. *And be it enacted*, That all the joint stock of the said association, and all the estate, real, personal, and mixed, all the securities, claims, and demands, all the records, books, papers, and vouchers, in any wise belonging to said association, shall be transferred to and vested in the said corporation, as absolutely and completely, to all intents and purposes, as if the same had been acquired by the said cor-

poration after the passing of this act ; *provided*, that nothing Proviso. in this section contained shall impair or affect the rights of the creditors of the said association.

3. *And be it enacted*, That the capital stock of the said Amount of capital stock. corporation shall be fifty thousand dollars, which shall be divided into shares of five hundred dollars each ; the capital stock of said association is to be taken as a part of the said sum of fifty thousand dollars, and the stockholders of said association are to receive as many shares of the stock of the said corporation as will equal in amount the stock which they now respectively own in said association ; and the stock of the said corporation shall be deemed personal property, and be transferable in such manner as the by-laws may direct.

4. *And be it enacted*, That the business and affairs of Duties and powers of directors. the said corporation shall be under the management and control of a board of five directors, a majority of whom shall be residents of this state, who shall be elected by the stockholders, at such time and place, and for such terms as the by-laws may provide, and until others are elected ; the directors, or a majority of them, shall choose a president, secretary, and treasurer (the president to be chosen from the board of directors), each of whom shall hold his office for such length of time as the by-laws shall direct, and until others are chosen ; and in all elections and other questions each share shall be entitled to one vote, which vote may be given either in person or by proxy.

5. *And be it enacted*, That a majority of the board of directors shall be a quorum for the transaction of business, Payment of instalments. and shall have power to receive further subscriptions to the capital stock of said corporation not already taken, and to call in, by such instalments as they may deem necessary, upon each share the amount not already paid ; *provided*, Proviso. that no instalment shall exceed one hundred dollars on each share, and shall not be demanded without at least thirty days' previous notice of the time and place of payment, to be inserted in one of the newspapers of the county of Monmouth ; and if any stockholder shall neglect or refuse, for ten days after such instalment is due, to pay the same, he,

she, or they so neglecting or refusing shall forfeit their stock and all payments made thereon.

First directors.

6. *And be it enacted*, That Charles Morford, Aaron Seabrook, and Jacob Conover shall be and are hereby appointed the first directors, who shall serve as such, and exercise all the powers conferred by this act of incorporation upon directors, until others are duly elected by the said corporation.

Restrictions.

7. *And be it enacted*, That the said corporation shall extend for thirty years, and shall have all the powers and privileges, and be subject to the restrictions, limitations, and conditions, as are specified and contained in the act entitled, "An act concerning corporations," approved February fourteenth, A. D. eighteen hundred and forty-six.

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

Approved April 5, 1855.

CHAPTER CCXXXIX.

AN ACT to incorporate the Freehold Banking Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James S. Lawrence, Peter Vredenburg, Nathaniel S. Rue, Tunis V. Conover, Bennington F. Randolph, John Vought, Joseph Combs, Jacob B. Rue, and James Buckelew, and their associates, shall be and they are hereby created a body politic and corporate, by the name of "the Freehold Banking Company," and by that name they shall have and exercise banking powers and the incidental corporate powers enumerated in the first section of the act concerning corporations; *provided*, that the said corporation shall not trade or deal in any thing except money, bills of exchange, promissory notes, and

Proviso.

gold or silver bullion; and shall, in no case, hold any real estate, goods, wares, merchandise, or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as security for debts, loans, or contracts, or shall be conveyed or sold in full or in part satisfaction of debts previously contracted in the course of dealings, or shall be purchased upon judgment of execution for the purpose of bona fide making or securing a debt or debts due or owing said corporation.

2. *And be it enacted*, That the capital stock of the said corporation shall be one hundred thousand dollars, with privilege in the board of directors of increasing the same to two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; that the said James S. Lawrence, Peter Vredenburg, Nathaniel S. Rue, Tunis V. Conover, Bennington F. Randolph, John Vought, Joseph Combs, Jacob B. Rue, and James Buckelew, or a majority of them, shall be and they are hereby appointed commissioners to open, at Freehold, books of subscriptions for and receive subscriptions to said capital stock, giving at least twenty days' notice, in the several newspapers printed at Freehold, of the time and place of receiving said subscriptions; that the said books, after having been opened, shall be kept open for three successive days, unless the amount of said capital stock shall be sooner subscribed for; that upon the first day of the opening of said books, no persons but citizens of the state of New Jersey shall be allowed to subscribe for said stock; and at the time of subscribing for said stock, the respective subscribers shall pay to said commissioners five dollars for each share subscribed for.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of seven directors, who shall be residents of this state, five of whom shall be a quorum for the transaction of business, except in cases of discount, which may be regulated by the by-laws; that the said directors shall be stockholders, and shall, before entering upon the duties of their office, severally take and subscribe an oath or affirmation faithfully to execute the trust reposed in them as directors; that the directors shall hold their of-

Amount of
capital stock.

Annual elec-
tion of direc-
tors.

fices for one year and until their successors shall be chosen ; that the annual election of directors shall be on the second Tuesday of April, in every year, at the banking house of said corporation, at such time as the board of directors shall appoint, of which election at least fourteen days' notice shall be given by the directors, by advertisement in one of the newspapers printed at Freehold ; that the said election shall be by ballot, those having the greatest number of votes to be deemed elected, and shall be by such of the stockholders as may attend in person or by proxy, they being respectively entitled to one vote for each share of stock held in his, her, or their own name or names for at least three calendar months next before the election ; that for the well ordering of said election, the board of directors shall, previously thereto, appoint three stockholders, not being directors, to be judges thereof, who shall conduct the election and determine upon the legality of votes, the eligibility of persons voted for, and who shall be elected ; and in all cases of an equality of votes between two or more persons voted for, avoiding an election of a full board, the said judges, or a majority of them, shall thereupon select, from those not elected and having the highest number of votes, as many as may be required to make up the full number of thirteen directors ; and the directors so elected shall, at the first meeting thereafter when a quorum shall be present, elect one of said thirteen directors to be president, as well of their board as of said corporation ; and whenever a vacancy shall occur in said board of directors, by death, resignation, or otherwise, such vacancy may be filled, for the remainder of the year, by the board of directors ; and if at any time it shall happen that an election of directors shall not take place at the time above required, the said corporation shall not for that reason be deemed dissolved, but an election thereof shall be had, as soon as conveniently may be thereafter, upon like notice as above directed, and at the place and in the mode above specified.

Election of
first directors.

4. *And be it enacted,* That as soon as conveniently may be after, the aforesaid capital stock shall have been subscribed for, the said commissioners, or a majority of them,

shall call a meeting of the subscribers to the said capital stock, in Freehold, to elect the first board of directors, by giving at least twenty days' notice of the time and place of said meeting, by advertisement, in at least two of the newspapers printed at Freehold; and at such meeting the said commissioners, or a majority of them, shall be the judges of said first election, and shall have the same powers as the judges of the annual election of directors; and they shall conduct the said first election, as near as may be, in the manner herein before prescribed for the said annual elections, the subscribers attending said meeting, in person or by proxy, being entitled to one vote for each share of stock respectively subscribed by them; and the said first board of directors shall, as soon as conveniently may be after said election, organize by electing a president, in the manner herein before prescribed for an election of a president, and also a cashier; and after the said board shall have been thus organized, it shall be the duty of the said commissioners to pay over to the said board all the moneys received by them for subscriptions to said capital stock, deducting therefrom only the necessary expenses incurred by them, and the receipt of said president and cashier for said moneys shall be a full and absolute acquittance and discharge therefor; and the said first board of directors shall have power to fill vacancies therein, by death, resignation, or otherwise, and shall hold their offices until the second Tuesday of April next after their election and until their successors shall be chosen.

5. *And be it enacted*, That the capital stock of said corporation shall be deemed personal property, and shall be subject to such taxes as all the other banking institutions of this state are liable to, and the real estate of said corporation may be taxed as other lands in this state are or may be taxed; and that the board of directors for the time being shall have full power to call in the residue of the subscriptions to the said capital stock, by such instalments and at such times as the said board may think proper, under the penalty of the holders of said stock forfeiting to the said corporation all previous payments thereon, which forfeiture

Payment of
instalments

Proviso.

may be made and declared by an order or resolution of said board; *provided*, that at least twenty days' previous notice of the time and place for paying said instalments shall be given, by advertisement, in two, at least, of the newspapers printed at Freehold; and that no instalment of more than ten dollars on each share shall be called in at one time, nor shall said instalments be required to be paid nearer than within ten days of each other.

Cashier to give bond.

6. *And be it enacted*, That there shall be a cashier of said bank appointed or reappointed annually, liable, however, to be removed, and another appointed in his stead, at the pleasure of the said board of directors; and upon such appointment or reappointment, he shall, before entering upon the duties of his office, take an oath or affirmation faithfully to perform the duties of his office, and shall give bond or bonds, with good and sufficient security, to be approved of by the board of directors, in the penal sum of at least fifty thousand dollars, conditioned for the faithful performance of his duties as cashier of said bank.

Bills of corporation to be assignable and negotiable.

7. *And be it enacted*, That the said corporation shall not issue bills or notes of a less denomination than one dollar; and the bills or notes which may be issued by said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her, or their order, or to bearer, although not under the seal of said corporation, shall be binding and obligatory on said corporation, and of like force and effect, and shall be assignable and negotiable in like manner as if made by a natural person or persons; and all bills obligatory and of credit, under the seal of said corporation, which shall be made for the payment of money to any person or persons, shall be assignable by assignment endorsed thereon, under the hand or hands of such person or persons, and his, her, or their assignee or assignees, successively; and all bills or notes, bills obligatory or of credit, made or issued by said corporation, shall be deemed and taken to be payable and demandable at the banking house of said corporation and at such other places as are now prescribed by law for the redemption of bills issued by the banks of the state of New Jersey.

8. *And be it enacted*, That it shall be the duty of the Dividends. board of directors of the said corporation to make semi-annual dividends of so much of the profits of the business of said corporation as the said board shall deem advisable; but no dividend shall be made of any part of the capital stock.

9. *And be it enacted*, That the rate of discount at which Rate of discount. loans may be made by said corporation shall not exceed the legal rate of interest in this state for the time being; *provided*, that nothing herein contained shall be construed Proviso. to prohibit the said corporation from dealing in bills of exchange, and the purchase and sale thereof.

10. *And be it enacted*, That no transfer of the stock of Transfers to be registered. said corporation shall be valid and effectual until any debt or debts which may be due to said company from the person or persons, or any of them, transferring shall have been fully discharged, nor until such transfer shall have been registered in a book or books to be kept for that purpose by the board of directors.

11. *And be it enacted*, That if at any time the said cor- Charter void if bills not redeemed. poration shall neglect or refuse, on demand being made at their banking house during the regular hours of business, to redeem, in lawful money, any of the bills or notes issued by said corporation, and which shall then be due and payable, the said corporation shall thereupon, under pain of forfeiting its charter, wholly discontinue and cease from banking operations until such bills or notes shall be fully paid, and shall, until such bills or notes shall be fully paid, be deemed and considered insolvent.

12. *And be it enacted*, That if the said corporation shall Assets liable for redemption of notes. at any time hereafter become insolvent, the whole assets of said corporation at the time of its becoming insolvent shall be first liable for its bills or notes then in circulation, and shall be first applied to the payment thereof; and in case of a distribution of the assets of said corporation among the creditors thereof, under the order or decree of the court of chancery or other court, the holders of such bills or notes shall be equal in priority, and shall have a preference over all the other creditors.

Liability of
directors.

13. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted, at law or in equity, by any receiver or receivers that shall or may be appointed for the payment of any such bills or notes, as if the same were their joint and several bills or notes executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability; and if any director shall so attempt to resign his office he shall be and continue liable the same as if no such resignation had been attempted; and such liability of directors shall continue after they cease to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property, that shall or may be levied on or taken in execution under or by virtue of any judgment or decree in favor of any receiver or receivers under the provisions of this act, shall be sold until after the expiration of four months from the date of said judgment or decree.

Proviso.

Amount of
assets to be
distributed
pro rata.

14. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills and notes, then the amount that shall or may be realized from said assets and property shall be distributed ratably among the holders of the said bills and notes.

Liability of
stockholders

15. *And be it enacted*, That the stockholders of said corporation at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid to an amount sufficient to redeem the said bills or notes, after the assets of said corporation and the pro-

perty of said directors shall have been distributed as aforesaid; *provided*, that no stockholder, other than said directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent, and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them; and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability.

16. *And be it enacted*, That in case of an action or suit at law against any director or directors, stockholder or stockholders, under any of the preceding sections of this act, the receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof.

17. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in; and if the president or cashier thereof shall knowingly or wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment, not less than one year nor more than five years, in the discretion of the court.

18. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday of every month after commencing the business of banking, to publish, in at least one newspaper published in the county of Monmouth, a statement, under oath or affirmation, of the actual condition of said corporation, conforming, as nearly as may be, with the annual statements now required by law, and shall, within ten days after making such statement, forward

a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier, or director shall knowingly and wilfully falsely swear or affirm to any such statement, he shall be deemed guilty of perjury, and be liable to the pains and penalties thereof.

Stockholders to be residents of state.

19. *And be it enacted*, That a majority of the stockholders shall be residents of this state.

Affidavit to be made of amount of capital stock paid in.

20. *And be it enacted*, That it shall not be lawful for the said corporation to issue any bills or notes, or otherwise enter upon the business of banking, until an affidavit or affidavits shall have been made and filed in the office of the secretary of state stating that fifty thousand dollars of the capital stock of said corporation had been subscribed for and paid in conformable to the provisions of this act.

Limitation.

21. *And be it enacted*, That this act shall go into effect immediately, and continue in force for twenty years; but it shall be lawful for the legislature, at any time hereafter, to alter, modify, or repeal the same, whenever in their opinion the public good shall require it.

Passed April 5, 1855.

CHAPTER CCXL.

AN ACT to incorporate the Hunterdon County Bank.

Commissioners to receive subscriptions.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Alexander Wurts, Andrew G. M. Prevost, Charles Bartles, Hiram Deats, John G. Reading, George A. Allen, Samuel C. Eckel, John Runk, John S. Williamson, Bennet Vansyckle, and William R. Moore be and they are hereby appointed commissioners, which commissioners, or a majority of them, shall open a subscription at Flemington, to raise the sum of one hundred thousand dollars, in shares of twenty-five dollars each; the

said commissioners to give notice of the time and place of opening the books of subscription, by advertising the same in the newspapers printed at Flemington at least three weeks, and the books to continue open from day to day for ten days; and if the whole amount shall not within that time be subscribed, the said commissioners may continue to keep the books open until the whole capital stock be subscribed, and should more than one hundred thousand dollars be subscribed, shall make an equitable deduction and apportionment; *provided always*, that the owners of stock in an association formed at Flemington, in the county of Hunterdon, in this state, and doing business there, called and known as "the Hunterdon County Bank," under the provisions of an act of the legislature of this state, passed February twenty-seventh, eighteen hundred and fifty, entitled, "An act to authorize the business of banking," shall have the first right to subscribe for the said stock of the bank incorporated under this charter to the same number of shares they may hold in the said association at the date of the passage of this act; and no deduction or apportionment shall be made of the stock subscribed by them, except the subscription of any one of them shall amount to more than five thousand dollars, in which case said person's subscription may be reduced to said amount; and if they fail or neglect to subscribe for the same during the said first ten days, then and in that case other citizens of this state shall be permitted to subscribe for and own the balance of the said stock. Proviso.

2. *And be it enacted*, That if any of the owners of stock in the aforesaid association, under the name of "the Hunterdon County Bank," shall not choose to subscribe for the said stock of the bank incorporated under this charter for all or any portion of the stock he, she, or they may hold in the said association at the date of the passage of this act, then and in that case the bank incorporated under this charter shall take and receive, of each and every of the said owners of said stock in said association, his, her, or their stock therein, and shall pay in cash therefor to said stockholder or stockholders the full amount which shall have Proceedings in case owners of stock in former association do not subscribe

been actually paid into said association, upon his, her, or their certificate or certificates of stock therein, the said owner or owners first receiving from said association his, her, or their full dividend of all the net earnings or profits of said association up to the time of the transfer so as aforesaid to be made; and said commissioners shall allot and apportion the same, as well as that which they may have deducted from any stockholder's subscription over and above the amount of five thousand dollars, as provided for in the first section hereof, equitably to and among the subscribers, other than the aforesaid stockholders of said association, if any, and if none, or those others subscribing should decline to take the same, then the commissioners shall apportion the same to the stockholders of said association who shall have subscribed to the stock of the bank incorporated under this charter.

Property of
association
vested in cor-
poration.

3. *And be it enacted*, That the association aforesaid, under the name of "the Hunterdon County Bank," shall, on the passage of this act, and the acceptance of the same by the directors, signified by a certificate of such acceptance, signed by the president and cashier under the seal of the said association, and filed in the office of the treasurer of this state, be deemed and taken as merged in the corporation created by this act; and, from that time, all the property, real and personal, of said association shall vest in and be deemed and taken 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 association and subscription to the stock had been made under this act; *provided*, that the new corporation shall be liable to all the responsibilities and obligations of the said association; *and provided*, that the bills of the association in circulation shall be redeemed in the manner and under the provisions of the aforesaid act, entitled, "An act to authorize the business of banking," and the supplements thereto, made for any association desirous of relinquishing the banking business; *and provided further*, that the treasurer of this state, on being presented with any amount of said bills, and cancelling the same, not

Proviso.

Proviso.

Proviso.

less than one thousand dollars at a time, shall give up to the said corporation an equal amount of stock or securities pledged for the redemption thereof, to be selected by the treasurer.

4. *And it be enacted*, That all such persons as shall become subscribers to the capital stock in the first preceding section mentioned, their successors and assigns, shall be and they are hereby created and made a corporation and body politic, by the name and style of "the Hunterdon County Bank," and by that name shall be and are hereby made capable in law to have and purchase, receive and possess, enjoy and retain, to them and their successors, lands, tenements, hereditaments, goods, chattels, and effects, of what nature or kind soever, and the same to grant, demise, alien, or dispose of; and also to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever; and also to have, make, and use a common seal, and the same to alter and renew at pleasure; and also to ordain, establish, and put in execution such by-laws or ordinances and regulations as shall seem necessary and convenient for the government of said corporation; *provided*, Style of incorporation. Proviso. that they be not inconsistent with the constitution and laws of this state or of the United States; and also to appoint all such officers, agents, and servants as shall be necessary to carry into effect the powers by this act vested in the said corporation, and allow to them such compensation for their services as shall be deemed reasonable.

5. *And be it enacted*, That the sums subscribed shall be paid in manner following, that is to say: five dollars on each share, at the time of subscribing, to the persons receiving subscriptions, and the remainder, in instalments of five dollars on each share, when called for by the president and directors of the said company, appointed and chosen in the manner herein after prescribed, upon thirty days' previous notice being given by the cashier of the said company in the newspapers aforesaid; and any person, copartnership, or body politic failing to pay any instalment, or any part thereof, at the time prescribed and required, shall forfeit to

Proviso.

the said company every share upon which there shall be a deficiency and all money thereon previously paid; *provided however*, that the certificates of stock of the aforesaid association, under the name of "the Hunterdon County Bank," shall be received by said commissioners, and deemed and taken as so much cash, to the full amount of cash actually paid in to said association thereon from said stockholders of said association who may subscribe for the said stock of the bank incorporated under this charter.

When corporation may commence business.

6. *And be it enacted*, That it shall not be lawful for this corporation to commence banking operations until fifty per cent. of its capital shall be actually paid in gold or silver or in the notes of specie paying banks, or in the aforesaid certificates of stock of the aforesaid association, and an affidavit setting forth such fact shall be sworn to by the president and cashier, and filed in the office of the treasurer of this state.

Election of first directors.

7. *And be it enacted*, That all the property and concerns of the said corporation shall be managed and conducted by thirteen directors, all of whom shall be stockholders and citizens of this state, and shall have been residents within the county of Hunterdon for at least three years immediately preceding their election, and shall continue to reside therein during their continuance in office; and that as soon as four thousand shares shall be subscribed, the persons hereby empowered to receive subscriptions, or a majority of them, may call a meeting of the subscribers, at Flemington aforesaid, by giving at least three weeks' previous notice in the newspapers aforesaid; and the subscribers, assembled in consequence of said notice, shall choose by ballot, from among themselves, by a majority of such as are present, or by proxy, thirteen directors as aforesaid, who shall hold their offices until the first Monday in January, in the year of our Lord one thousand eight hundred and fifty-six, and until others shall be chosen by the stockholders; and the said directors shall choose one of their number for president, as herein after directed; and all moneys or certificates of said association received by the commissioners on the subscriptions to the said capital stock

shall be delivered over to the said directors, when duly organized, together with the original books of subscription.

8. *And be it enacted*, That there shall be an election for directors on the first Monday in January, in the year of our Lord one thousand eight hundred and fifty-six, and on the same day annually thereafter, at the banking house of the company in Flemington, at such hour of the day as the board of directors for the time being may appoint, two weeks' previous notice thereof being given by the cashier in the newspapers printed at Flemington, which directors shall hold their offices for one year and until others are chosen; and no person shall be eligible as a director who shall not be at the time a stockholder and resident in the said county of Hunterdon as aforesaid; and the said elections shall be made by such stockholders as shall attend in the manner aforesaid, voting agreeably to the ratio hereafter established for the number of shares held by them respectively; and all such elections shall be by ballot, and the person or persons who shall have a majority of the votes given shall be directors; *provided*, that no president, director, cashier, or other officer of said bank, or candidate for any office in the bank, shall be allowed to vote in virtue of any proxy; *and provided further*, that in all cases where two persons shall have an equal number of votes, the directors of the preceding year, or a majority of them, shall, by ballot and by a majority of votes, determine which of the directors so having an equal number of votes shall be director or directors, so as to complete the whole number; and the directors so elected, as soon as may be thereafter, shall elect one of their number, by ballot and by a majority of the votes, for president; and whenever any vacancy or vacancies shall happen among the directors, by death, resignation, or removal from the county, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year by such person or persons as the other directors for the time being, or a majority of them, shall appoint; and if the office of president shall at any time during the year become vacant, the directors shall meet, as soon as may be thereafter, and elect, in the manner before men-

Proviso.

tioned, another person, qualified as aforesaid, for president ; *provided*, that in case it should happen that an election for directors shall not be made on the day herein prescribed, the said company shall not thereby be considered dissolved, but it shall be lawful, on any other day thereafter, to hold an election for directors for the rest of the year, in such manner as the by-laws of the corporation shall direct.

Meetings of directors.

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

Inspectors to be chosen.

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

Stock personal property.

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

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

ARTICLE I.

Number of votes of stockholders.

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

ARTICLE II.

Judges of election.

For the well ordering and conducting the election of di-

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

ARTICLE III.

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

ARTICLE IV.

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

ARTICLE V.

Not less than five directors shall constitute a quorum to do business, of whom the president shall always be one, except in cases of sickness or necessary absence, in which case his presence may be supplied by any other director chosen by the directors so met for business; *provided how-* Quorum. Provided.

ever, that three directors, when met for that purpose, may be allowed to make discounts.

ARTICLE VI.

Compensation to president.

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

ARTICLE VII.

Bills or notes of corporation assignable and negotiable.

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

ARTICLE VIII.

The total amount of debts which the said corporation shall at any time owe, over and above the actual deposits, whether by bond or bill, or note or other contract, shall not exceed double the amount of the capital paid in; and in case the said debt shall exceed double the amount of the capital paid in, then and in such case the directors (except as herein after excepted) under whose administration such malpractice shall occur shall be liable to pay to every creditor of the said bank the amount of such claim as such creditor may have against said bank, to be recovered by action of debt, with costs of suit; *provided always*, that no director shall be liable as aforesaid who shall have been absent from the meeting of the board, or shall have dissented from the act or resolution by which such malpractice shall have been authorized; *and provided also*, that such director shall forthwith give notice of the fact of his absence or dissent to the governor of the state for the time being, and to the stockholders at a general meeting, which the said director shall have power to call for that purpose.

Debts of corporation not to exceed double the amount of capital.
Provideo.
Provideo.

ARTICLE IX.

After the first year, half yearly dividends shall be made to the stockholders of so much of the profits of the banking business as shall appear to the directors advisable; but the said directors shall not at any time make any dividend of any part of the capital stock of the said company, but only of the net profits thereof; and in case they shall divide any part of the capital stock as aforesaid, the directors under whose administration it shall happen, being present and consenting thereto, shall be jointly and severally liable for that part of the capital stock so divided in their individual and private capacity.

Dividends.

ARTICLE X.

The lands, tenements, and hereditaments which it shall be lawful for the said corporation to hold shall only be such as shall be required for its immediate accommodation in relation to the convenient transaction of its business, and such

What real estate may be held.

as shall have been in good faith mortgaged to it by way of security, or conveyed to it in satisfaction for debts previously contracted in the course of its dealings, or purchased at sales on judgments which shall be obtained for such debts.

ARTICLE XI.

What corporation may deal in.

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

ARTICLE XII.

Loans and discounts.

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

ARTICLE XIII.

Cashier to give bond.

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

ARTICLE XIV.

Directors and cashier to take oath.

Each director and cashier of said corporation, before he enters on the duties of his office, shall take an oath or affirmation that he will faithfully execute the duties of his

office according to the best of his skill and understanding ; which oath or affirmation shall be taken before some judge, justice of the peace, or master in chancery, and filed in the office of the clerk of the county of Hunterdon.

13. *And be it enacted*, That the said corporation shall not issue any notes or bills of a less denomination than one dollar ; nor shall any note or bill issued by the said corporation, and made payable to bearer, or to any person or persons, his, her, or their order, or bearer, express any other place of payment than the office of the said banking company. Denomination of notes issued.

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

15. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted, at law or in equity, by any receiver or receivers that shall or may be appointed for the payment of any such bill or notes, as if the same were their joint and several bills or notes executed by them in their individual capacity ; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability, and if any director shall so attempt to resign his office he shall be and continue liable the same as if no such resignation had been attempted ; and such liability of directors shall continue after they cease to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors ; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability ; and in case of the payment of any such bills or notes by any of said directors, the other di- Liability of directors.

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rectors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property, that shall or may be levied on or taken in execution under or by virtue of any judgment or decree in favor of any receiver or receivers under the provisions of this act, shall be sold until after the expiration of four months from the date of said judgment or decree.

Amount of assets to be distributed pro rata.

16. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills or notes, then the amount that shall or may be realized from said assets and property shall be distributed ratably among the holders of the said bills and notes.

Liability of stockholders

17. *And be it enacted*, That the stockholders of said corporation at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid to an amount sufficient to redeem the said bills and notes, after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder, other than said directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent; and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them, and it shall not be lawful for any such stockholder to assign, or otherwise transfer, his stock or other property to avoid such liability.

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Actions against directors or stockholders.

18. *And be it enacted*, That in case of an action or suit at law against any director or directors, stockholder or stockholders, under any of the preceding sections of this act, the receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof.

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19. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in; and if the president or cashier thereof shall knowingly or wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment, not less than one year nor more than five years, in the discretion of the court.

20. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday of every month after commencing the business of banking, to publish, in at least one newspaper published in the county of Hunterdon, a statement, under oath or affirmation, of the actual condition of said corporation, conforming, as nearly as may be, with the annual statements now required by law, and shall, within ten days after making such statement, forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier, or director shall knowingly and wilfully falsely swear or affirm to any such statement he shall be deemed guilty of perjury, and be liable to the pains and penalties thereof.

21. *And be it enacted*, That a majority of the stockholders of said corporation shall be residents of this state.

22. *And be it enacted*, That on or before the first Monday of January, in each and every year, the president and cashier, under the seal of the said corporation, and under oath or affirmation, shall furnish to the treasurer of the state, to be laid before the legislature, a correct statement of the stock of said company, and the manner in which the same is employed, and of their debts and credits; and if they fail to render such statement for twenty days thereafter their charter shall be void.

23. *And be it enacted*, That if the said company shall at any time hereafter deem it expedient, it shall be lawful for them to increase their capital stock to one hundred and fifty thousand dollars, by opening subscriptions for the additional sum of fifty thousand dollars, in the same manner as

is directed in the first section of this act, except that the commissioners for receiving said subscriptions may be appointed by the said company.

Limitation. 24. *And be it enacted*, That this act shall be and continue in force for and during the term of twenty years from the passing thereof, and no longer; but it shall be lawful for the legislature of this state, at any time hereafter, to alter, modify, or repeal the same.

Restrictions. 25. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the general restrictions set forth in "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six.

Passed April 5, 1855.

CHAPTER CCXLI.

A supplement to the act entitled, "An act to enable the owners of the tide swamp and marshes to improve the same, and the owners of meadow already banked in and held by different persons, to keep the same in good repair," passed the twenty-ninth of November, seventeen hundred and eighty-eight.

*Alterations
in location
of dam, bank
&c.*

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*; That if the owners of more than one half the number of taxed acres of any meadow, now or hereafter to be enclosed by a bank, dam, sluices, and other water works, laid out by commissioners appointed and acting under the first section of the law to which this is a supplement, shall deem the location thereof unsafe or hard to be maintained, by reason of wash, breach, or other cause, they may apply to the court of common pleas, in the manner directed in the said first section of the law above recited, and the said court shall appoint double the

number of commissioners first appointed for the laying out of said bank, dams, sluices, and other water works, a majority of whom, after hearing the parties and viewing the premises, may, and they are hereby empowered to make such alterations in the location of said bank, dam, sluices, and other works as they shall think necessary; and it shall be their duty to make an actual survey, describing the alteration so made, and setting the same forth in a certificate, which certificate shall be recorded in a book by the clerk of the court from which they received their appointment.

2. *And be it enacted*, That when the commissioners acting under the first section of this act shall, by any alteration in the location or place of making the bank, dams, sluices, and other works, or any part thereof, leave a portion of the meadow unenclosed, they shall set off such portion of the meadow adjacent to the bank, dams, sluices, and other works as they shall deem sufficient for the making and maintaining of the same, which said meadow, so set off, they shall cause to be surveyed, and embody the survey thereof in the certificate required to be made by them in the first section of this act; and the said commissioners shall value the meadow so set off, and determine the amount to be paid therefor by the meadow company to the owner or owners of the soil, which amount shall be final and conclusive to the parties.

Lands left unenclosed by alterations to be paid for by company.

3. *And be it enacted*, That the amount so ascertained, together with the expenses attending the same, shall be paid by the manager or managers of the meadow company, in thirty days after notice of such decision shall be served on him or them, to the owner or owners of the soil; and if he or they neglect or refuse to pay the same, the said owner or owners may maintain an action against him or them therefor in any court having competent jurisdiction; *provided always*, that the amount so paid by the said manager or managers shall be allowed to him or them in the settlement of his or their accounts with the meadow company.

Owners may maintain action for amount of damages.

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4. *And be it enacted*, That it shall be lawful for the manager or managers of the meadow company to enter upon the old bank, and maintain the same until such time

When old bank may be abandoned.

as the bank, dams, sluices, or other water works shall be completed in the location fixed by the commissioners; and the old bank shall not be considered as abandoned unless the owners of more than one half the number of taxed acres shall so determine, but shall remain and be considered as part of the bank of the company, until the bank, dams, sluices, or other water works in the new location shall be completed.

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

Approved April 5, 1855.

CHAPTER CCXLII.

A supplement to an act entitled, "An act to incorporate the Beverly Steam Power Company," approved March eighteenth, eighteen hundred and fifty-one.

Company
authorized
to supply
water and
gas.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That, for the purpose of supplying with water and gas the inhabitants of the borough of Beverly and its vicinity, and the corporate authorities thereof, it shall and may be lawful for the Beverly Steam Power Company, and the said company are hereby authorized and empowered to manufacture, make, and sell gas, to be made of resin, coal, or other materials, for the purpose of lighting the streets and supplying buildings, manufacturing and other corporations, companies, and associations in said borough and its vicinity therewith; and also for the raising and supplying with pure and wholesome water the inhabitants, corporate authorities, and other corporations and associations in said borough and its vicinity, and to enter into any contracts, agreements, or covenants in relation to the objects of this supplement, and to

make and enforce any rules, regulations, or ordinances which they may deem necessary for the use and preservation of the gas and water; and shall be capable of purchasing, taking, and holding any real or personal estate, erecting, constructing, and maintaining such buildings, reservoirs, and works as may be necessary to give full effect to either or both of the above specified purposes, and for the accommodation of its 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; *provided*, that the said real estate shall not exceed what Proviso. may be necessary for the purposes mentioned.

2. *And be it enacted*, That the said corporation shall be Corporation authorized to lay down pipes. empowered to lay down its water and gas pipes, and to erect and construct hydrants, fire plugs, gas posts, burners, and reflectors in the streets, lanes, alleys, avenues, or public grounds of Beverly and its vicinity, and to do all things necessary to furnish an adequate supply of either gas or water, or both, for the streets, lanes, alleys, avenues, or public grounds, and to introduce the same into dwellings, stores, and other places therein; *provided*, that the public Proviso. travel shall at no time be unnecessarily affected or impeded by the laying or repairing of the said pipes or the erection and construction of fire plugs, hydrants, gas posts, or other necessary work; and after the completion of any work, the streets, side and cross walks, shall be left in as good condition as before the beginning thereof; *and provided fur-* Proviso. *ther*, that no private lands shall be in any way injured or defaced, without permission in writing being first obtained from the owner or owners thereof.

3. *And be it enacted*, That if any person shall wilfully Penalty for injuring works. do, or cause to be done, any act or acts whatever to injure any engine, machine, reservoir, pipe, cock, fire plug, hydrant, meter, or other structure whatsoever, or any thing appertaining to either the water or gas works of said corporation, or whereby the same may be obstructed, injured, or stopped, or shall wilfully and maliciously draw off or waste the water from any hydrant or fire plug, or the gas from any

pipe, meter, burner, or reflector, the person so offending shall be 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, at the discretion of the court ;

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provided, such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit, which said company are hereby authorized to bring and to recover therein for any such injuries aforesaid, by and in the name of the said corporation, in any court of this state having cognisance of the same.

Capital stock
may be in-
creased.

4. *And be it enacted*, That the said corporation, for effectuating the objects of this act, be and it is hereby authorized to increase its capital stock one hundred thousand dollars, to be divided into shares of twenty dollars each ; and that books of subscription for such increased capital stock shall be opened at such time and place, and such an amount on each share subscribed for shall be paid at the time of subscribing as the directors for the time being may designate and appoint, two weeks' previous notice of such time, place, and sum to be paid being published in a newspaper printed at Burlington ; and subsequent instalments thereon may be called for in the manner and in the sums prescribed in the original act.

Restrictions.

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

Approved April 5, 1855.

CHAPTER CCXLIII.

A further supplement to the act, approved April sixteenth, eighteen hundred and forty-six, and entitled, "An act for the relief of creditors against absconding and absent debtors."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in actions founded upon contract, upon proof being made before a justice of the supreme court, or before one of the commissioners to take bail and affidavits in said court, to the satisfaction of such justice or commissioner, that there is a debt or demand founded upon contract, express or implied, due to the plaintiff from the defendant, and specifying the nature and particulars of such debt or demand, and that, if the action be commenced by summons, the plaintiff will be in danger of losing his debt in consequence of the failing circumstances of the defendant, or in consequence of his intention, for the purpose of hindering the plaintiff in the collection of his debt, to dispose of his property, or remove it or himself from the state, or confess a judgment, or give preference to other creditors, it shall be the duty of such justice or commissioner to make an order that a writ of attachment issue against such defendant; and upon filing such order and the affidavits in the office of the clerk of the court wherein the action is about to be commenced, a writ of attachment may issue in the same manner as if the defendant was an absent debtor, except that he be not described in the writ as an absent debtor; *provided however*, that before Attachment may issue when debtor is not absent. Proviso. such order shall be granted, the party applying therefor shall deliver to the judge or commissioner a bond, in such penalty as he may require, not less than one hundred, nor more than five hundred dollars, to be executed to the defendant by such sufficient and responsible residents of this state as may be approved of by the judge or commissioner, and conditioned that the plaintiff will prosecute his action with effect, and that, if he discontinue, be nonsuited, or judgment pass against him, he will pay to the defendant

his costs and such damages as he may sustain by the issuing of such attachment; and the judge or commissioner shall endorse upon such bond his approval thereof, and the same shall be filed with the clerk of the court before the issuing of the attachment.

Mode of making proof of demand.

2. *And be it enacted*, That such proof of the debt or demand may be by the oath of the plaintiff or of some other person, but the plaintiff's oath shall not of itself be sufficient to prove any of the other particulars required to be proved; and application to set aside the writ may be made to the court, or a judge thereof in vacation, upon giving two entire days' notice to the plaintiff, and upon such application, the court or judge shall consider and determine the sufficiency, in fact as well as in law, of the proof upon which the order for issuing such writ was founded.

Proceedings on writ of attachment.

3. *And be it enacted*, That the proceedings upon such writ of attachment shall, in all respects, be the same as in the case of an attachment against an absent debtor, except that notice of the same need not be given in a public newspaper, and in lieu thereof, the writ shall be served in the manner required for the service of a summons, in addition to the service now required of an attachment; *provided however*, that no creditor of the defendant, other than the plaintiff, shall be admitted to apply under such attachment either to the court or auditors; and the bond required by the ninth section of the act, to which this is a supplement, may be given by the defendant, instead of the garnishee; and, upon giving such bond, the property attached shall be redelivered to the defendant, and the defendant may appear and accept a declaration, and have the attachment set aside without giving the bond required in the twenty-sixth and twenty-seventh sections of said act; and when any such bond is given, in case of a breach of its condition, the same shall be assigned by the sheriff, on the application and for the benefit of the plaintiff, as directed in the said twenty-seventh section.

Proviso.

Perishable goods may be sold

4. *And be it enacted*, That whenever perishable goods or chattels shall be attached by virtue of any writ of attachment, it shall be lawful for any judge of the court out of which it issued, at any time before the appointment of

auditors, to order the officer who executed the writ to sell such goods or chattels, in which case advertisements of such sale, set up, for the space of five days prior to the time of sale, in four of the most public places in the township, precinct, or ward, shall be sufficient; and the officer making the sale shall be accountable for the proceeds thereof to the same extent that he would have been for the said goods or chattels; *provided however*, that due proof ^{Proviso.} be made to the said judge that such sale is necessary; and in case of an attachment issued against a resident debtor, five days' notice shall be given to the defendant of the application for such order, and of the taking of affidavits to be used on the hearing of such application.

5. *And be it enacted*, That a judge of the court out of ^{Proceedings in vacation.} which any attachment may issue may, in vacation, and upon five days' notice to the plaintiff of the application, order the defendant's appearance to be entered, and the attachment, report, and proceedings to be set aside, in the same manner as if the application was made to the court, upon the defendant's complying with the provisions of the twenty-sixth and twenty-seventh sections of the act, to which this is a supplement; and the judge granting such order shall endorse upon the bond to be executed by virtue of said sections his approval thereof, and deliver the same to the proper sheriff.

6. *And be it enacted*, That a final judgment may be entered of course upon the report of the auditors in six ^{Final judgment.} months after the return of the attachment, in term time or vacation; *provided*, the report shall first have been approved in open court, and an order made in open court that such judgment be entered thereon; and it shall not be necessary for the entry of such judgment that the defendant shall have been called in three successive terms and made default, provided he shall have been called and made default at each term between the return of the attachment and judgment; and all orders for the appointment of auditors, for advertising the attachment and for the sale of the defendant's property, may be made in vacation by a judge of the court in which the action is pending.

Approved April 5, 1855.

CHAPTER CCXLIV.

A 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.

Chosen free-
holders and
township
committees
of Ocean.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That hereafter there shall be elected in the several townships in the county of Ocean, under and by virtue of the act to which this is a supplement, not more than one chosen freeholder for each township, and not more than three persons for each township, to be denominated the township committee, a majority of whom shall be a quorum.

Their pow-
ers and du-
ties.

2. *And be it enacted*, That the chosen freeholder and members of the township committee to be elected in each of the townships in the said county of Ocean, after this act shall take effect, shall be elected in the same manner and for the like term, shall be invested with the same powers, enjoined to perform the same duties, and subject to the same laws, respectively, as other chosen freeholders and members of township committees in this state.

Applications
for viewing
roads.

3. *And be it enacted*, That whenever application shall be made to the inferior court of common pleas of the county of Ocean, under and by virtue of the eighth section of the act entitled, "An act concerning roads," approved April sixteenth, eighteen hundred and forty-six, for the appointment of chosen freeholders of said county to view any road laid out, altered, or vacated by surveyors of the highways, and it shall appear to the said court that there is not a sufficient number of chosen freeholders in office in said county to be appointed, or that the road so laid out, vacated, or altered runs through the lands of any or either of the chosen freeholders of said county, or that, for some other reason which the court shall deem sufficient, such chosen freeholder or freeholders ought not to be appointed on such view, and that by reason thereof there are not six chosen

freeholders of said county proper to be so appointed, it shall and may be lawful for the said court to appoint one or more justices of the peace of said county, who shall be free from the objections aforesaid, a chosen freeholder or chosen freeholders of said county, to supply such deficiency; and every justice of the peace so appointed shall, for all purposes connected with and growing out of such appointment, and for no other purpose, be a chosen freeholder of said county.

4. *And be it enacted*, That when any overseer of the highways of any township in the county of Ocean shall give notice to erect, repair, or rebuild any bridge, under and by virtue of the second section of the act entitled, "An act respecting bridges," approved April tenth, eighteen hundred and forty-six, such notice shall be given to the chosen freeholder of the township in which such bridge or proposed bridge shall be located, and to the chosen freeholders of the two next adjacent townships; and the chosen freeholders so notified shall have the same powers, the proceedings thereupon had shall be the same, and the expenses thereby incurred shall be defrayed in the same manner as in like cases in other counties in this state.

Rebuilding or repairing bridges where expense exceeds \$50.

5. *And be it enacted*, That in all cases arising in the county of Ocean under the third section of the aforesaid act entitled, "An act respecting bridges," the chosen freeholder of the township within which any bridge or proposed bridge shall be located, and the chosen freeholder of one of the adjoining townships, or, in case of a vacancy, the chosen freeholders of two adjoining townships nearest such bridge, are hereby authorized and required to exercise all the powers and perform all the duties, by the said third section of the act aforesaid conferred and enjoined, respecting the erection, repairing, or rebuilding of any such bridge; and the expenses thereby incurred shall be defrayed in the same manner as in like cases in other counties in this state.

Where expense does not exceed \$50.

6. *And be it enacted*, That in all cases arising in the county of Ocean under the act entitled, "An act to enable the owners of swamp or meadow ground to drain the same, and to repeal a law heretofore made for that purpose,"

Duties of freeholders in draining swamps and meadows.

passed November twenty-fourth, seventeen hundred and ninety-two, and the supplements thereto, the chosen freeholder of the township in which the land doth lie, and the chosen freeholder of an adjoining township nearest such land, or in case such land lies in two townships, then the chosen freeholders of such townships, in conjunction with such surveyors of the highways as are or may be authorized by law to act in the premises, shall exercise the same powers and perform the same duties, in reference to the draining of any swamp or meadow ground, as is or may be conferred and enjoined by the said acts, or any future act of the senate and general assembly, upon the surveyors of the highways and chosen freeholders of the respective townships in other counties in this state ; *provided*, that in case any or either of the freeholders aforesaid should be interested, either for or against the watercourse applied for, application shall be made to any other freeholder of the same county, chosen as aforesaid, being disinterested and living nearest to the premises, who is and are hereby directed and required, upon such notice as is provided by law in like cases, to attend in the room or stead of him or them so interested, and to do and perform the same duties as if he or they resided in the township where the ditch or drain or clearing of a creek or watercourse shall be applied for.

Proviso.

Approved April 5, 1855.

CHAPTER CCXLV.

AN ACT for incorporating vessel building associations.

Associations
may be in-
corporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any number of persons, not less than ten, to associate themselves into a company, for the purpose of carrying on the

business of building vessels, and employing the same in the coasting trade, and to adopt such a constitution for their government as they shall deem proper; *provided*, the same Proviso. shall not be inconsistent with this act, or with the act entitled, "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six; and upon filing a copy of said constitution, signed by the members of said company, in the office of the secretary of state, such subscribers, and all who may afterwards become members, and their successors and assigns, shall be a body politic and corporate, with all the powers, rights, and privileges, and subject to all the limitations, restrictions, and conditions specified in the aforesaid act concerning corporations.

2. *And be it enacted*, That the name of any company Name of company. incorporated by virtue of this act, as specified in their constitution to be filed as aforesaid, shall be the name by which said company shall be known in its business and dealings, and that the several articles and provisions in such constitution shall have the same force and effect, in reference to such company, and its affairs and business, as if the same were incorporated in, and formed part of this act; *provided*, that nothing in said constitution shall be repug- Proviso.nant to the provisions of this act or to the constitution and laws of this state or of the United States.

3. *And be it enacted*, That every such company may Company may make by-laws. make by-laws for their own regulation and government, with penalties for the breach thereof; that, at all meetings of the company, absent stockholders may vote by proxy, authorized in writing; and every company may determine, by its by-laws, the manner of calling and conducting all meetings, what number of shares shall entitle the stockholders to one or more votes, and what number of stockholders shall constitute a quorum.

4. *And be it enacted*, That every such company shall Officers of company. have power to appoint all necessary directors, officers, agents, and factors, and that the duties of all such directors, officers, agents, and factors shall be fixed by the by-laws of said company.

5. *And be it enacted*, That every such company shall

Copy of constitution to be filed.

specify in the constitution, a copy of which is to be filed, as herein provided, the amount of capital, and the number of shares into which the same shall be divided, upon which they intend to commence business, and may increase its capital stock, and the number of shares therein; *provided*, that the capital stock, when so increased, shall not exceed the total amount fixed by such constitution.

Proviso.

Stock transferable.

6. *And be it enacted*, That the shares of stock in every such company shall be deemed personal property, and shall be transferable, on the books of such company, in such manner as the by-laws shall provide.

Copy of constitution to be evidence.

7. *And be it enacted*, That every constitution which shall be filed in the office of the secretary of state by virtue of this act, or copies thereof duly certified by said secretary of state, shall be evidence in all courts and places for and against any such company.

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

Approved April 5, 1855.

CHAPTER CCXLVI.

AN ACT to incorporate the Bridgeton and Marlton Turnpike Company.

Commissioners to receive subscriptions.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock herein after mentioned, their successors and assigns, shall be and are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "the Bridgeton and Marlton Turnpike Company," and that Isaac West, Charles Dickinson, Benjamin C. West, Michael Minch, Adam Minch, Ellis A. Davis, Mordecai T. Davis, Charles

Bright, and Lewis Howell, or a majority of them, are hereby appointed commissioners to open the subscription books and receive subscriptions to the capital stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in one of the Cumberland county newspapers.

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, with the privilege of increasing it to any sum not exceeding twenty thousand dollars, and shall be divided into shares of twenty-five dollars each; that at the time of subscribing to said stock, the sum of two dollars shall be paid upon each share subscribed for to the said commissioners, or any of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; that the residue of said stock shall be paid in such instalments, and at such times and places, and to such person or persons, as the board of directors of said company shall, from time to time, direct and give public notice thereof, in manner aforesaid; and that upon failure thereof, as so directed, the said board shall have power to forfeit the shares of each and every person so failing to pay said instalments, or any of them, to and for the use of said company; and that the number of shares to be subscribed by one person for the first ten days after the books shall have been opened by said commissioners shall not exceed one hundred.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of seven directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; and when one hundred shares of said stock shall have been subscribed for, the said commissioners, or a majority of them, shall call a meeting of the stockholders, giving at least ten days' notice of the time and place of said meeting, as heretofore directed with regard to the opening of said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, seven directors for the term of one

year, of which election said commissioners, or a majority of them, shall be the judges; and that at the expiration of said term, and annually thereafter, upon like notice to be given by the board of directors for the time being, the stockholders shall elect, by ballot, seven directors; and the judge of such election shall be appointed by said board; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share, by the holder or holders thereof, in person or by proxy; and that if one hundred shares of said stock shall not be subscribed for within two years, and the said road completed within four years from the passage of this act, then this act shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers, or their representatives, the residue of the money paid by them, in proportion to the sum paid.

Duties and
powers of
president.

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

Annual state-
ments to be
made.

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

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

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

Description
of road.

Proviso.

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

Proceedings
in case com-
pany and
owners of
land cannot
agree.

for the said company, their agents, superintendents, engineers, and workmen, and all persons by them employed, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the said road, doing no unnecessary damage thereto, and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said road, and to take and carry away any stone, gravel, sand, clay, or earth thereupon suitable for constructing and maintaining said road as aforesaid; *provided always*, that the said company shall pay, or make tender of payment, for all damages for the occupancy of the lands and the materials to be taken by said company, their agents, or workmen, before the said company, or any person in their employ, shall enter and break ground in the premises, except for the purpose of surveying said route, unless the consent of the owner or owners of said land, or their legal representatives, be first had and obtained; and if the owners of the lands and materials as aforesaid shall not be willing to give the same for such purposes, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of the common pleas of the county of Cumberland, who is disinterested in the premises, upon application of either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners to assess the price or value of such materials as may be required by the said company, and all damages to be sustained by reason of their removal, who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof, and after ten days' notice, in writing, to both parties, of the time and place, shall meet, view the premises, hear the parties and evidence, if desired, and thereupon make such decision or award as to them shall appear just and proper, and transmit such award and decision, under their hands and seals, or the hands and seals of a ma-

jority of them, to the clerk of the said county of Cumberland, to be by him filed as a public record, and certified copies taken, if required, by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the said county, at the first term to be holden after such decision of the commissioners, by proceeding in the form of a petition to the said court, with at least five days' notice, in writing, to the opposite party of such appeal, which appeal shall vest in the court full right and power to hear and adjudge the same, and, if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of said jury to assess the value of said materials and all damages sustained, and for that purpose to view the premises in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs of suit, against said company, and execution issue, if need be; but if the said jury be demanded by the owner or owners, and shall find the same or a less sum than the commissioners award, then the cost shall be paid by the owner or owners, and shall be deducted out of the sum so awarded, or execution may issue therefor, as the court may direct, and upon payment or tender of the sum so found by the commissioners or by the jury, with costs, if any, the said company may enter upon and remove all such earth and other materials as have been so appraised as aforesaid; and in case any owner or owners of such lands or materials shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report so made in behalf of any such persons into the court of chancery, to the clerk thereof, subject to the order of said court, for the use of the said owner or owners, all of which proceedings, as well under this as the sixteenth section of this act, shall be at the proper cost and

charges of said company, except in cases of appeal, as above provided.

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

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

And if drawn by two, two cents per mile.

For every additional beast, five mills.

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

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

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

Proviso.

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

Additional gates may be erected.

9. *And be it enacted*, That whenever three miles of said road shall be completed, the said company may erect a gate, and receive toll in the same manner and at the same rates as specified in the preceding section.

Mile stones to be erected.

10. *And be it enacted*, That before the said company shall receive toll for travelling on said turnpike road, they

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

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

Penalty
for injuring
works.

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

Penalty for
taking illegal
tolls.

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

Penalty for
obstructing
passage.

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

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

14. *And be it enacted*, That if the said company shall not keep the said turnpike road and bridges, which now are or may hereafter be erected thereon, in repair, and complaint thereof shall be made to any justice of the peace of the county of Cumberland, who may be disinterested, the said justice shall immediately appoint, by writing under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons, being disinterested in the said turnpike road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice shall appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine said turnpike road or bridge so complained of, and report to the said justice, in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such a state as the law requires it to be kept; and if the report be unfavorable to the said turnpike road, the said justice shall immediately, in writing, under his hand and seal, order the keeper of the gate or turnpike to keep open the same until otherwise ordered; and if said keeper shall, notwithstanding the order of the said justice to open the said gate or turnpike, exact toll of travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who shall prosecute the same in an action of debt, with costs of suit, and the justice shall be allowed for his services fifty cents, and the persons appointed one dollar, each, to be paid by the company; and it shall be the duty of the persons so

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

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

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

17. *And be it enacted*, That this act shall not take effect until the public highways upon which the said turnpike road is authorized to be located and made are vacated as public highways according to law. When act to take effect.

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

Restrictions
and liabilities.

possess the usual powers, and be subject to the restrictions and liabilities contained in the act entitled, "An act concerning corporations."

Approved April 5, 1855.

CHAPTER CCXLVII.

AN ACT to incorporate the City Bank of Perth Amboy.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph D. Forbes, John Arnold, Robert Freeman, John L. Boggs, Samuel Dally, Thomas G. Marsh, James R. Morgan, and their associates, are hereby incorporated by the name of "the City Bank of Perth Amboy," and, by that name, shall have and exercise banking powers and all corporate powers incidental thereto, as conferred by law; but such corporation shall not trade or deal in any thing except money, bills of exchange, promissory notes, and gold or silver bullion, and in no case shall hold any real estate, goods, wares, or merchandise, excepting such as may be required for the regular business thereof, or shall be acquired by mortgage, purchase, or conveyance to secure bona fide debt or debts that may be owing to the corporation.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of the corporation shall be fifty thousand dollars, with privilege to increase to one hundred thousand dollars, divided into shares of thirty dollars each; that the above named persons, or a majority of them, shall be commissioners to receive subscriptions to the capital stock in the city of Perth Amboy, of the time and place whereof they shall give at least twenty days' notice, in a newspaper printed in the county of Middlesex; that the books shall be kept open two consecutive days, unless the capital stock shall be taken

sooner; that persons, other than citizens of New Jersey, shall not be allowed to subscribe for, and hereafter hold, more than one half of the capital stock; and at the time of such subscription, five dollars on each share shall be paid to the commissioners.

3. *And be it enacted*, That when the capital stock shall have been subscribed, as above, the commissioners, or a majority of them, shall call a meeting of the subscribers, to be held in Perth Amboy, to choose directors, of the time and place of which meeting they shall give at least twenty days' notice, in a newspaper printed in the county of Middlesex; the commissioners, or a majority of them, shall be judges of such election, and shall conduct the same as is herein after prescribed for the annual election, allowing each subscriber, in person or by proxy, one vote for each share of stock; and after the directors so chosen shall have been organized by the election of a president, the commissioners shall pay to the directors such moneys as may have been received by them, deducting therefrom their necessary expenses, for which the receipt of the president and cashier shall be a full discharge; the directors first chosen, as herein mentioned, shall hold their offices until the first Monday in May next after their election and until others shall be chosen in their stead.

4. *And be it enacted*, That the corporation shall be conducted by seven directors, five of whom shall be a quorum for the transaction of all business; the directors shall be bona fide stockholders, shall be qualified, by oath or affirmation, faithfully to execute their trust, and shall hold their offices for one year and until others are elected; the annual election shall be on the first Monday in May, of each year, at the banking house, of which ten days' notice shall be given, in a newspaper printed in the county of Middlesex; such election shall be by ballot, by the stockholders in person or by proxy, each being entitled to one vote for every share of stock held by him or them three calendar months before the election, and the persons having the greatest number of votes shall be elected; the directors shall appoint three stockholders, not directors, to be judges of the elec-

Election of
first direct-
ors.

Annual elec-
tion of direc-
tors.

tion, who shall determine all matters connected therewith; the directors so chosen, at their first meeting thereafter, shall elect one of their number to be president; in case of vacancy, the same may be filled by the directors; and if an election be not held as above required, the corporation shall not be dissolved, but an election may be afterwards held, as above directed and specified.

Payment of
instalments.

5. *And be it enacted*, That the capital stock of the corporation shall be deemed personal property, and shall be taxed as similar institutions are or may be taxed; and the directors shall have power to call in any instalments that may remain unpaid after its organization, at such times, in such portions, and under such penalties as they may think proper, but twenty days' notice of the time and place thereof shall be given in a newspaper printed in the county of Middlesex; and no instalments shall be called in nearer than within one month of each other.

Cashier to
give bond.

6. *And be it enacted*, That the cashier of the corporation may be appointed annually, subject to removal by the directors; but, before entering upon the duties of the office, he shall be qualified faithfully to perform the same, and shall give security, to be approved by the directors, in the penalty of at least twenty thousand dollars, conditioned for the due execution of his trust, which security shall be renewed annually at the expiration of his official year.

Bills of cor-
poration to
be assignable
and negotia-
ble.

7. *And be it enacted*, That the corporation shall not issue bills or notes of a less denomination than one dollar; and bills or notes which may be issued and signed by the president and cashier of such corporation for the payment of money to order or bearer, though not under the seal thereof, shall be binding upon the corporation, and of like force and effect, and may be assignable and negotiable in like manner as if made by a natural person or persons; and all bills under the seal of the corporation for the payment of money shall be negotiable by assignment endorsed thereon; and all bills or notes, bills obligatory or of credit, made or issued by the corporation, shall be payable and demandable at the banking house of the corporation, and at such other places as by law established for the redemption of bank notes in the state of New Jersey.

8. *And be it enacted*, That the directors may make annual or semi-annual dividends of the profits of the business of the corporation, but no dividend shall be made of any part of the capital stock. Dividends.

9. *And be it enacted*, That the rate of discount on loans shall not exceed the legal rate of interest now allowed to similar corporations, and no transfer of stock shall be valid until any debt or debts which may be due the company from the transferor shall have been fully discharged, nor until such transfer shall have been registered in a book to be kept for that purpose. Rate of discount.

10. *And be it enacted*, That if at any time the corporation shall refuse to redeem in lawful money, on demand made at their banking house during the regular hours of business, any of the bills or notes issued by the company which shall be then due and payable, the corporation thereupon shall wholly discontinue banking operations until such bills or notes be fully paid, and until they are paid, the company shall be deemed insolvent. Charter void if notes are not redeemed.

11. *And be it enacted*, That if such corporation should become insolvent, the whole of its assets at the time thereof shall be liable first for its bills or notes then in circulation; and any decree of distribution shall apply such assets to the equal payment of all holders of bills or notes before any other creditors. Assets liable for redemption of bills.

12. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted, at law or in equity, by any receiver or receivers that shall or may be appointed for the payment of any such bills or notes, as if the same were their joint and several bills or notes, executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability, and if any director shall so attempt to resign his office, he shall be and continue liable the same as if no such resignation had been attempted; and such liability of directors shall con- Liability of directors.

tinue after they cease to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property that shall or may be levied on or taken in execution under or by virtue of any judgment or decree in favor of any receiver or receivers, under the provisions of this act, shall be sold until after the expiration of four months from the date of said judgment or decree.

Proviso.

Amount of assets, &c., to be distributed pro rata.

13. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills and notes, then the amount that shall or may be realized from said assets and property shall be distributed ratably among the holders of the said bills and notes.

Liability of stockholders.

14. *And be it enacted*, That the stockholders of said corporation at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid to an amount sufficient to redeem the said bills and notes, after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder, other than said directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent; and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them, and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability.

Proviso.

Actions against directors on stockholders.

15. *And be it enacted*, That in case of an action or suit at law against any director or directors, stockholder or stockholders, under any of the preceding sections of this act, the receiver or receivers may declare generally for

money had and received; *provided*, that a schedule shall Proviso. be annexed to the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof.

16. *And be it enacted*, That the bills or notes issued by Amount of said corporation shall not at any time exceed double the issue. amount of its capital stock actually paid in; and if the president or cashier thereof shall knowingly or wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment, not less than one year nor more than five years, in the discretion of the court.

17. *And be it enacted*, That it shall be the duty of said cor- Monthly poration, on the first Monday of every month after commenc- statements ing the business of banking, to publish, in at least one news- to be made. paper published in the county of Middlesex, a statement, under oath or affirmation, of the actual condition of said corporation, conforming, as nearly as may be, with the annual statements now required by law, and shall, within ten days after making such statement, forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier, or director shall knowingly and wilfully falsely swear or affirm to any such statement he shall be deemed guilty of perjury, and be liable to the pains and penalties thereof.

18. *And be it enacted*, That it shall not be lawful for Affidavit to the corporation to commence banking operations until af- be made of fidavit is made and filed in the office of the secretary of payment of state by the directors, or a majority of them, stating that capital stock. twenty-five thousand dollars of the capital stock, at least, has been subscribed and paid in.

19. *And be it enacted*, That this act shall continue in Limitation. force for twenty years; but the legislature, at any time hereafter, may alter, modify, or repeal the same.

Passed April 5, 1855.

CHAPTER CCXLVIII.

AN ACT to incorporate the Delaware and Hudson Telegraph Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alvan C. Goell, James B. Dayton, Richard Fetters, Joseph Porter, and Abraham Browning, and their associates, shall be, and they are hereby created, a body politic and corporate, by the name of "the Delaware and Hudson Telegraph Company," and, by that name, they shall have power to make, and construct, and maintain a line of telegraph from the Delaware river, near Philadelphia, to the Hudson river, near New York, and to submerge or otherwise construct said line or lines across said rivers into said cities of New York and Philadelphia, so as to form a complete telegraphic communication between them; and shall have power to construct branches from said line or lines into any of the counties of this state; and shall have power to enter upon all lands, for the purpose of surveying, laying out, and constructing said lines of telegraph, or any of them; and shall have power to connect and contract with any other lines and telegraph companies for the use of or transmission of communications over their lines; and shall have power to do all other acts and things necessary or proper to carry into effect the objects of this act, and shall have such other incidental corporate powers as are enumerated in the first section of the act concerning corporations; *provided*, that said company shall not interfere with the vested corporate rights of any other telegraph company or companies in this state, nor do any damage to, nor take the private property of any individual or individuals without his, her, or their consent; but posts may be erected along the highways, provided the public travel shall not thereby be impeded or injured, but they shall not erect any posts within the limits of any city, borough, or town corporate without the consent of the corporate authorities thereof.

Proviso.

2. *And be it enacted*, That the capital stock of said corporation shall be two hundred dollars per mile for the first wire, and one hundred dollars per mile on each additional wire erected on posts, and one thousand dollars per mile for submerging, and shall be divided into shares of twenty-five dollars each; which said capital stock shall be subscribed for in such mode, and at such times and places, and upon such notice as the board of directors of said corporation shall or may direct or appoint. Amount of capital stock.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of five directors, a majority of whom shall make a quorum for the transaction of business; that the said directors shall hold their offices for one year and until other directors shall be chosen, and shall have power to fill all vacancies that may occur in the recess, by death, resignation, or otherwise; that there shall be an annual election of directors on the first Monday of June next, and on the first Monday of June in each year thereafter; and that until their successors shall be chosen, the said Alvan C. Goell, James B. Dayton, Richard Feters, Joseph Porter, and Abraham Browning shall be the directors of said corporation; that all elections of directors shall be held at such time and place as the board of directors for the time being may, by their by-laws or otherwise, direct or appoint, the stockholders being entitled to one vote for each share of stock; and the directors for the time being shall continue in office until their successors shall be chosen; and every board of directors shall, as soon as conveniently may be after their election, appoint from their number a president of said corporation, to serve until the next annual election and the appointment of another in his stead; that the president shall preside at all meetings of the board, but in his absence a president pro tempore may be appointed; and all stated meetings of the board shall be held at such times and places as the by-laws may ordain, but special meetings may be held by appointment of the board or upon call of the president. Election of directors.

4. *And be it enacted*, That the dividends of so much of the profits of said corporation as may appear advisable to Dividends.

said board shall be made, and paid to the stockholders semi-annually; and at all annual elections of directors, it shall be the duty of the president and directors of the preceding year to exhibit a full and complete statement of the affairs of the corporation during the past year, and shall produce the books, accounts, and papers, if required by any person being a stockholder.

Public despatches to be transmitted free of charge.

5. *And be it enacted*, That it shall be the duty of said corporation, at all times without charge, on request of any public officer of this state, to transmit (confidentially if required) across their line or lines messages relating to the public business of this state, and, also, at all times to assist the police officers of the state by the transmission of intelligence.

Penalty for injuring works.

6. *And be it enacted*, That if any person shall wilfully injure or destroy the posts, wires, or apparatus of said corporation, or wilfully obstruct the transmission of intelligence across the line or lines of said corporation, he, she, or they so offending shall be deemed guilty of a misdemeanor, and punished by fine, not exceeding one hundred dollars, and imprisonment, not exceeding one year, besides being responsible for all damages that may be occasioned thereby to said company or any other person or persons.

Tax to be paid to state.

7. *And be it enacted*, That as soon as the said telegraph line shall have been constructed across the state, it shall be the duty of said company to pay to the treasurer of this state a tax of one half of one per cent. upon the capital stock thereof.

Act may be amended.

8. *And be it enacted*, That this act shall continue in force for twenty years, and shall be subject to be modified, altered, or repealed at the pleasure of the legislature.

Approved April 6, 1855.

CHAPTER CCXLIX.

AN ACT to authorize Michael M. Williams, his heirs or assigns, to erect a toll draw or swing bridge over the Elizabethtown creek.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Michael M. Williams, his heirs and assigns, to build and maintain, or cause to be built and maintained, a good and sufficient bridge over Elizabethtown creek, at or near the foot of South street, with a suitable draw or swing therein, which said draw or swing shall be at least thirty feet in width, for the convenient passage of all vessels navigating the said creek. M. Williams authorized to build bridge.

2. *And be it enacted*, That the said Michael M. Williams, his heirs and assigns, shall at all times be bound to provide for opening the said draw or swing for the passage of vessels and boats, so that they shall not be subjected to unnecessary detention by reason of said draw or swing. Provision to be made for opening draw.

3. *And be it enacted*, That as soon as the said Michael M. Williams shall have built, or cause to be built, the said bridge, in a workmanlike and proper manner, according to the directions, true intent, and meaning of this act, it shall and may be lawful for the said Michael M. Williams, his heirs or assigns, or his or their agent, to demand and receive toll for crossing the said bridge, not exceeding the following rates, to wit: Rates of toll.

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

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

For every horse or rider, one cent.

And it shall and may be lawful for the said Michael M. Williams, his heirs or assigns, or his or their agent, to stop persons riding, leading, or driving any horses, cattle, or mules, or carriages of burthen or pleasure, from crossing

the said bridge, until they shall have paid the toll, as above specified.

Penalty
for injuring
works.

4. *And be it enacted*, That if any person shall open the draw or swing of said bridge, and leave the same open for more than fifteen minutes, when the same is not absolutely necessary for the passage of a vessel or boat through the same, or if any person or persons shall cut, remove, or destroy any piece of timber, draw, swing, post or pile, or shall remove any iron or stone work belonging to said bridge, or otherwise wilfully damage, or cause to be damaged, the said bridge, draw, or swing unnecessarily, he, she, or they so offending shall, for each and every offence, forfeit and pay the sum of twenty dollars, over and above the damage done to the said bridge, draw, or swing, to be recovered in an action of debt, before any court having a competent jurisdiction, with costs of suit, by any person who shall sue for the same, one half of the said sum for the use of the prosecutor, and the other half to the collector of the county of Essex, for the use of the said county.

Limitation.

5. *And be it enacted*, That this act shall be and continue in force for the term of twenty years after the passage thereof, and that the same may be altered, amended, or repealed at any time, as the legislature may deem proper.

Approved April 6, 1855.

CHAPTER CCL.

AN ACT relative to the Princeton Bank.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard S. Field, James S. Green, Abraham Vanderveer, John D. Langhorne, Jonathan S. Fish, Isaac Baker, William G. Bayles, and their associates, shareholders in the Princeton Bank, an associa-

tion formed at Princeton, in the county of Mercer, and organized under the provisions of an act of the legislature entitled, "An act to authorize the business of banking," passed February the twenty-seventh, eighteen hundred and fifty, and their successors and assigns, be and they are hereby constituted a corporation and body politic, by the name and style of "the Princeton Bank," and by that name shall be and are hereby made capable in law to have and purchase, receive and possess, enjoy and retain, to them and their successors, lands, tenements, hereditaments, goods, chattels, and effects, of what nature or kind soever, and the same to grant, demise, alien, or dispose of; to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever; and also to make, have, and use a common seal, and the same to alter and renew at their pleasure; and also to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall seem necessary and convenient for the government of said corporation; *provided*, that they be not inconsistent with the constitution and laws of this state or of the United States; and also to appoint all such officers, agents, and servants as shall be necessary to carry into effect the powers by this act vested in the said corporation, and to allow them such compensation for their services as shall be deemed reasonable.

2. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same to two hundred thousand dollars at any time during the continuance of this act; and that the owners of stock in the said association, so organized as aforesaid, shall be the stockholders in the corporation created by this act, and shall hold the same number of shares therein that they may hold in the said association at the time of the passing of this act.

3. *And be it enacted*, That the association, organized as aforesaid, shall, on the passage of this act, and the acceptance of the same by the directors of the said associa-

Proviso.

Amount of
capital stock.Property of
association
vested in cor-
poration.

tion, and the filing in the office of the secretary of state a certificate of such acceptance, signed by the president and cashier, under the seal of the said association, be deemed and taken to be merged in the corporation created by this act; and from that time all the property, real and personal, of said association shall vest in and be deemed and taken to belong to the corporation created by this act, their successors and assigns, and with the same remedies at law and in equity in respect thereto as if the original association and subscription to the stock had been made under this act; *provided*, that the new corporation shall be liable to all the debts and obligations of the said association; *and provided*, that the bills of the said association in circulation shall be redeemed in the manner pointed out by the provisions of the aforesaid act entitled, "An act to authorize the business of banking," and the supplements thereto; and that the treasurer of this state, on being presented with any amount of said bills, not less than one thousand dollars at a time, and cancelling the same, shall deliver up to the said corporation an equal amount of the stock or securities pledged for the redemption thereof, to be selected by the said treasurer.

Proviso.

Proviso.

First directors.

Proviso.

4. *And be it enacted*, That all the affairs, property, and concerns of the said corporation shall be managed and conducted by seven directors, all of whom shall be stockholders and citizens of this state, and who shall be annually elected in the manner herein after prescribed; *provided*, that Richard S. Field, James S. Green, Abraham Vanderveer, John D. Langhorne, Jonathan S. Fish, Isaac Baker, and William G. Bayles, the present directors of the association organized as aforesaid, shall be the first directors of the corporation created by this act, and shall hold their respective offices until their successors are duly elected.

Annual election of directors.

5. *And be it enacted*, That the first election for directors of the corporation created by this act shall be held on the first Monday in January, eighteen hundred and fifty-six, and on the same day annually thereafter, at the banking house of said corporation in Princeton, at such time of the day as the board of directors shall appoint, of which election

at least fourteen days' previous notice shall be given by the directors in a newspaper printed at Princeton; for the well ordering of which election, the board of directors shall, previously thereto, appoint three stockholders, not being directors, to be judges thereof, who shall conduct the election and determine upon the legality of votes, the eligibility of persons voted for, and who are elected; that the said elections shall be by ballot, and 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 to one vote for each share of stock held in his, her, or their names for at least three months next before the election, and the persons who shall have the greatest number of votes shall be directors; and if it should so happen that two or more persons have an equal number of votes, then the directors of the preceding year, or a majority of them, shall proceed, by ballot and plurality of votes, to determine which of the persons so having an equal number of votes shall be the director or directors, so as to complete the whole number; and the directors so elected, as soon as may be thereafter, shall proceed to elect, by ballot and by a majority of votes, one of their number for president; and whenever any vacancy or vacancies shall happen among the directors, by death, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year by such person or persons as the other directors for the time being, or a majority of them, shall appoint; and if at any time it shall happen that an election of directors shall not take place on the day herein prescribed, the said corporation shall not for that reason be deemed dissolved, but an election shall be had as soon as conveniently may be thereafter, upon like notice, and at the place, and in the mode above specified.

6. *And it be enacted*, That the capital stock of the said corporation shall be deemed personal property, and shall be subject to such taxes as all the other banking institutions of this state are liable to. Stock personal property.

7. *And be it enacted*, That the shares of the capital stock at any time owned by any stockholders shall be trans- Transfers to be registered.

ferable on the books of the corporation in the manner prescribed by the by-laws of said corporation; and no transfer of stock shall be valid and effectual until any debt or debts which may be due to the corporation from the person or persons so transferring shall have been duly discharged, and such transfer registered in a book or books to be kept for that purpose by the board of directors.

Bills and
notes of cor-
poration as-
signable.

8. *And be it enacted*, That the said corporation shall not issue bills or notes of a less denomination than one dollar; and the bills or notes which may be issued by said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of said corporation, shall be binding and obligatory on said corporation, and of like force and effect, and shall be assignable and negotiable in like manner as if made by a natural person or persons; and all bills obligatory and of credit, under the seal of said corporation, which shall be made for the payment of money to any person or persons, shall be assignable by endorsement thereon, under the hand or hands of such person or persons, and his, her, or their assignee or assignees, successively; and all bills or notes, bills obligatory or of credit, made or issued by said corporation, shall be deemed and taken to be payable and demandable at the banking house of said corporation.

Cashier to
give bond.

9. *And be it enacted*, That there shall be a cashier of said bank appointed annually, liable, however, to be removed, and another appointed in his stead, at the pleasure of the said board of directors; and every cashier, before he enters on the duties of his office, shall be required to give bond, with good and sufficient security, to be approved of by the board of directors, in a sum not less than twenty thousand dollars, with conditions for the faithful performance of his duties as cashier of said bank.

Directors
and cashier
to take oath.

10. *And be it enacted*, That every director and cashier of said corporation, before he enters upon the duties of his office, shall take an oath or affirmation that he will faithfully execute the duties of his office, according to the best of his skill and understanding.

11. *And be it enacted*, That it shall be the duty of the Dividends. board of directors of the said corporation to make semi-annual dividends of so much of the profits of the business of said corporation as the said board shall deem advisable, but no dividend shall be made of any part of the capital stock.

12. *And be it enacted*, That the rate of discount at which Rate of discount. loans may be made by said corporation shall not exceed the legal rate of interest in this state for the time being; *provided*, that nothing herein contained shall be construed to prohibit the said corporation from dealing in bills of exchange, and the purchase and sale thereof.

13. *And be it enacted*, That the said corporation shall What corporation may deal in. not, directly or indirectly, trade or deal in any thing except bills of exchange, promissory notes, gold or silver bullion, stocks of the states or of the United States, and shall in no case hold any real estate, goods, wares, merchandise, or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as security for debts, loans, or contracts, or shall be conveyed or sold in satisfaction of debts previously contracted in the course of dealings, or purchased at sales on judgments which shall be obtained for such debts.

14. *And be it enacted*, That if at any time the said cor- Charter void if bills not redeemed. poration shall neglect or refuse, on demand being made at their banking house during the regular hours of business, to redeem, in lawful money, any of the bills or notes issued by said corporation, and which may then be due and payable, the said corporation shall thereupon, under pain of forfeiting its charter, wholly discontinue and cease from banking operations until such bills or notes shall be fully paid, and shall, until such bills or notes shall be fully paid, be deemed and considered insolvent.

15. *And be it enacted*, That if the said corporation shall Assets liable for redemption of notes. at any time hereafter become insolvent, the whole assets of said corporation at the time of its becoming insolvent shall be first liable for its bills and notes then in circulation, and shall be first applied to the payment thereof; and in case of a distribution of the assets of said corporation among

the creditors thereof, under the order or decree of the court of chancery or other court, the holders of such bills or notes shall be equal in priority, and shall have a preference over all the other creditors.

Liability of
directors.

16. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted, at law or in equity; by any receiver or receivers that shall or may be appointed for the payment of any such bills or notes, as if the same were their joint and several bills or notes executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability; and if any director shall so attempt to resign his office he shall be and continue liable the same as if no such resignation had been attempted; and such liability of directors shall continue after they cease to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property, that shall or may be levied on or taken in execution under or by virtue of any judgment or decree in favor of any receiver or receivers under the provisions of this act, shall be sold until after the expiration of four months from the date of said judgment or decree.

Proviso.

Amount of
assets to be
distributed
pro rata.

17. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills and notes, then the amount that shall or may be realized from said assets and property shall be distributed ratably among the holders of the said bills and notes.

Liability of
stockholders

18. *And be it enacted*, That the stockholders of said corporation at the time of its becoming insolvent, other than

said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid to an amount sufficient to redeem the said bills and notes, after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder, other than said directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent, and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them; and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability.

19. *And be it enacted*, That in case of an action or suit at law against any director or directors, stockholder or stockholders, under any of the preceding sections of this act, the receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof.

20. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in; and if the president or cashier thereof shall knowingly or wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment, not less than one year nor more than five years, in the discretion of the court.

21. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday of every month after commencing the business of banking, to publish, in at least one newspaper published in the county of Mercer, a

statement, under oath or affirmation, of the actual condition of said corporation, conforming, as nearly as may be, with the annual statements now required by law, and shall, within ten days after making such statement, forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier, or director shall knowingly and wilfully falsely swear or affirm to any such statement, he shall be deemed guilty of perjury, and be liable to the pains and penalties thereof.

Limitation. 22. *And be it enacted*, That a majority of the stockholders shall be residents of this state, and that this act shall continue in force for twenty years; but it shall be lawful for the legislature, at any time hereafter, to alter, modify, or repeal the same, whenever in their opinion the public good shall require it.

Passed April 6, 1855.

CHAPTER CCLI.

AN ACT to alter and amend the articles of association of the Bank of New Jersey.

*Names of
corporators.*

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin D. Stelle, David F. Randolph, James Dayton, Benjamin M. Clark, Robert M. Honeyman, and others, the shareholders in the Bank of New Jersey, organized under the provisions of the act entitled, "An act to authorize the business of banking," and the several acts supplemental thereto, by its articles of association, dated the fifth day of May, eighteen hundred and fifty-four, and filed in the office of the secretary of state on the eighteenth day of May, eighteen hundred and fifty-four, and their successors and assigns, shall be, and they hereby are created and constituted a body corporate and

politic, by the name and style of "the Bank of New Jersey," and by that name shall be known in law, and shall have power to sue and be sued, and to answer and defend, in all courts of law or equity; and, by that name, may also have, purchase, possess, and enjoy, to them, their successors and assigns, lands, tenements, and hereditaments, goods, chattels, and effects, necessary and proper for the use and purposes of the said corporation, and the same to grant, alien, and dispose of at pleasure for the benefit of said corporation; and also to have a common seal, and the same to alter at pleasure; and also to make such by-laws, and establish such rules and regulations, as shall seem expedient, and put the same in execution; and may also appoint all such officers and agents as shall be necessary to carry into effect the powers vested in the said corporation by this act, and allow such compensation for their services as shall be right and proper.

2. *And be it enacted*, That the capital stock of the said corporation shall be three hundred thousand dollars, to be divided into shares of fifty dollars each, by the sale of additional shares of stock, in the manner provided in the said articles of association; *provided*, that the said sum of three hundred thousand dollars shall be actually paid into the said bank before this act shall go into effect.

Amount of capital stock.

Proviso.

3. *And be it enacted*, That all the shareholders in the said the Bank of New Jersey, as organized by its articles of association as aforesaid, and their successors and assigns, shall be stockholders in the corporation created by this act to the extent of the same number of shares as they are under the said articles of association.

Shareholders of association to be stockholders.

4. *And be it enacted*, That all the property and estate, rights and credits, both real and personal, of every kind and description, belonging to the said the Bank of New Jersey, under and by virtue of the said articles of association, shall be vested in and belong to the corporation hereby created, to be claimed, had, held, and enjoyed by it and its assigns absolutely; and the corporation hereby created shall be bound for and liable to pay all the debts and lia-

Property of association to be vested in corporation.

bilities, of every kind and description, for which the said association, organized as aforesaid, is bound and liable.

First directors.

5. *And be it enacted*, That a board of directors for the management of the affairs and business of the said corporation hereby created, consisting of sixteen members, shall be annually elected by the stockholders; that Peter Spader, Benjamin D. Stelle, John Van Dyke, Robert Miller, David F. Randolph, Isaac Fisher, Mahlon Runyon, Augustus T. Stout, James Dayton, William T. Runk, James Van Nuis, junior, James T. Dunn, Robert M. Honeyman, John V. M. Wyckoff, Benjamin M. Clark, and Robert S. Herbert, the present directors under the said articles of association, shall be the first directors of the bank created by this act, and shall hold their respective offices until their successors are duly chosen and qualified.

Election of directors.

6. *And be it enacted*, That the first election of directors for this corporation shall take place, between the hours of twelve and three o'clock in the afternoon, on the second Monday of May next; and a like election shall take place on the second Monday of May in every succeeding year during the continuance of this incorporation, of the times and places of which elections due notice shall be given, by advertisements published in at least two of the newspapers printed in the city of New Brunswick, for two weeks, successively, next preceding such election.

Directors to be residents of state.

7. *And be it enacted*, That a majority of the said directors shall always be residents in the city of New Brunswick; that all of them shall be residents of the state of New Jersey, and each of them shall be the bona fide holder and owner of at least twenty shares of the capital stock of said bank.

Mode of conducting elections.

8. *And be it enacted*, That all such elections shall be by ballot; that each stockholder shall be entitled to cast one vote for each share of stock owned by him or her, and such vote may be cast either in person or by proxy; *provided*, that no share or shares of the said stock shall be voted for or represented at any such election, unless the owner thereof shall be a resident of the state of New Jersey, and shall have been the owner of such stock, according to the books

Proviso.

of the said bank, at least twenty days next preceding such election; and for the better regulation of such elections, it shall be the duty of the said board of directors, prior to each election, to appoint three discreet persons, being stockholders, to be judges of said elections, neither of whom shall be eligible to the office of director at any election of which he shall act as judge.

9. *And be it enacted*, That the said board of directors shall, at their next meeting after every such general election, elect by ballot, by plurality of votes, one of their number to be president of the said bank, who shall preside at all the meetings of the said board, except when he is necessarily absent; the said board shall also, by a like vote, elect a cashier of the said bank, and such other officers and agents, and give them such compensation as may be deemed needful and proper; *provided*, that every such director, cashier, officer, and agent shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation faithfully and honestly to execute the duties of his said office, agreeably to the provisions of the law and the trust reposed in him, according to the best of his skill and understanding; that every such cashier, officer, and agent shall hold his office during the pleasure of the said board, and shall be required, before entering upon the duties of their respective offices, to enter into bond with security, to be approved by the said board, in such sum or sums as the said board shall order, for the faithful performance of his duties in the said office; and that all vacancies occurring in the said board, or in any of the said appointments, shall be filled by the remaining directors.

Officers of
corporation.

Proviso.

10. *And be it enacted*, That the capital stock of the said bank shall be deemed personal property, and be subject to such taxes as other banks in this state are subject to; and that no transfer of the said stock shall be valid, unless it shall be made on the transfer books of the said bank; and no stockholder who is indebted to the said bank shall be allowed to transfer his said stock until such indebtedness shall be fully paid, without the consent of the said board of directors, but all such stocks shall be and remain liable for the payment of such indebtedness.

Transfers to
be registered

What corporation may deal in.

11. *And be it enacted*, That the corporation created by this act shall have and exercise banking powers and the incidental corporate powers enumerated in the first section of the act concerning corporations; but that it shall not trade or deal in any thing except money, bills of exchange, promissory notes, and gold and silver bullion, and shall in no case hold any real estate, goods, or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as security for debts, loans, or contracts, or shall be conveyed or sold in full or in part satisfaction of debts previously contracted in the course of dealings, or shall be purchased upon judgment or execution for the purpose of bona fide making or securing a debt or debts due or owing to said corporation.

Dividends.

12. *And be it enacted*, That it shall be lawful for the directors of the said corporation to make semi-annual dividends of so much of the profits of the business of the said corporation as the said board shall deem advisable, but no dividend shall be made of any part of the capital stock.

Rate of discount.

13. *And be it enacted*, That the rate of discount at which loans may be made by the said corporation shall not exceed the legal rate of interest in this state for the time being;

Provido.

provided, that nothing herein contained shall be construed to prohibit the said corporation from dealing in bills of exchange, and the purchase and sale thereof.

Amount of issue.

14. *And be it enacted*, That the said corporation shall not issue any bills or notes of a less denomination than one dollar; that all the bills or notes issued by said corporation shall be signed by the president, and countersigned by the cashier, and, when so signed and issued, promising the payment of money to any person, or to his order, or to bearer, shall be binding and obligatory on the said corporation, as if made by a natural person or persons; but that the bills or notes issued by said corporation shall not, at any time, exceed double the amount of its capital stock paid in; and if the president or cashier thereof shall knowingly or wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier

shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by imprisonment, not less than one year nor more than five years, in the discretion of the court.

15. *And be it enacted*, That if, at any time, the said corporation shall neglect or refuse, on demand being made at their banking house during the regular hours of business, to redeem in lawful money any of the notes or bills issued by said corporation, and which shall then be due and payable, the said corporation shall thereupon, under pain of forfeiting its charter, wholly discontinue and cease from banking operations, until such bills or notes shall be fully paid, and shall, until such bills or notes shall be fully paid, be deemed and considered insolvent.

Charter forfeited if bills are not redeemed.

16. *And be it enacted*, That all the directors of said corporation shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted, at law or in equity, by any receiver or receivers that shall or may be appointed for the payment of any such bills or notes, as if the same were their joint and several bills or notes executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability, and if any director shall so attempt to resign his office, he shall be and continue liable the same as if no such resignation had been attempted; and such liability of directors shall continue after they cease to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *pro-* Liability of directors. *vided*, that no property, that shall or may be levied on or taken in execution under or by virtue of any judgment or decree in favor of any receiver or receivers under the provisions of this act, shall be sold until after the expiration of four months from the date of said judgment or decree. Proviso.

Amount of
assets to be
distributed
pro rata.

17. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills and notes, then the amount that shall or may be realized from said assets and property shall be distributed ratably among the holders of the said bills and notes.

Liability of
stockholders

18. *And be it enacted*, That the stockholders of said corporation at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid to an amount sufficient to redeem the said bills and notes, after the assets of said corporation, and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder, other than said directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent; and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them, and it shall not be lawful for any such stockholder to assign, or otherwise transfer, his stock or other property to avoid such liability.

Proviso.

Actions a-
gainst direct-
ors or stock-
holders.

19. *And be it enacted*, That in case of an action or suit at law against any director or directors, stockholder or stockholders, under any of the preceding sections of this act, the receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof.

Proviso.

Monthly
statements
to be made.

20. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday of every month after commencing the business of banking, to publish, in at least one newspaper published in the county of Middlesex, a statement, under oath or affirmation, of the actual condition of said corporation, conforming, as nearly as may be, with the annual statements now required by law, and shall,

within ten days after making such statement, forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier, or director shall knowingly and wilfully falsely swear or affirm to any such statement he shall be deemed guilty of perjury, and be liable to the pains and penalties thereof.

21. *And be it enacted*, That unless the directors of the said corporation shall, within six months hereafter, ^{Assent to be filed.} assent to this act and file a written assent thereto under the seal of the said corporation in the office of the secretary of state, this act shall be deemed and considered void.

22. *And be it enacted*, That a majority of the stockhold- ^{Limitation.} ers of said corporation shall be residents of this state, and that this act shall be and continue in force for the period of twenty years from the time of the passage thereof, but shall be subject to be modified, altered, or repealed at the pleasure of the legislature.

Passed April 6, 1855.

CHAPTER CCLII.

AN ACT to defray incidental expenses.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of this state to pay to the several persons, herein ^{Certain incidental charges ordered to be paid.} after named, the following sums, viz :

1. To Henry Thoene, for coloring leather belts for quartermaster's department, thirteen dollars, (\$13.00).

2. To Cornelius Scales, for work at arsenal, seventeen dollars, (\$17.00).

3. To Phillips & Boswell, for printing and blanks for quartermaster's department, four dollars, (\$4.00).

4. To Henry Thoene, for coloring leather belts and straps for arsenal, six dollars and seventy-five cents, (\$6.75).

5. To William Johnson, for materials and work at the arsenal, one hundred and eighty dollars fifty-seven and one half cents, (\$180.57½).

6. To New York and Trenton Accommodation Line, for freight on three boxes of guns for the arsenal, and cartage, two dollars and twenty-five cents, (\$2.25).

7. To New York and Trenton Accommodation Line, for freight on three boxes of guns for the arsenal, and cartage, three dollars and fifty-three cents, (\$3.53).

8. To John Lanning, for carting done at the arsenal, two dollars and twenty-five cents, (\$2.25).

9. To Fish & Green, for lumber for the arsenal, four dollars and ninety cents, (\$4.90).

10. To W. Nichols, for advertising for arrest of John W. Edwards in Hunterdon Gazette, one dollar and eighty-seven and a half cents, (\$1.87½).

11. To Lewis Parker, William Willis, and Henry M. Lewis, for appraising property at the state prison, thirteen days, each, (thirty-nine days) at three dollars per day, one hundred and seventeen dollars, (\$117.00).

12. To William Taylor, for carting guns at the arsenal, five dollars and twenty-five cents, (\$5.25).

13. To B. S. Disbrow, for work and furniture for state house, one hundred and twenty-four dollars and ten cents, (\$124.10).

14. To Morgan Scudder and William Napton, for appraising property at the lunatic asylum, seven days each, at three dollars, each, per day, forty-two dollars, (\$42.00).

15. To W. Barricklo & Co., for pitchers, glasses, &c., for senate chamber and assembly room, thirteen dollars and fifty cents, (\$13.50).

16. To A. Thornley, for ice, thirty dollars and eighty cents, (\$30.80).

17. To P. S. Phillips, for grass seed, seventy-five cents, (\$0.75).

18. To Trenton Gas Light Company, for gas, one hundred and five dollars and seventy cents, (\$105.70).

19. To Bird & Weld, for iron columns, nine dollars and fifty cents, (\$9.50).

20. To John Lanning, for services of his son, as page to Governor Price, at the state house, eighty-seven dollars, (\$87.00).

21. To Edward Williams, work and materials for state library, fifteen dollars and forty-nine cents, (\$15.49).

22. To Edward Williams, for work and materials for state library, seventeen dollars and seven cents, (\$17.07).

23. To Benjamin Fish, for lime, one dollar and fifty cents, (\$1.50).

24. To Sager & Phillips, for lumber, thirty-four dollars and four cents, (\$34.04).

25. To Randolph H. Moore, copying reports of law commissioners, five dollars and thirty cents, (\$5.30).

26. To William R. Titus, lumber and work to state library, twelve dollars and seventy-five cents, (\$12.75).

27. To Ralph Green, for work to state library, forty-three dollars and forty-one cents, (\$43.41).

28. To Parham & Brothers, work and materials, gas fixtures, &c., twenty-seven dollars and forty-eight cents, (\$27.48).

29. To Caleb E. Pitman, for carriage hire for lunatic asylum committee, ten dollars, (\$10.00).

30. To Griffin & Hicks, for pitchers, glasses, &c., for use of legislature, seven dollars and fifty-six cents, (\$7.56).

31. To Samuel R. Hamilton, quartermaster general, for expenses to New York, superintending sale of old arms from the arsenal, and postage, (less sabre sold for one dollar) nine dollars and seventy-five cents, (\$9.75).

32. To J. S. Fish & Co., for coal for the arsenal, eighteen dollars, (18.00).

33. To Daniel Deacon, for collecting arms at Borden-dentown, and sending them to arsenal, fifty cents, (\$0.50).

34. To Samuel R. Hamilton, quartermaster general, for cash paid to George A. Lippincott for transportation of arms from Eggharbor to arsenal, twelve dollars, (\$12.00).

35. To John Taylor, for carting arms from railroad depot to arsenal, three dollars, (\$3.00).

36. To Charles Scott, for seals, parchment, and record

books for office of secretary of state, thirty-four dollars and twenty-five cents, (\$34.25).

37. To Charles Scott, for stationery for the court of errors, forty-six dollars and fifty cents, (\$46.50).

38. To David Clark, for stationery furnished to the clerk of the house of assembly at the opening of the session, fifty-seven dollars and twenty-five cents, (\$57.25).

39. To Margaret Corey, for six days' work at cleaning state house, six dollars, (\$6.00).

40. To John Tindall, for nine days' work at state house, nine dollars, (\$9.00).

41. To Martin Ryerson, John P. Stockton, and Joseph F. Randolph, each, the sum of eight hundred and fifty dollars, for their services as law commissioners, under joint resolutions approved March third, eighteen hundred and fifty-four.

42. To John Winans, for copying bills and amendments, at the request of the law commissioners, to be reported to legislature, seven dollars and fifty cents, for one hundred and fifty folios, at five cents, (\$7.50).

43. To Jacob L. Swayze, for copying bills and amendments for law commissioners, two hundred and twenty-five folios, at five cents, eleven dollars and twenty-five cents, (\$11.25).

44. To Francis A. Pitman, for stationery furnished for the legislature, on contract by committee, seven hundred and nine dollars and forty-nine cents, (\$709.49).

45. To Thomas Morrell, for stationery, furnished by order of committee and officers, one thousand sixty-two dollars ninety-six cents, (\$1062.96).

46. To Charles Scott, for stationery for court of chancery and clerk's office, sixteen dollars, (\$16.00).

47. To Charles Scott, for stationery for the supreme court and clerk's office, eighty-one dollars thirty-eight cents, (\$81.38).

48. To Thomas B. Pierson, for remounting and repairing three pieces of artillery, and cartage and freight, two hundred and sixty-nine dollars and fifty cents, (\$269.50).

49. To Charles Scott, for stationery for treasurer's office, forty-six dollars and fifty cents, (\$46.50).

50. To J. G. Brearley, for stationery furnished the legislature, by order of committee, three hundred and fourteen dollars and eighty-eight cents, (\$314.88).

51. To John Lanning, for carting for the state, eight dollars and fifty cents, (\$8.50).

52. To Camden and Amboy Railroad and Transportation Company, for freight on two boxes for arsenal and cartage, seventy-five cents, (\$0.75).

53. To Stout & Scudder, for towels furnished the legislature, one dollar and eighty cents, (\$1.80).

54. To George Hammel, for freight of chairs and cartage from steamboat, five dollars and twenty-five cents, (\$5.25).

55. To Wilkinson & Blackfan, for hickory wood, sawing, carting, and piling, nine dollars and fifty cents, (\$9.50).

56. To R. M. Smith, for cash paid to Samuel B. Carmin, for work and materials, locks, &c., for state house, twenty-one dollars seventy-five cents, (\$21.75).

57. To Charles Brearley & Co., for articles furnished to state arsenal, seven dollars and thirty-two cents, (\$7.32).

58. To Charles Brearley & Co., for articles furnished for state house and senate, eighteen dollars and nine cents, (\$18.09).

59. To B. W. Titus & Co., for oil cloth, three dollars, (\$3.00).

60. To A. Rowley, for articles furnished for state house, fifty-seven dollars and sixty-two cents, (\$57.62).

61. To S. H. Blackwell, for materials furnished and work done to stoves and various articles for state house, one hundred and thirty-six dollars and eighty-five cents, (\$136.85).

62. To Thomas Morrell, for stationery for house of assembly and for engrossing clerk and governor's private secretary, four hundred and ninety-nine dollars and eighty-six cents, (\$499.86).

63. To Titus H. Stout, for making fires in the state house and general services, one hundred and twenty-five dollars, (\$125.00).

64. To William B. Vanderveer and John L. Taylor, commissioners for state prison hospital, for plan and adver-

tising proposals, fifty-nine dollars and eighty-seven cents, (\$59.87).

65. To David Clark, for stationery for treasurer's office, eight dollars and twenty-five cents, (\$8.25).

66. To R. M. Smith, for bill paid Samuel F. Price for binding books for supreme court office, seven dollars, (\$7.00).

67. To David Clark, for stationery furnished state library in eighteen hundred and fifty-four, and omitted, forty-eight dollars and twenty-five cents, (\$48.25).

68. To Charles Scott, for stationery for the legislature, four hundred and forty-four dollars and sixty-five cents, (\$444.65).

69. To Charles Scott, for paper and books for recording journal of last legislature, thirty-nine dollars and fifty cents, (\$39.50).

70. To David Clark, for stationery for chancery office and court of chancery, one hundred and thirty-seven dollars and sixty-nine cents, (\$137.69).

71. To David Clark, for books furnished chancery office, eighty-three dollars and fifty cents, (\$83.50).

72. To James Murphy, for sundries for state house, soap, candles, &c., three dollars and twenty-nine cents, (\$3.29).

73. To Bennet & Carlile, for fixing flues at state house, one dollar and fifty cents, (\$1.50).

74. To David Clark, for stationery furnished supreme court and clerk's office, seventy-three dollars and four cents, (\$73.04).

75. To Samuel F. Price, for binding fifty copies of rules of supreme court, twenty-five dollars, (\$25.00).

76. To David Naar, for printing rules of supreme court and circuit courts, three hundred copies, one hundred and fifty-five dollars, (\$155.00).

77. To Aaron Lawshe, for carriage for state prison committee, ten dollars, (\$10.00).

78. To Charles Scott, for stationery for the executive department, seventy-nine dollars and twenty-five cents, (\$79.25).

79. To the editor of the Hudson County Democrat, for

publishing notice for adjutant general's department, three dollars, (\$3.00).

80. To the editor of the Newark Mercury, for publishing governor's card in relation to parade at Newark, by order of the adjutant general, one dollar, (\$1.00).

81. To S. Vansickell, for materials furnished and work done in governor's room, eight dollars and fifty cents, (\$8.50).

82. To Thomas Morrell, for stationery for the senate, as approved by committee, three hundred and twenty-five dollars and thirty-five cents, (\$325.35).

83. To Charles Scott, for stationery for the senate, ordered by committee, nine hundred and fifty-four dollars and sixty-four cents, (\$954.64).

84. To David Clark, for stationery for senate, ordered by secretary, fifty-six dollars, (\$56.00).

85. To Joseph G. Brearley, for stationery and materials for state house and senate, one hundred and thirty-seven dollars and two cents, (\$137.02).

86. To Joseph McPherson, for leather satchel for use of secretary of senate, four dollars and fifty cents, (\$4.50).

87. To William I. Shreve, for services as private secretary of the governor, three hundred dollars, (\$300.00).

88. To Enoch Abel, sheriff of Hunterdon county, for holding inquisition on estate of Michael Carkuff, jurors' and witnesses' fees, thirty-two dollars, (\$32.00).

89. To J. F. Dumont, prosecutor of pleas of Hunterdon, for attending inquisition and general services in taking care of property, seventy-five dollars, (\$75.00).

90. To Charles Scott, for stationery for quartermaster general, eighteen dollars, (\$18.00).

91. To William A. Benjamin, postmaster, for stamps and envelopes for legislature, eleven hundred and eighty-nine dollars and forty cents, (\$1189.40).

92. To Isaac D. James, for sundries furnished to senate, seventeen dollars and eighty-six cents, (\$17.86).

93. To Isaac D. James, for sundries furnished house of assembly, fourteen dollars and sixty-three cents, (\$14.63).

94. To Egbert L. Viele, for making maps for harbor encroachment committee, one hundred dollars, (\$100.00).

95. To William Pierson, for work and locks at state house, two dollars and ninety-four cents, (\$2.94).

96. To William W. Norcross, for candles, thirteen dollars and seventy-three cents, (\$13.73).

97. To Trenton Water Works Company (two bills), twenty-five dollars, (\$25.00).

98. To William Pierson, for work done to locks, keys, &c., at state house, five dollars and fifty-six cents, (\$5.56).

99. To C. J. Ihrie, for sundry purchases and services in library, forty dollars, (\$40.00).

100. To Henry B. Howell, for sundry printing for house of assembly and senate, by their order, two hundred and forty-one dollars and ninety-four cents, (\$241.94).

101. To Joseph McPherson, for leather satchel for the clerk of the house of assembly, four dollars and fifty cents, (\$4.50).

102. To Newark Daily Advertiser, for advertising proclamations of governor for military parades, twenty dollars, (\$20.00).

103. To William Briest, for repairing the flag of the United States, belonging to the state, three dollars and fifty cents, (\$3.50).

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

Approved April 6, 1855.

CHAPTER CCLIII.

Supplement to the act entitled, "An act relating to the public printing."

WHEREAS Edmund Morris, Phillips & Boswell, Henry B. Howell, and David Naar, of the city of Trenton, have each, respectively, printed for the senate and house of

assembly, by the orders thereof, several reports and public documents, in pamphlet form and otherwise, and no provision having been made for the payment thereof by the act to which this is a supplement—therefore,

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the said Edmund Morris, Phillips & Boswell, Henry B. Howell, and David Naar be and they are hereby authorized to receive compensation for the work done by them, respectively, at the rates designated in the said act for the payment of pamphlet work to be done by John F. Babcock, and for such work as is not therein designated, at the same rates as were paid for similar work executed for the seventy-eighth legislature of the state. Compensation to certain persons for printing.

2. *And be it enacted*, That the price fixed in the first section of the act, to which this is a supplement, be amended so as to provide the same payment for the printing of the bills of both houses as was paid by the seventy-eighth legislature, that is to say: “for bills, three dollars and fifty cents per sheet, on pica type, of thirty-one lines per page, on the best foolscap paper that can be procured at three dollars per ream, one hundred copies of each bill, for the use of the legislature,” and any greater number in the same proportion. Compensation for printing bills.

3. *And be it enacted*, That all the provisions for the auditing and payment of the work authorized by the act, to which this is a supplement, be and the same are extended to the work herein mentioned. Auditing and payment of bills.

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

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

Approved April 6, 1855.

CHAPTER CCLIV.

A further supplement to the act entitled, "An act against usury," approved April tenth, eighteen hundred and forty-six, and explanatory of the act entitled, "A further supplement to the act entitled, an act against usury," approved March second, eighteen hundred and fifty-four.

Preamble.

WHEREAS doubts have arisen in relation to the proper construction of the above entitled act, whereby parties residing out of this state are unwilling to invest money in the counties or city therein named at the rate of interest therein provided for; and whereas it is represented to the legislature that the public good will be promoted by the removing of such doubts—therefore,

Certain contracts legalized.

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 against usury," approved April tenth, eighteen hundred and forty-six, which supplement was approved March second, eighteen hundred and fifty-four, shall be taken and construed, in all courts and places, to legalize all contracts made since the said act went into operation, for the loan or forbearance of money upon which interest at the rate of seven per cent. per annum has been or shall be taken; *provided*, the contracting parties, or either of them, was or shall be, at the time of making the contract, resident of or located in either the counties of Hudson or Essex, or the city of Paterson, county of Passaic, or out of this state.

Proviso.

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

Approved April 6, 1855.

CHAPTER CCLV.

A further supplement to an act entitled, "An act to incorporate the Raritan and Delaware Bay Railroad Company," approved March third, eighteen hundred and fifty-four.

WHEREAS the charter of the Raritan and Delaware Bay Railroad Company, approved March third, eighteen hundred and fifty-four, authorized said company to construct a railroad from Raritan bay, in the county of Monmouth, to the village of Toms river, in the county of Ocean, and thence through the counties of Ocean and Burlington to May's Landing, in the county of Atlantic, thence, through the counties of Atlantic and Cape May, to Cape Island, on the Atlantic ocean; and whereas a supplement to said act, approved February twelfth, eighteen hundred and fifty-five, provides for "straightening said railroad, wherever it may be deemed necessary"—therefore,

Railroad Company, approved March third, eighteen hundred and fifty-four, authorized said company to construct a railroad from Raritan bay, in the county of Monmouth, to the village of Toms river, in the county of Ocean, and thence through the counties of Ocean and Burlington to May's Landing, in the county of Atlantic, thence, through the counties of Atlantic and Cape May, to Cape Island, on the Atlantic ocean; and whereas a supplement to said act, approved February twelfth, eighteen hundred and fifty-five, provides for "straightening said railroad, wherever it may be deemed necessary"—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That nothing contained in the fourth and fifth sections, or any other part of said supplement, approved February twelfth, eighteen hundred and fifty-five, shall be so construed as to authorize or permit said company to remove the route of said railroad from the original route, as provided for in said charter, so far as it relates to the village of Toms river, in the county of Ocean.

Removal of route not to affect Toms river.

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

Approved April 6, 1855.

CHAPTER CCLVI.

AN ACT to encourage the agricultural developments of the state, and enable persons of moderate means to become land holders, &c.

Preamble. WHEREAS many persons, of limited means, salaries, or wages, are unable to purchase land in small quantities suited to their purposes, and pay for the same gradually out of their savings, and whereas it is believed that, by persons associating together, they can accomplish what, as individuals, they would be unable to do, and that numbers combining together, and throwing their savings into a common fund, the shares to be payable in some easy and convenient instalments, as may be mutually agreed upon, they may assist each other in the purchase of land, erection of improvements, securing homesteads for families, or in fencing and cultivating the land—therefore,

Incorporation of companies authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons, not less than ten in number, who shall sign a certificate setting forth that they have formed an association under the provisions of this act, for the purpose of assisting those who then are or may thereafter become members, in the purchase of land, the erection of buildings thereon, or fencing and cultivating the land, and who shall state in said certificate the name adopted for the association, where its office is to be located, and its business transacted, and shall cause the same to be delivered to the clerk of the court of common pleas of the county which embraces the location of its office, shall thereupon be a body corporate and politic in law, with all the powers mentioned in the act entitled, "An act concerning corporations," approved the fourteenth day of February, A. D. one thousand eight hundred and forty-six.

2. *And be it enacted*, That the said clerk shall immedi-

ately file said certificate, and record the same, for which he Fees of clerk. shall be entitled to receive the sum of one dollar.

3. *And be it enacted,* That parents or guardians may Guardians, trustees, &c. may hold shares. take and hold shares in behalf of their minor children or wards, and trustees in behalf of married or single women, and may act in such association in behalf of those they represent.

4. *And be it enacted,* That the association may adopt General powers. such form of constitution and by-laws, not repugnant to the constitution of this state or the United States, as to them shall seem right and proper, and may alter and amend the same from time to time, in the manner therein provided; that they may purchase land, and issue bonds secured by mortgage in payment of so much of the purchase money as may not be convenient to pay in cash, and may sell the said land in shares, and issue certificates therefor, each share, when fully paid, entitling the holder to a certain portion of the land, not exceeding one hundred acres, and to the occupancy of said land, under such restrictions and regulations as may be adopted by the association, after a payment of a portion of the instalments; the funds of the association, after paying its expenses, shall be invested in the purchase or payment of the bonds secured by mortgage, or in loans to members to assist in building, fencing, or improving the land, or in all of the modes, as the constitution shall provide; but no dividend or division of the profits shall be made until all the debts are paid; and no premium given for priority of choice of land, or for loans or discount on the redemption of shares or bonds, shall be deemed to be usurious.

5. *And be it enacted,* That all matters not herein provided shall be regulated by the constitution and by-laws of said association.

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

Approved April 10, 1855.

CHAPTER CCLVII.

A further supplement to an act entitled, "An act to incorporate the city of Trenton," passed the seventh day of March, in the year of our Lord one thousand eight hundred and thirty-seven.

Applications
for widening
streets.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That it shall be lawful for the common council of the city of Trenton to alter or widen any street, road, highway or alley, or any part thereof, on the application, in writing, to the said common council of two-thirds of all the owners of lands lying on said street, road, highway, or alley, or to alter or widen any part of any street, road, highway, or alley, on the application, in writing, of two-thirds of the owners of the lands lying on the part thereof to be altered or widened.

Assessments
for widening
streets, &c.

2. And be it enacted, That whenever the common council of said city shall desire to lay out, alter, or widen any public street or alley, and shall have agreed, with any one or more of the owners of the lands or other real estate required for the same, upon the price to be paid therefor, and shall have procured the appointment of commissioners to make an estimate and assessment of the damages that may be sustained by laying out, altering, or widening any such public street or alley, by any owner or owners with whom no such agreement can be made, it shall be the duty of said commissioners to add the sum or sums so agreed on to the sum or sums by them estimated, and to embrace the whole amount thereof in the assessment which they are now required by law to make.

Fees of officers,
&c.

3. And be it enacted, That the common council of said city shall tax and allow such costs to the mayor, commissioners, clerk, and other persons performing any service required in laying out, altering, or widening any public street or alley, 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 to the amounts assessed by the commissioners to the several land owners

benefited by said improvement, in proportion to the amounts so assessed.

4. *And be it enacted*, That it shall be the duty of said Collection of assessments. common council, within one month after the presentation of 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 representative, against whom the same is made, and whose residence is in said city, and also to cause a like notice, directed to such of said persons as do not reside in said city, to be inserted in one or more of the newspapers of said city for the space of one month; and unless, within two months from the presentation of said report, a majority of said persons, their guardians or legal representatives, shall file with the clerk of the city their refusal, in writing, to agree to said assessment and costs, that then the same shall be binding and conclusive, and shall thence, and until paid, be due from said several persons, with interest, to said city, and be a lien on the land against which the same is assessed for the satisfaction of any judgment to be obtained therefor; and the said common council, in the name of "the inhabitants of the city of Trenton," may sue and recover of each person so assessed his or her proportion of said assessment, with interest and costs, by action of debt, in any court of competent jurisdiction; and if any such person reside out of the state, an attachment may be resorted to, as in other cases of nonresident debtors; but if, within said two months, a majority of said persons, their guardians or legal representatives, shall file with the clerk such refusal, then no further proceedings to enforce the collection of said assessments shall be had; but nothing herein shall be construed to prevent the said common council from taking said lands at the expense of the city, as they may now do, if in their opinion the public interest requires it.

5. *And be it enacted*, That the said common council Council may abandon proposed improvement. 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 lands, and the right of the owners to recover the

valuation and damages thereof, shall cease and determine; but after such abandonment, it shall not be lawful to proceed again for the accomplishment of said improvement (unless by the unanimous consent of those land holders whose lands may be needed) for the period of five years.

Expenses of
grading of
streets, &c.

6. *And be it enacted*, That all public streets and alleys heretofore laid out, or dedicated and opened, shall be graded by the common council, at the expense of the city; but that it shall be lawful for the common council to order any public street, hereafter to be laid out, or dedicated and opened, to be graded, and to cause the expense thereof to be assessed on the lots fronting or bordering on such street; and the affidavit of said expense, by the person or persons appointed to have said work done, filed with the clerk of said city, shall fix and determine the amount thereof; and said expense shall be a lien on each lot against which it may be assessed, for the proportion of said lot fixed by said assessment, and the same may be collected in the way in which the expense of paving side walks is by law authorized to be collected.

Council to
establish
grades of
streets.

7. *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 which now are or may hereafter be opened in said city, that persons desiring to build thereon may be able to fix the proper altitude of their buildings; and it shall not be lawful, after the same shall have been so established, to alter the grade of any street, 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 property fronting or bordering upon that part of said street the grade of which is proposed to be altered, or to be published for two weeks in two of the daily papers of said city, which notice shall state the time when the common council will proceed to consider said proposition, which time shall not be less than two weeks from the time of serving said notice; if any of the said owners shall reside out of the city, the publication of such notice, in one of the newspapers of the city, shall

be sufficient service upon them; when said proposition shall come up for consideration before the common council, all persons interested may appear, present testimony, and be heard, by themselves or their counsel, either for or against said proposition; all changes which such alteration of grade may render necessary, in gutters, side walks, 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 said alteration the expense of making such change in his or her gutter, side walks, front fences, or other property; but the expense of making such change in the property of those who were not applicants shall not be so recoverable.

8. *And be it enacted*, That whenever the owner or owners of any lot, alley, or passage way, in front whereof the side walks shall, by any ordinance of the common council, be directed to be levelled, graded, curbed, paved, repaved, flagged, or gravelled, shall have neglected to comply with such ordinance for the space of one month from the time of its passage, and the common council shall have caused the same to be done under the direction and superintendence of such officer or officers, or person or persons, as they may have designated for that purpose, it shall be the duty of such officer or officers, or person or persons, to file with the city clerk the expense thereof, under affidavit, within one month after the completion of said work; and for every day's delay thereafter in filing the same, the said officer or officers, person or persons, shall forfeit and pay to the city the sum of five dollars, to be sued for by the treasurer of said city, when directed by the common council, in an action of debt, and recover with costs of suit, and paid into the city treasury.

9. *And be it enacted*, That it shall be the duty of the common council, as early in each year after their organization as convenient, and before they proceed to pass any orders for the payment of money, or to incur any expense on behalf of the city, to estimate the whole amount of revenue that they are to receive during the year, from tax-

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

Estimates to
be made of
city reve-
nues and ex-
penditures.

ation or other sources, and which is not set apart for specific objects by act of legislature or ordinance of common council, and thereupon to fix and determine the maximum amount which can, during the year, properly be appropriated to the different branches of city expenditure, classifying said expenditures in as much detail as possible, so as to leave as small a portion thereof as may be for undefined and miscellaneous expenses; it shall be the duty of the clerk of common council to keep a book, in which he shall credit each branch of expenditure, with the maximum amount so assigned to it; and when any order for the payment of money is passed by the common council, they shall direct to which branch of expenditure said order shall be charged by the clerk, and he shall draw no order unless council shall have made such direction, nor shall council make any order for incurring any expense whatever without estimating the probable expense, and directing the clerk to charge the amount of such estimate to its proper branch; if subsequently the actual expense thereof shall be greater or less than the estimate, the clerk shall charge or credit the excess or deficiency, as the case may require; orders drawn by the clerk, for salaries of officers or other purposes, by virtue of any ordinance, shall be charged to the proper branch in like manner, and no expenditure shall be charged to any other than its proper branch; at every regular monthly meeting, it shall be the duty of the clerk to report to council the amount expended and unexpended in each branch, to the end that council may be kept advised in relation to the state of said account; common council may, from time to time, increase the appropriation to any branch of expenditure, by deducting the amount so increased from some other branch or branches; and if, in the course of the year, they shall find that the necessary expenses of maintaining the poor are greater than were estimated, it shall be their duty to take from such other branches of expenditures as are not legally binding upon the city so much or the whole of the unexpended appropriation therefor as may be required for the maintenance of the poor aforesaid; and it shall not be lawful for the council to incur any expense

that shall exceed in any branch the amount so fixed and appropriated.

10. *And be it enacted*, That if, in any year after the provision made therefor in the preceding section, the expense of maintaining the poor shall still be found insufficient for the purpose, the common council may borrow, on the credit of the city, such amount as may be sufficient therefor, which sum shall be payable out of the next year's revenue. Maintenance of poor.

11. *And be it enacted*, That it shall not be lawful for the common council to raise or diminish the salary of any officer to take effect during the term for which said officer is elected, nor shall they make any extra allowance to any officer for services rendered, unless the services for which said extra allowance is made be particularly set forth in the resolution making such allowance, nor unless such resolution shall be passed by the unanimous vote of the members. Salaries of officers.

12. *And be it enacted*, That it shall not be lawful for the common council to raise by taxation in any one year, in the general assessment, an amount of money that shall cause a greater rate on the real and personal estate of the citizens than seventy cents to the hundred dollars, unless the same shall be approved by a vote of the citizens, at a special election, which the common council are hereby authorized to order to be holden. Amount of money to be raised by tax.

13. *And be it enacted*, That previous to every annual city election, the common council shall appoint three persons in each ward to be the judges, and one person in each ward to be clerk of said election in their respective wards; said judges and clerk shall take the same oath or affirmation, and conduct such elections, and make returns thereof, in the same manner as township officers of elections are or may be required by law to do, and shall be vested with the same powers and authority, entitled to the same compensation, and perform the same duties, and be subject to the same penalties, as the like officers of the townships of this state are or may be subject to; and in case of the absence, death, incompetency, or refusal to serve of any of the said officers at any such election such vacancy or vacancies shall Council to appoint election officers.

Proviso.

be supplied in the manner prescribed by law for supplying such vacancies in the townships of this state; *provided*, that the judges and clerks provided for by this section shall not, by reason of said appointment, be the judges and clerk of any other than the annual city election aforesaid.

Maps of the city to be made.

14. *And be it enacted*, That it shall be lawful for the common council to cause to be made a series of maps embracing the whole city, in sections of convenient size, and upon such a scale as to admit thereon the plotting of every lot in said city; they shall cause a notice to be inserted in the newspapers of said city, informing the different lot owners that they may produce their titles to the person employed to make said maps; and have the lots described therein plotted on said maps without charge; the person so employed shall make said maps, with the information that he may thus or otherwise acquire; and shall number or letter the maps, and each lot on every map; when said maps shall have been completed, they shall be reported to common council, and if approved by that body, the president thereof shall endorse that fact, with his signature, on each map; they shall then be bound in suitable binding, as an atlas, and be called the city atlas; said atlas shall be renewed from time to time, and the alterations made therein, as herein after provided, incorporated into the body thereof, whenever the council shall deem it expedient; said atlas, as well as the renewals thereof, shall be deemed public records of the city.

City surveyor to register names of lot owners.

15. *And be it enacted*, That the city surveyor shall have the custody of said atlas, and he shall also keep a book, in which he shall register the names of the several lot owners, as far as he can ascertain the same; and whenever thereafter the purchaser or seller of any lot shall desire him so to do, and present to him the deed of conveyance, he shall record in said register the date thereof, and the name of the persons by and to whom the said conveyance was made, and when part of a lot plotted on said maps shall have been conveyed, it shall be his duty, when so requested, to mark on said map, in different colored ink, the part so conveyed; the city surveyor shall be entitled for his ser-

rices under this section, from the persons applying to him therefor, to such fees as common council may from time to time fix and determine by ordinance.

16. *And be it enacted*, That in the month of January, after said atlas shall have been so made, and in the month of January, in each third year thereafter, it shall be the duty of common council to appoint three judicious freeholders of said city, who shall serve without compensation, whose duty it shall be to affix to each lot, and each subdivision thereof, as the same stands recorded on the city atlas, distinguishing the same by their marks or numbers, the fair value of each lot or subdivision, as in their opinion the same would produce if sold for cash free of encumbrance at sheriff's sale; when they shall have completed such valuation, they shall leave the same with the city surveyor, for the inspection of all persons interested; such valuers shall also give public notice thereof, for two weeks in the newspapers printed in the city, in which notice they shall set a time and place at which they will attend and hear the objections any person may desire to make to any part of said valuation; after hearing said objections, and altering such parts of said valuation as they may deem proper, said valuers shall affix their names to the same, which shall then be final and conclusive, and deposit the same with the city surveyor for safe keeping.

17. *And be it enacted*, That the valuation so made shall be adopted by the assessors of the several wards in valuing the real estate of the city for the assessment of taxes until the next valuation; but if, after such valuation, any subdivision shall be made of any lot, and such subdivision shall be marked on said atlas as aforesaid, said subdivision shall be assessed separately, and shall be valued for so much of the whole valuation as its superficial area bears to the superficial area of the whole lot, unless the parties to the conveyance shall have filed, in writing, with the city surveyor, an agreement fixing the proportion of the tax which said subdivision shall pay until the next triennial valuation.

Commissioners to affix valuation on lots.
Assessments to be made according to valuation of commissioners.

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

Assessors to specify numbers of lots and names of owners.

assessors of the several wards of the city to so arrange their duplicates as to specify therein, by their letters and numbers in the city atlas, the several lots or subdivisions of lots so assessed, with the valuation thereof, and the amount assessed thereon, and the name of the owner or owners, as shown by the register kept by the city surveyor, to the end that each lot and the amount assessed upon it may be clearly ascertained and identified.

No deduction in valuation of lot on account of encumbrance.

19. *And be it enacted*, That no deduction shall be made in the valuation or assessment of any lot, or subdivision of a lot, by reason of any mortgage, judgment, or other encumbrance thereon, but that it shall be lawful for the owner of such lot or subdivision to set off against the interest due upon any mortgage thereon a proportion of the tax paid on said lot in any year, equal to the proportion that said mortgage bears to the value of the premises covered by said mortgage; *provided*, that the parties interested in said mortgage shall be allowed to make such agreement relative to the payment of said tax as they may see proper.

Proviso.

Assessments on lots, how made.

20. *And be it enacted*, That all assessments upon lot owners in said city, which may be made for the opening, widening, or altering of streets, for the construction of sewers, or for any other purpose authorized or to be authorized by law, shall be made upon the lots, or subdivisions of lots, as they stand recorded in the city atlas; and in advertising the same for sale for such assessment or for taxes, it shall be sufficient to describe the said lots, or subdivisions of lots, by the letters and numbers by which they are distinguished in said city atlas, together with the name or names of the owner or owners thereof, as the same appear in the register kept by the city surveyor.

Each lot liable for whole assessment.

21. *And be it enacted*, That all assessments for taxes and all assessments referred to in the preceding section shall be made upon the whole lots, or subdivisions thereof, as they stand at the time upon the city atlas, and each lot or subdivision shall be liable for the whole assessment or tax thereon; but that if any parts of the same shall have been sold, and such transfer not entered on said atlas and register as aforesaid, the person who shall have paid the

assessment or tax thereon shall have the right to recover from the other parties interested his or their proportion of said assessment or tax, in proportion to the superficial areas of the different parts thereof.

22. *And be it enacted*, That the clerk of said city shall be elected annually by the common council. Clerk to be elected by council.

23. *And be it enacted*, That any provision in the charter of said city, or in any of the supplements thereto, which is repugnant to any of the provisions of this act, be and the same is to that extent hereby repealed. Parts of former acts repealed.

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

Approved April 10, 1855.

CHAPTER CCLVIII.

AN ACT to incorporate the City of Hudson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of North Bergen, in the county of Hudson, lying within the following boundaries, to wit: beginning at the southeasterly corner of North Bergen township where it adjoins Jersey City; thence to the north side of Hoboken road; thence northeasterly to the Paterson plank road; thence along the centre of the Paterson plank road, the several courses thereof, till it intersects Paterson avenue; thence along said avenue westerly to the Seacaucus road; thence along said road to Penhorn creek; thence down Penhorn creek to the Hackensack river; thence down the middle of Hackensack river, the several courses thereof, to the New Jersey railroad; thence southeasterly along the centre of the New Jersey railroad, the several courses thereof, to the place of beginning, shall be, and hereby is created into, Boundaries of city.

designated, and known as the City of Hudson; and all citizens of this state, who now are or hereafter may be inhabitants within said limits, shall be and are hereby constituted a body politic and corporate, by the name of "the Mayor and Common Council of the City of Hudson," with all the powers incident to a municipal corporation and necessary for the purpose of carrying out the objects of this act.

City officers.

2. *And be it enacted*, That the city officers shall consist of a mayor, a treasurer, a clerk of the city, an overseer of the poor, a school superintendent, a street commissioner, one or more city surveyors, two assessors, one collector of taxes, and one collector of arrears of taxes, who shall hold their offices for one year; the mayor, school superintendent, assessor, and collector, the city clerk, overseer of the poor, street commissioners, and collector of arrears of taxes shall be elected at the charter election, and the treasurer and city surveyors shall be appointed by the common council, a majority of whom shall be necessary to a choice.

Aldermen,
clerk, &c.

3. *And be it enacted*, That the officers of the city shall be eight aldermen, elected annually in the manner herein after specified, and three judges of election, as many constables as the common council shall determine by resolution, passed two weeks before the election, two chosen freeholders, a clerk, who shall be clerk of election, and shall perform all other duties required by law of the clerks of the townships in this state, as far as the same are not otherwise provided for by this charter, two surveyors of the highways, one pound keeper, and three commissioners of appeals; and the aldermen of the city shall perform such duties as by the laws of the state devolve ex officio on the town committeemen in the other townships of this state; and this city, for general purposes not provided for by this act, shall be considered a township.

Mode of conducting city elections.

4. *And be it enacted*, That the city election shall be held on the third Tuesday in April, in each year, at such place as the common council shall designate; the election shall be held and conducted by the judges of election and the clerk of election, at the same hours, in the same manner,

and under the same regulations, in all things, as prescribed by law for state elections for members of the legislature, except that the return of the election shall be made to the city clerk within forty-eight hours after the closing of the polls, which return shall be a full, true, and correct copy of the original statement of the result of such election made by said judges, and shall be signed by them with their own hands, and attested by the clerk; and the city clerk shall, when he receives said return, immediately file the same in his office as an official paper, and the same shall thereupon be plenary evidence of the election of the persons therein certified to be chosen.

5. *And be it enacted*, That every person who would by the existing laws of the state be entitled to vote at an election for members of the legislature, if held on that day, shall be entitled to vote at the charter election. Who entitled to vote.

6. *And be it enacted*, That the person or persons receiving the greatest number of votes of those given in the city, for any city office, shall be elected to that office; the city clerk shall cause said statement, within one week thereafter, to be published in one or more of the newspapers printed or circulated in said city, and within ten days after such election the said clerk shall cause written notices of his election to be given to each of the persons so elected. Statement to be published.

7. *And be it enacted*, That all elections hereafter to be held within the said city for members of the senate and general assembly of this state, for sheriff, clerk, surrogate, and coroners of the county of Hudson, and for members of congress and electors of president and vice president of the United States, or for any other offices of the general or state governments, or officers of said county of Hudson, to be elected by the people, shall be held in the said city, at the place therein appointed by the common council for holding the city elections, on the day or days which now are or hereafter may be designated for holding such elections; the polls shall be opened at eight o'clock in the forenoon, and the judges of election, before mentioned, shall preside at and conduct all such elections; and the clerk of State and county elections.

election aforesaid shall be the clerk of such elections ; and in case any person, at any election whatever held in said city, shall vote, or offer his vote, when he is not entitled to vote, he shall be liable to the penalty prescribed in the fiftieth section, chapter first, of the act entitled, " An act to regulate elections," approved April sixteenth, eighteen hundred and forty-six, to be sued for and recovered in the name of the clerk of election aforesaid, in an action of debt, with costs, and applied to the use of the poor of the city.

Duties and powers of officers of election.

8. *And be it enacted*, That the said judges of election shall take the same oaths, and conduct such elections, and make returns thereof, in the same manner as township officers of elections are or may be 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 election aforesaid shall procure election boxes for the said city, in such manner and of such descriptions as are required to be procured by the township clerks of this state, and be subject to the same penalties as township clerks are subject to for neglecting to procure such boxes, and keeping the same in repair.

Duties and powers of mayor.

9. *And be it enacted*, That the mayor shall be elected annually, and no person shall be eligible to that office unless he shall have resided in the city at least two years, and attained the age of thirty years ; it shall be his duty to see that the laws of the state and the ordinances of the city are faithfully executed therein, and to recommend to the common council such measures as he may deem necessary or expedient for the welfare of the city ; as the head of the police of the city, he shall maintain peace and good order therein, and shall have power to suppress all riots

and tumultuous assemblies, and to cause to be arrested, without process or warrant, and to commit for trial, all persons violating, or whom he has reason to believe have violated the laws of the state or ordinances of the city; he shall possess the same powers and authority in criminal cases with which justices of the peace are invested; he shall have power to suspend any watchman for cause, to be by him assigned to the common council in writing; in case of his absence from the city, or his inability to perform the duties of his office, the president of the common council shall, during the continuance of such absence or inability, be vested with the powers and execute the duties of the mayor.

10. *And it be 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 common council shall allow, deliver over to his successor in office all the property, books, and papers belonging to the city, or appertaining to such office in his possession or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered with costs.

Penalty for
not deliver-
ing books to
successor.

11. *And be it enacted*, That every person elected or appointed to any office, in pursuance of this act or of any law or ordinance of the common council, shall, before he enters upon the duties of such office, take and subscribe, before the mayor, city clerk, or some person authorized to administer the same, an oath faithfully, fairly, and impartially to execute the duties of his office, according to the best of his knowledge, skill, and ability, and file the same in the office of the city clerk; and if any such person shall neglect to take such oath for twenty days after receiving notice of his election or appointment, or shall neglect, within the said twenty days, to give such security as may be required of him, he shall be considered as having declined such office, and the same shall be deemed vacant; and whenever any vacancy shall occur in any of the offices in which, by this

Officers to
take oath.

act, the common council may make appointments, it shall proceed to appoint suitable persons to fill such vacancies.

Duties of
treasurer.

12. *And be it enacted*, That the treasurer shall receive, safely keep, and disburse, under the direction of the common council, all moneys belonging to or under the control of the city; he shall also keep an accurate account of all receipts and payments, and make returns thereof monthly, or oftener if required, in such manner as the common council shall direct; no money shall be paid out of the treasury, except on warrants signed by the mayor, or acting mayor, and countersigned by the city clerk, except for the payment of bonds of the city and certificates of indebtedness for improvements given by the city, and interest on the same, and moneys paid into the city treasury for the redemption of property sold for taxes and assessments; and no warrant shall be drawn on the treasurer by said officers, except in pursuance of an order of the common council, passed at a stated meeting of the board and entered in their minutes; all such warrants shall be numbered, and made payable to the order of the person or persons entitled to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid; it shall be the duty of the clerk, before he delivers any warrant so drawn, to enter in the margin of a book, to be provided for that purpose, to be called the "warrant book," opposite to said warrant, the number, date, and amount of the same, the date of the order or resolution authorizing it to be drawn, the purpose for which it was ordered, and the name of the person or persons to whose order the same is made payable, and to take his or their receipt in said book, at the end of said marginal entry, for said warrant.

Duties of
city clerk.

13. *And be it enacted*, That the city clerk shall, in addition to the duties in this act required of him, have charge of all the records, books, papers, and documents of the city, except when the common council shall by ordinance otherwise direct; countersign all licenses signed by the mayor, and keep the record of the proceedings of the common council; he shall engross all the ordinances of the common council in a book to be provided for that purpose,

with proper indexes, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the mayor, or acting mayor, and said clerk; copies of all papers duly filed in his office, and transcripts thereof, and of the records and proceeding of the common council, and copies of the laws or ordinances of the said city, certified by him under the corporate seal of said city, shall be evidence in all courts and places; he shall also receive and pay over to the treasurer all moneys which by any law or usage are paid to the clerk of the city.

14. *And be it enacted*, That the overseer of the poor and superintendent of schools shall, respectively, perform such duties as by the laws of this state now appertain to and devolve upon the overseer of the poor and superintendents of schools in the several townships of this state, except as changed by this act, or any ordinance passed by virtue thereof, and shall, in addition thereto, perform such duties and receive such compensation as the common council shall, by ordinance, direct and award.

Overseer of
the poor and
superintend-
ent of schools

15. *And be it enacted*, That the commissioners of appeals shall have the same powers, and perform the same duties, and be entitled to like compensation that commissioners of appeals in the several townships of the state now have or hereafter may have, and, in addition, they shall have the power to examine the person or persons appealing in cases of taxation under oath, as to the valuation or amount of the chattels assessed against them respectively; and it shall be the duty of the said commissioners to receive the oath of any person appealing, when offered by him, relative thereto; the city surveyors and street commissioner shall, respectively, perform such duties and receive such compensation as the common council shall by ordinance direct and award.

Commission-
ers of appeal.

16. *And be it enacted*, That every member of the common council shall have the power, and it shall be his duty, without warrant, to arrest, or cause to be arrested, any person engaged in his presence in disturbing the public peace or violating any law of the state or ordinance of the city for the preservation thereof, or of good order or moral-

Member of
council may
arrest offend-
ers.

ity, and to bring, or cause such persons to be brought before a magistrate, to be dealt with according to law.

Official terms
of officers e-
lected.

17. *And be it enacted*, That the official term of the several persons who shall be elected in pursuance of this act shall commence on the first Monday of May next after their election, and they shall continue in office until the end of their term.

Official terms
of appointed
officers.

18. *And be it enacted*, That the official term of the city officers who shall be appointed by virtue of this act shall commence on the second Monday of May in every year, and they shall continue in office until the end of their term and until others are appointed and qualified in their place, unless removed, as herein provided; and no appointment for the full term shall be made more than one week prior to the commencement of the said term.

Officers to
give bond.

19. *And be it enacted*, That the city treasurer, city clerk, collector of taxes, and collector of arrears of taxes, and such other officers as the common council may require, shall, before they enter on the duties of their office, give bonds to the city, in its corporate name, in such sums and with such securities as the common council may approve, for the faithful performance of their duties; and all constables shall give bonds to the city, in the manner required by law, with sureties to be approved of by the common council.

Justice of
the peace.

20. *And be it enacted*, That the said city shall be entitled to elect one justice of the peace, until the next census.

Common
council.

21. *And be it enacted*, That the legislative power of said corporation shall be vested in a mayor and a board of aldermen, who shall constitute and be called the common council.

Board of al-
dermen.

22. *And be it enacted*, That the board of aldermen shall consist of the aldermen elected from the city; and every alderman shall, at the time of his election, be an elector of the city, and shall have been a resident of the city for at least two years immediately previous thereto, and shall have attained the age of twenty-five years.

Vacancies,
how suppli-
ed.

23. *And be it enacted*, That in case any alderman shall, after his election or during his term of office, remove out of the city, his office shall be deemed vacant, and he shall no

longer act as an alderman; any alderman may also resign his office, at any time, by filing written notice thereof with the clerk of the board; and the common council shall have power to direct a special election to supply any vacancy that may occur, but the person so elected shall hold his office only for the residue of the term so vacated.

24. *And be it enacted*, That a majority of the common council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day, and compel the attendance of absent members. Quorum.

25. *And be it enacted*, That the common council shall annually elect a president from its own body, and in his absence a president for the time being, choosing officers, appoint its time and place of meeting, determine the rules of its own proceedings, be the sole judge of the qualification of its members, keep a journal of its proceedings, and may expel a member for disorderly conduct or a violation of its rules, or declare his seat vacated by reason of absence, provided such absence be continued for the space of two months; but no expulsion shall take place, except by 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. President of council.

26. *And be it enacted*, That every ordinance of the common council, and every resolution of the common council affecting the interests of the city, shall, before it takes effect, be presented duly certified to the mayor, and the report of the clerk shall be conclusive evidence that the said ordinance has been so presented to the mayor; if he approve it, he shall sign it, if not, he shall return it with his objections, and file the same with the clerk within ten days after he received it; and the said board shall, at its first regular meeting thereafter, order the objections to be entered at large on its journal, after which it shall proceed to reconsider the same, and if two-thirds of all the members elected shall then pass the same, it shall take effect as a law, but in every such case the votes shall be taken by ayes and nays, and entered on the journal; and if such or- Ordinance to be signed by mayor.

Proviso. dinance or resolution shall not be so returned by the mayor within ten days after he has received it, it shall become a law in like manner as if he had signed it; *provided always*, that each and every ordinance so passed as aforesaid shall be published for the space of twenty days, in at least one newspaper published or circulated in said city, before said ordinance shall go into effect; *provided also*, that no ordinance or by-law shall be enacted or passed by the said common council, unless the same shall have been introduced before the said common council at a previous stated meeting, and shall have been agreed to by at least five of the members of the common council.

Annual statement to be published.

27. *And be it enacted*, That the common council shall at least once a year, not more than thirty nor less than twenty days before the annual city election, publish, in such of the newspapers printed or circulated in the city as they shall designate, a full statement of all the receipts and expenditures of every description for the fiscal year preceding such statement, including all the moneys which have passed through the hands of the treasurer for any purpose whatever, together with the different sources of city revenue, the amount received under each, the several appropriations made by the common council, the objects for which the same were made, and the sums expended for each; also any moneys borrowed upon the credit of the city, whether by temporary loans or by the issue of bonds, the terms upon which they were obtained, the authority under which they were borrowed, and the purposes to which they were applied, and how much of the same, or other city indebtedness, has been repaid, and by what means; the statement shall also include a detailed account of the city property, existing debts of every description, and the condition of the sinking fund, with all such other information as may be necessary for a full understanding of the financial concerns of the city.

Meetings of council.

28. *And be it enacted*, That the common council shall hold stated meetings, at least once in each month, at such times and place as they may appoint; but the mayor, or in his absence any three aldermen, may call special meetings,

by notice to each of the members of said council, served personally or left at his usual place of abode.

29. *And be it enacted*, That resignations of any office, Resignations held under the provisions of this act, may be made to the common council; the common council may fill vacancies in any office provided for by this act for the remainder of the current civil year, excepting in the case of justices of the peace or aldermen.

30. *And be it enacted*, That any officer, except the Removal from office. mayor, may be removed from office for cause by the resolution of the common council, provided that no such removal shall take place until the party sought to be removed has had an opportunity to be heard in his defence, nor unless two-thirds of all the members elected vote therefor; whenever any such removal shall take place, the cause therefor, together with the ayes and nays upon the vote taken, shall be entered at large on the journal of the common council.

31. *And be it enacted*, That no member of the common Members of council not to hold office when emoluments are paid from city treasury council shall, during the period for which he was elected, be appointed to or competent to hold any office the emoluments of which are paid from the city treasury, or be directly or indirectly interested in any contract, work, or business, or the sale of any article, the expense, price, or consideration of which is paid from said city treasury or by any assessment levied by any act or ordinance of said common council; nor shall any such member be directly or indirectly interested in the purchase of any real estate or other property belonging to the corporation, or which shall be sold for taxes or assessments, or become security for any officer appointed by said common council or of any contractor under the city government.

32. *And be it enacted*, That the said common council Ordinances. shall have power to pass, alter, and repeal ordinances to take effect within said city for the following purposes:

1. To manage, regulate, control, and protect the finances Public buildings. and property of the city, and for the building, erecting, and maintaining a town house, school houses, alms houses, and work house, a city prison, and such other buildings as may be necessary for the objects of this charter.

Police.

2. To establish, regulate, and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and their compensation.

Fire department.

3. To establish, regulate, and control a fire department, with power to exempt its members from militia duty in time of peace and from serving as jurors in courts for the trial of small causes, and the mode of their removal and appointment ; to provide fire engines, apparatus, and houses therefor, and, for the purpose of guarding against fire and providing for the safety of firemen, to regulate the manner of building dwelling houses and other buildings, and of constructing and placing engines, chimneys, ovens, flues, pipes, and all matters connected therewith, and the keeping of lights in stables, and the manufacture and keeping of gunpowder, fireworks, and other dangerous and combustible articles, and to provide water for extinguishing fires ; to limit the height, and prevent in certain limits, to be from time to time prescribed by ordinance, the erection of wooden buildings.

Lamps.

4. To provide lamps for and to light the streets, wharves, docks and piers, and public squares of the city.

Wells and pumps.

5. To make and regulate wells, pumps, and cisterns in the public streets and squares.

Grading, paving, and regulating streets.

6. To make and lay out all streets, squares, and public grounds upon all and every part of said premises, and to establish such as have already been laid out, and for planting and protecting shade trees, and from time to time to regulate the same ; and to regulate and govern the leveling, pitching, and constructing of the said streets, and the raising and the levelling of all lots and grounds for buildings, as well public as private ; to ascertain and establish the boundaries of all streets and public alleys in said city, and to prevent and remove all encroachments, encumbrances, and nuisances in or upon the same ; to pave, macadamize, gravel, and plank, and curb, and gutter the streets ; to flag the side walks ; to fill sunken lots ; to repair the side walks, or any of them, or any part thereof ; to reset the curb and gutters in the streets ; to compel the occu-

piers and owners of lots to curb and flag the side walks opposite their lots, and to keep the same and the gutters swept and clean of snow and ice and other impediments; to prevent horses, cattle, swine, and geese from running at large in the streets, and to provide for the impounding and sale of the same and the destruction of diseased quadrupeds; to prevent immoderate driving in the streets and riding or driving over or upon the side walks, and to regulate the speed and running of locomotive engines and railroad cars through the said city; to construct and build sewers and drains in and from the public streets and squares and such alley ways as may be dictated for draining purposes; to regulate the building of vaults and the laying of water or gas pipes in or under the streets, and in every other respect to secure to the public and the adjoining owners the safe and convenient use of the streets and side walks, squares and public grounds, for the purpose for which they are or may be laid out and dedicated; *pro-* Proviso. *vided*, that after the adoption of this charter, no street shall be laid out or opened of a less width than sixty feet.

7. To declare, by general law, what shall be considered Nuisances. nuisances in lots, streets, docks, wharves, and piers, and to direct, provide for, and to enforce their removal; and to provide for the sale or other disposition of all encumbrances on the streets, side walks, docks, and wharves.

8. To provide health laws and establish a board of health, Health laws. and to enact all such ordinances as they may deem necessary to protect the health of the city.

9. To establish a board of education, and provide for Public schools. their appointment; to define their powers and duties; to order and regulate public schools, and every thing appertaining thereto, in such manner as they shall deem expedient; to expend and appropriate such portion of the state school fund as shall be apportioned to Hudson City in the same manner as the city taxes for the support of public schools are expended.

10. To license, regulate, or prohibit inns or taverns, and Inns and taverns. to prohibit all traffic in or sale of intoxicating drink or drinks, and to license, regulate, and prohibit hawkers, ped-

lers, hucksters, butchers, slaughter houses, and markets, on such terms and under such regulations and penalties as the common council shall by ordinance impose; and no other license for such purposes within said city, granted by any other authority, shall be lawful, except licenses granted by the governor to hawkers and pedlers.

Auctioneers,
hack drivers,
&c.

11. To license auctioneers, carmen, hack drivers, omnibus drivers, and porters, and to prohibit all persons not so licensed from following the employment of a common auctioneer, carman, hack driver, or porter in said city.

Keeper of
city prison,
measurers of
grain, &c.

12. To provide that the said aldermen, or a majority of them, in common council assembled, by not less than five concurring votes, shall and may from time to time elect and appoint keepers of the city prison, measurers of grain, weigh masters, cullers of staves and heading, inspectors of beef and pork, pot and pearl ashes, lumber and fire wood, coal and other fuel, and such subordinate officers and agents of said city, not herein named, as they shall think necessary, either for the better ordering and governing the said city, or for the convenience, safety, and advantage of commerce, and to define and prescribe their powers and duties, which officers, so appointed, shall continue in office until others shall be appointed to succeed them and be sworn into office.

Gaming
houses, &c.

13. To prevent and suppress gaming houses and to prohibit gaming, and to restrain and punish all mendicants, vagrants, street beggars, and common prostitutes.

Riots.

14. To suppress riots, disorderly and tumultuous assemblies, and to suppress vice and immortality.

Violation of
ordinances.

15. To punish, by fines or imprisonment in the city prisons, all violations of any ordinance authorized by this act, and to provide all means which they may judge necessary to carry into effect the objects and powers provided for by this act; and no fine shall exceed fifty dollars, or imprisonment ten days.

Interments,
&c.

16. To regulate or prohibit interments within the city, and bathing in the adjacent waters, and the exhibition of shows, caravans, circuses, or other like matters, and the firing of guns, fire crackers, or other fire works in said city.

17. To restrain all dogs from running at large, and to Dogs.
authorize their destruction.

33. *And be it enacted*, That it shall be lawful for the Common
said common council of Hudson to borrow money, from council au-
time to time, for all purposes for which by this act they are thorized to
authorized to raise money by tax, and to secure the pay- borrow mo-
ment thereof, by bond or other instrument under the com- ney.
mon seal and the signature of the mayor, and to provide by
tax for the payment thereof; *provided*, that it shall not be Proviso.
lawful for the said common council to raise any sum by
loan, whereby the payment of the said loan shall not be
otherwise provided for, than by tax upon the persons and
property in said city, unless at least six aldermen, in com-
mon council convened, and the mayor shall approve the
same, and then there shall not be a greater sum than four
thousand dollars raised by loan in any one year, unless the
repayment thereof shall be provided for from the taxes to
be raised in said city in any such year; and the city shall
not owe more than twenty thousand dollars at any one
time.

34. *And be it enacted*, That it shall be lawful for the Common
common council to raise by tax, every year, so much council au-
money as they may deem expedient for the purposes of thorized to
lighting the streets, supporting a night watch, supplying raise money
the city with water to extinguish fires, and other purposes; by tax.
for repairing the streets, for improving the public grounds,
maintaining the poor, supporting and maintaining market
houses, school houses, a city hall or town house, a city
prison, an alms house and work house, for contingent ex-
penses, and all other purposes authorized by this charter,
and that the ordinance directing the raising of said tax shall
set forth the amount required for each object, and that the
expenditures for such specification shall be confined to the
objects specified, and be appropriated to no other, which
tax shall not exceed, in any one year, five mills on a dollar
of the actual value of property assessed; all taxes for city
purposes shall be assessed by the two assessors, acting to-
gether, within the time directed by the laws of this state
for assessing township, county, and state taxes, in the man-

ner following : they shall assess a poll tax on every male resident over the age of twenty-one years who is not a pauper, not less than fifty cents nor more than one dollar, which shall be a school tax, and appropriated to the support of public schools ; they shall also assess all real estate and chattels situate in the city, both of residents and non-residents, except such real estate and chattels belonging to religious corporations or churches, or used or occupied by or for schools or academies, as is by law exempt from taxation by the assessors of townships, and also the real estate and chattels belonging to the mayor and common council of the City of Hudson, by valuing the same at its true, full, and fair value, designating the number of lots or parcels of land, and the value of personal chattels, which they assess to each and every person owning or having to his charge any lands or chattels in said city, shall, on application of said assessor, or either of them, disclose and specify the quantity and situation of such lands, and the amount, nature, and value of said chattels ; and if any refuse to answer or give such information, when required, the said assessors shall value his real estate and chattels at double the amount which they may believe the same to be worth ; and such person shall have no relief therefrom before the commissioners of appeals, except for so much as exceeds the double value of his estate ; and the residue of such city tax, after deducting the amount raised by the poll tax, shall be assessed and raised by such per centum on the whole valuation of such real estate and chattels as is required to make such residue ; and all taxes, so assessed for city purposes, shall be collected by the collector, in the same manner as he is by law directed to collect township, county, and state taxes, and shall be paid over by him to the city treasurer, as soon as collected, and before the thirtieth day of December in each year.

Collector to
make return
of delinquent
tax payers.

35. *And be it enacted*, That the collector of the said city, in case of nonpayment of taxes on or before the twentieth day of December in each year, shall make out a list of the names of the delinquents, with the sum due from them, respectively, thereto annexed, and deliver the same to the

clerk of said city on the thirtieth day of December, in every year, except when the said day shall be Sunday, and then on the next day following; and it shall be the duty of such clerk to lay the same before the common council, at a meeting thereof held next after the same shall be delivered to him; and thereupon the said common council may deliver the same to a justice of the peace residing in said city, who shall proceed and issue a tax warrant thereon, as provided by law in case of taxes in townships, which shall be directed and delivered to the collector of arrears of taxes, who shall have power to collect the same, in like manner, in all things, as the constables in townships are directed by law; *provided*, that such collector shall, before he delivers Proviso. such list to the said clerk, take and subscribe an oath or affirmation, before some justice of the peace of the said city, that the moneys in the said list mentioned have been duly demanded, or due notice thereof given at the usual place of residence of each delinquent who could be found, or may then reside in the said city.

36. *And be it enacted*, That whenever within the said city any tax shall remain unpaid after the twentieth day of December, in every year, it shall be lawful for the collector of arrears of taxes to charge, receive, and collect, in addition to the amount of said tax, interest thereon, to be computed at the rate of twelve per centum per annum from the twentieth day of December, in each year, until the same is paid; and such interest shall be paid over by the said collector of arrears of taxes to the treasurer of said city, in like manner and at the same time as he may be required to pay over to said treasurer all taxes by him collected. Interest to be charged on unpaid taxes.

37. *And be it enacted*, That if any person or persons, from whom any tax shall hereafter be due and payable to the said city, for state, county, or city purposes, shall pay the same, or any part thereof, to the collector of the said city before the time appointed by law for the said collector to return a list of delinquent tax payers, it shall be lawful for the said collector to allow and deduct from the amount of said tax so paid interest thereon, to be computed at the Collector may deduct interest in certain cases

rate of six per centum per annum from the time when the said tax shall be received by the said collector until time appointed by law to make such return of the list of delinquents aforesaid; *provided*, that nothing herein contained shall be so construed as to exempt the said common council, or the collector of said city, from paying over to the treasurer of this state, or the collector of Hudson county, the full quota of taxes required by law to be raised in said city for state and county purposes.

Proviso.

Real estate
may be sold
for payment
of taxes.

38. *And be it enacted*, That all taxes and assessments, which shall hereafter be assessed or made upon any lands, tenements, or real estate situated in said city, shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage, or other encumbrance thereof; and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed by the common council for the payment thereof, it shall and may be lawful for the common council to cause such lands, tenements, or real estate to be sold at public auction, for the shortest term for which any person will agree to take the same and pay such tax or assessment, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges, and expenses, and to execute, under the common seal of 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, 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 or their said term shall be completed and ended; *provided*, that the said common council shall first have caused such sale to be advertised, for at least sixty days, in at least one public newspaper printed and published in said city, and if no newspaper shall be printed and published in the said city, then in at least one public newspaper generally circulated in the said city, and also by advertisements put up in at least five public places in said city, which advertisements shall describe the said lands, tenements, or real estate, and specify the amount of the

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assessment or tax; and the recitals in such declaration of sale shall be evidence of the assessment, advertising, and sale; *and provided also*, that the lands, tenements, or real estate so sold may be redeemed by the owner, mortgagee, occupant, or person interested therein, or by any other persons or person, for and on behalf of the owner, mortgagee, or claimant of such lands, tenements, or real estate, at any time within two years after the sale for either taxes or assessments, or for both, by paying to the treasurer of the city, for the use of said purchaser, the said purchase money, together with any other sum paid for a tax or assessment which the said purchaser may have paid, chargeable on said lands, tenements, or real estate, and which he is hereby authorized to do, with interest thereon, at the rate of fifteen per centum per annum, in addition thereto; and the certificate of the treasurer of the city, stating the payment, and showing what lands, tenements, or real estate each payment is intended to redeem, shall be evidence of such redemption; the mortgagee shall have power to redeem, at any time, until after the expiration of the six months' notice herein specified; no mortgagee whose mortgage shall have been duly recorded before sale for any tax or assessment shall be affected by such sale, unless six months' notice, in writing, shall have been given to him or her by the purchaser, or those claiming under him, either personally, or if not to be found in the city, then such notice shall be deposited in the post office of said city, directed to him or her at their last known place of residence (or at the post office nearest thereto); but nothing herein contained shall be so construed as to impair the lien created by such tax, assessment, or sale, within a month after the service of such notice by the purchaser, or by those claiming under him or her; it shall be the duty of the person serving, or causing the same to be served, to file in the city clerk's office a copy of the notice served, together with the affidavit of some person who shall be certified by the officer before whom said affidavit shall be taken to be a credible person, proving the due service of said notice, which affidavit shall be evidence in all courts of facts therein contained; *and provided also*, that

Proviso.
Mortgagee
may redeem.

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 or her, have a right of possession to said land, tenement, or real estate, until the two years limited for the redemption of the same shall have expired; and the said purchaser, or those claiming under him, shall, at the expiration of said declaration of sale, quit and surrender the said lands, tenements, or real estate in as good state and condition as when he entered thereon, natural wear and accidents excepted; *provided*

Proviso. *also*, that the sale of such lands, tenements, or real estate, or any portion of them, may be adjourned or postponed from time to time, or suspended, as the common council may direct; *and provided*, that if, at any sale of lands, tenements, or real estate for assessment or taxes, the whole, or any part thereof, shall remain unsold for the want of purchasers, then it shall and may be lawful for the said common council to adjourn the said sale, not less than thirty, nor more than sixty days; twenty days' notice, at least, shall be given as aforesaid of said adjourned sale, and if, at said adjourned sale, there shall be no purchasers for said lands, tenements, or real estate, or any part thereof, then it shall and may be lawful for the treasurer of the city to purchase the said lands, tenements, or real estate for the benefit of the city, subject to the same redemption of said lands, tenements, or real estate as aforesaid, together with such taxes and assessments paid by a mortgagee or judgment creditor, shall be a lien on said lands, tenements, or real estate for the amount so paid, with interest at the rate of seven per centum per annum, and such lien shall have precedence of all other liens on said lands, tenements, or real estate; and no foreclosure of any mortgage by such mortgagee redeeming shall be directed to be made out of said lands, and, on sale of said lands under any such judgment, shall be paid out of the proceeds of sale; *provided*

Proviso. *further*, that a complete record of all taxes and assessments shall be kept in the city clerk's office, which record shall contain the time when such assessments and taxes were laid, the time when they were paid, (and if the property

has been sold therefor) the time of said sale, and to whom sold, and if redeemed, when and by whom; it shall be the duty of the clerk of the city to record in a book, to be called "records of sales," all declarations of sale, to give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on certificate of the treasurer of such redemption, and to file said certificate in the clerk's office; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming, and one to be filed in the city clerk's office.

39. *And be it enacted*, That it shall be the duty of the common council to give notice of the expiration of the time limited for the redemption of all lands sold for assessments or taxes by virtue of this act, by advertisement as aforesaid, sixty days next preceding the expiration of the time so limited for redemption, specifying the property unredeemed, and the amount due thereon. Notice to be given of time for redemption.

40. *And be it enacted*, That all state and county taxes shall be assessed by the assessors in like manner and upon the same property as city taxes are assessed, and they shall be collected by the collector in like manner as city taxes are collected by him, and shall be paid over by him to the county collector in like manner and under like penalties as township collectors are directed by law; *provided however*, that the proportion or quota of tax to be levied and collected in said city for state and county purposes shall be adjusted and fixed, from year to year, upon the same basis or ratio as by the laws of this state, for which purpose the assessor shall make a list of such persons and property as are by law liable to such taxes. Assessment and collection of taxes.

41. *And be it enacted*, That the common council shall establish, by ordinance, certain limits in said city, to be called the lamp and watch district, and shall, in directing taxes to be raised for the expenses of lighting the streets and supporting a night watch, and shall provide that such taxes shall be assessed only on property lying within such lamp and watch district, and the assessors shall assess such Lamp and watch district.

taxes separately from all other taxes, and shall assess them only on property within the lamp and watch district.

TITLE VI.—Of improvements and assessments therefor.

Assessments
for opening
and repair-
ing streets.

Proviso.

42. *And be it enacted*, That all expense for improvements in opening, altering, widening, filling up, grading, altering the grade of, refilling, guttering, curbing, bridging, planking, and paving streets, and for flagging side walks, and for filling and refilling side walks, and for repairing and resetting flagging in or on the side walks, and for repairing and resetting curb and gutters and bridge stone and bridging, and for filling sunken lots, and for building wells, pumps, cisterns, drains, and sewers, shall be assessed upon and paid by the lands and real estate benefited by the same, in proportion to benefit received; all propositions for such improvements, except for opening, altering, altering the grade of and widening streets, and constructing sewers, shall be advertised by the common council, in one or more of the city papers, for twenty days before the same are adopted; and the parties interested shall, if they desire, have an opportunity of being heard thereon before the common council or their appropriate committee; *provided*, that for paving any street, or portion of a street, lying without the limits of the improved part of said city, or upon which there are no buildings erected, the consent of the owners of a majority of the lots to be assessed therefor shall be first had and obtained; and the expenses of such improvements, when completed, shall be ascertained and assessed by three impartial commissioners, not interested therein, who shall be appointed by the common council from the residents in the city, which commissioners shall examine into the whole matter, and shall determine and report in writing to the common council what real estate ought to be assessed for such improvement and what proportions of such expenses shall be assessed to each separate parcel or lot of land, and shall accompany such report with a map containing each lot assessed, and the name of the owner or owners thereof, which report and map shall be filed in the office of the city clerk, and be by him

recorded in the assessment book, whereupon the said clerk shall cause to be inserted, in at least one of the newspapers printed or circulated in said city for at least ten days, a notice of the filing of said report, and that the common council shall meet at a time and place, to be specified in said notice, to consider said assessment, and to receive and consider all objections thereto, which may be presented in writing; and if the common council shall confirm said assessment, it shall constitute a lien on the property assessed for the amount of such assessment.

43. *And be it enacted*, That the common council shall not alter the grade of any street which has been fixed by any lawful authority, and which has been built upon, unless by the consent of the owners of three-fourths of the lots fronting on the part so altered, nor without paying to the owners of such building the damages sustained by the alteration of such grade.

Grade of streets not to be altered without consent of owners.

44. *And be it enacted*, That the common council shall have power to take any lands they may judge necessary for the opening, widening, or alteration of any street, upon paying to the owner the fair value of the lands taken, and of the improvements thereon, and the damage done to any district, lot or parcel, or tenement, by taking part of it for such purpose; *provided*, that any street upon or along any navigable waters within the limits of said corporation shall not be widened so as to give the common council or corporate authorities of Hudson any right or interest in or control over any docks, wharves, or piers used for ferries, commercial or other purposes, or to deprive the owner or owners of such docks, wharves, and piers of their right, as riparian owners, or of any franchise or authority as shore owners.

Lands may be taken on payment of value.

Proviso.

45. *And be it enacted*, That when any application shall be made for opening, altering, or widening any street, or altering the grade of any street, or for constructing any sewer, the common council shall appoint a time when persons interested therein may be heard before them, or the appropriate committee, on the merits of such application, and shall give notice of the nature of such application and the time and place of

Application for opening streets, &c.

hearing, in one or more of the city papers, for ten days before such time of hearing ; and if the common council shall determine to open, alter, or widen said street, or alter the grade of said street, or any part thereof, or to construct such sewer, they shall, after determining and defining the precise improvement to be made, appoint three judicious disinterested persons, residents of said city, commissioners, who shall determine what lands and real estate will be benefited by said improvements, and shall estimate the whole cost of said improvement according to the best of their judgment, and shall cause a survey and map to be made of said improvement, and of the lots or parcels of land benefited thereby, distinguishing each lot or parcel by numbers on said map, shall assess such estimated costs upon said lands to be benefited thereby, in proportion to the benefit received by each lot or parcel in said map, estimating the benefit to be done to the residue of any lot or parcel of which part may be taken for such improvement in the same manner as to other lands ; and that they shall also estimate and report the value of lands taken for such improvements, and the erections thereon, and the damages aforesaid done by taking the same, and report to whom said lands so taken belong, and the interest and estate of the several owners in the same, as far as practicable, and shall file said report and map with the city clerk in ninety days after their appointment, except on applications for the construction of any sewer, in which cases the said commissioners shall file said report and map with the city clerk within thirty days after their appointment ; the city 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 one or more of the newspapers published or circulated in the city, and continue the same for two weeks ; and unless, in thirty days after the filing of said report, the owners of one half of the lands to be assessed for such improvements shall file with the city clerk a remonstrance, signed by them or their agents lawfully authorized, said common council shall proceed to execute said improvement, but if such remonstrance shall be filed, the common council shall proceed no further

in such improvement under that application; and all costs and expenses incurred by the common council in such proceeding shall be repaid to the city by the petitioners for such improvements; and the common council may make such regulations touching the receiving and proceeding upon such petitions, and security for the expenses thereof, as they may deem proper; and if no such remonstrance be filed, then the amount reported by said commissioners, as the value of any lands to be taken, and the damages by taking the same, shall be the sum to be paid by said common council to the respective owners of said lands; and the expenses of said improvements, when completed, including all interest and costs of the proceedings, shall be assessed upon the property reported by said commissioners as benefited thereby and in the proportion reported by them; if the owner of any lands taken, who has filed a remonstrance against any such improvements, is dissatisfied with the value and damages reported by said commissioners, or if the owner of any lands assessed, who has filed a remonstrance against any assessment, is dissatisfied with such assessment, he may apply to the justices of the supreme court, at their term held next after the end of twenty days from the expiration of the time limited for filing a remonstrance, as above provided, giving ten days' notice of such application to the city clerk, or in his absence to the mayor; and said justice, or a majority of them, at said term, upon petition of such person dissatisfied, setting forth the causes of his complaint, shall appoint three disinterested persons commissioners, who shall be the same in all applications regarding the same improvement; such commissioners shall meet, on ten days' notice, given by any of said persons so applying to each of the others, or to his attorney, if either reside in this city, and to the city clerk, and shall proceed to examine the premises, with power to send for and examine persons and papers, and to swear witnesses, and to compel their attendance and the production of papers, by process of subpoena to issue out of the supreme court, and shall receive the proceedings of the said commissioners appointed by the common council,

Parties aggrieved may appeal.

so far only as the complaint of the applicants to the supreme court is concerned, and shall report, in writing under their hands, to the common council, their estimate of the value of such lands taken and damages, and their assessment of such expenses on lands benefited, which report shall be filed with the city clerk, and shall be conclusive on all parties; and the costs of their appointment and of the proceedings of said commissioners shall, in case their report is more favorable to the applicant than that of the first commissioners, be paid by the city, and added to the expense of the improvement; and in case such report is not more favorable to any applicant than the first report, then said applicant shall pay all such costs and expenses, and the proportion of such cost paid by the city shall be deducted from the sum to be paid to him or assessed upon his property by the common council, and shall become a lien thereon, and collected therefrom in the same manner as the assessment for such improvement; and in case the lands so valued or damaged by such taking shall be held by a tenant for life or years, and the fee in remainder or reversion, such commissioners shall, in their report, apportion such value and damages between them; and in case any lands assessed shall be held by a tenant for years or life, and such tenant shall pay such assessment, or the same be made by a sale of his interest in said lands, said tenant, or his legal representative, shall, at the termination of their estates, be repaid such principal sum by the reversioner, his heirs and assigns, and shall have a lien upon said lands for the same, and may, by bill in chancery, have said lands sold to pay such lien; and the proceedings thereon in the court of chancery, except the allegations in the bill, shall be the same as if said reversioner had given a mortgage on said lands, and said bill was filed for the foreclosure thereof, and such lien shall have priority of all other encumbrances; and after any improvement authorized by this act shall be completed, all the costs and expenses of making the same shall be reported to and settled by the common council; and the proportion of each lot or parcel of land designated on the original assessment map

shall be fixed and settled by a resolution of the common council, according to the provisions of this act, which resolution shall be rendered by the city clerk in a book kept for that purpose, to be called the assessment book, and shall be signed by the president of the common council and the city clerk, which book, or a transcript thereof, certified by the clerk under the city seal, shall be conclusive evidence of such assessment; and whenever within said city any assessment on any lot or parcel of land shall remain unpaid for thirty days after the confirmation thereof by the common council, it shall be lawful for the common council to charge, receive, and collect, in addition to the amount of said assessment, interest thereon, to be computed at the rate of twelve per cent. per annum from the time of confirmation of such assessment until the same is paid; the due publication and posting of all ordinances and notices required to be published or posted by the provisions of this act shall be verified by the affidavit of the printer of the newspaper in which such publication shall be made, or his foreman, and of the person who posted such notice, and such affidavit shall be filed in the office of the city clerk, and shall be evidence of such publication and posting in all courts and places.

Assessment
book to be
kept.

Interest on
unpaid as-
sessments.

46. *And be it enacted*, That upon completing the report of the commissioners assessing the value of lands taken, and the damages thereby, the city treasurer shall tender and pay to the owner of said lands, if resident in the city, the amount of such assessment due to him; but if such owner is not resident in the city, or upon due inquiry cannot be found therein, or is a lunatic or idiot, or an infant, or if for any other lawful cause he is incapacitated to receive the same, or if such owner will not accept the same, and sign a proper receipt therefor, when tendered, then the city treasurer shall make affidavit of such facts, and file the same with the city clerk; and the common council shall, after inquiry into the facts of the case, direct the amount of such assessment to be placed, either in the city treasury or in some safe bank, for the use of the person to whom the same may be due; and upon filing such receipt of the

Assessments,
how paid to
owners.

owner, or the passing of such resolution by the common council, the said lands shall be vested in the city, and the city officers may proceed with such improvements, and the said moneys so deposited shall be paid by the city to the person entitled thereto on demand, without interest, except from such time as a demand may be made and payment refused.

Assessments
may be re-
viewed and
set aside.

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

Restrictions
in alteration
of streets.

48. *And be it enacted*, That the common council shall not alter any street or public highway, in such manner as to cut off any lot that shall front upon or adjoin the same from access thereto, without the consent of the owner of the lot so cut off; but the consent of any owner shall not be necessary for any alteration, except in front of that side of the block on which his lot may front or adjoin.

Commission-
ers of assess-
ment to take
oath.

49. *And be it enacted*, That all commissioners of assessments, appointed by or under this act, shall, before they proceed to the duties of their appointment, subscribe and take an oath, before the mayor or city clerk, faithfully, honestly, and impartially to perform the duties required of them, and shall receive such compensation for their services as the common council shall, by general ordinance, fix and ordain.

Grading and
paving pub-
lic grounds.

50. *And be it enacted*, That the common council shall have power to grade, pave, and remove obstructions in all

streets, public grounds, and public squares that are or may become public streets, public grounds, and public squares or highways, by dedication or otherwise.

51. *And be it enacted*, That all expenses for laying out, ornamenting, or improving public grounds and public squares shall be paid out of the city treasury. Expenses, how paid.

52. *And be it enacted*, That all contracts for doing work or furnishing material for the improvements provided for in this act shall at all times be given to the lowest bidder, who will comply with all the requirements of the common council, and will give ample security for doing said work and furnishing said materials according to contract; but the common council shall be under no obligation to accept the lowest bid, in which case all other bids shall be thrown up, and new proposals offered. Contracts for doing work.

53. *And be it enacted*, That all claims and demands against the city shall be audited by the common council, upon days to be designated for the purpose, at least as often as once in three months; all claims must be presented in writing, they shall be numbered and filed by the clerk, and a brief entry of the name of the claimant, number, nature, and amount of the claim made by the clerk, in a book kept by him for the purpose, prepared with appropriate letters and columns, so that the entry shall serve as an alphabetical index to the claim; the book shall be provided with a column, in which shall be entered, after the claim, the date when it is audited, and the amount, if any, allowed thereon; the claims shall be audited, and the amount allowed paid without unreasonable delay; in case the common council shall disallow any claim, or allow but a part thereof, its decision shall be a bar to the claim disallowed or the part not allowed, unless an action shall be commenced against the city thereon within six months from the time the same was audited. Claims against city to be audited.

54. *And be it enacted*, That the mayor and common council of said city shall, as soon as can conveniently be done after this act goes into effect, erect and provide, out of the funds and at the expense of said city, a suitable public school house or school houses of sufficient capacity Pub. school houses to be erected.

to accommodate all the children in said city capable of attending school between the ages of five and sixteen years, and keep the said schools, and each of them, supplied with a sufficient number of skilful and competent teachers and instructors, whose compensation shall be fixed by the superintendent of schools, and paid out of the city treasury.

Compensation to officers.

55. *And be it enacted*, That the common council shall have power to fix the salary, pay, or compensation of all officers, both elected and appointed, except the mayor, teachers, instructors, and aldermen, by general ordinance; and the salary or compensation of any officer, which has once been fixed, shall not be increased during the continuance of his term of office.

Former ordinances.

56. *And be it enacted*, That all ordinances of the board of supervisors of said city, as at present incorporated, that may be in force when this act shall go into effect, so far as the same may be applicable to the city hereby incorporated, and so far as not inconsistent with this act, shall be in force until altered or repealed by the common council hereby created.

First charter election.

57. *And be it enacted*, That the first charter election under this act shall take place on the third Tuesday in April, one thousand eight hundred and fifty-five; and it shall be held by one judge, two inspectors of election, and one clerk, to be appointed by the present board of supervisors, and shall be held at such place in said city as the body appointing such officers shall direct; and the said board of supervisors shall cause notice of the appointment of such officers, and such place for holding the polls, to be published, for at least seven days before the day of election, in each of the public newspapers printed or circulated in the city hereby incorporated; and the said judge, inspector, and clerk shall make a certificate on the return of said election in the manner as provided for in section four; the said board of canvassers shall sign their names to said statement, and shall forthwith publish such declaration in each of the public newspapers printed or circulated in said city, and shall deliver the said statement and declaration to the clerk of said city to be filed.

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

Inhabitants
not incompetent
witnesses in trials
where city is
party.

59. *And be it enacted*, That the poor house farm now vested in the townships of North Bergen, Bergen, and Hoboken, with the buildings and improvements thereon, shall be vested in and remain in the townships of North Bergen, Bergen, Hoboken, and the city of Hudson, in their corporate capacity as townships, in common, in the same manner and form, in all respects, and to all intents and purposes the same as they are now vested in the said townships of North Bergen, Bergen, and Hoboken respectively; *provided always*, that nothing herein contained shall be deemed or taken to alter or lessen the share or interest in the said poor house farm which the townships of Bergen and Hoboken, respectively, had therein at the time of the passage of this act.

Poor house
farm.

Proviso.

60. *And be it enacted*, That the treasurer of the said city and the treasurer of the township committee of the township of North Bergen shall meet, on the first Monday of June next, at the house of Henry B. Beaty, at noon, and then and there proceed, by writing signed by them, to allot and divide between the said city and township all the property or moneys on hand, or due or to become due, in proportion to the taxable property and ratables, as valued and assessed within the respective limits of said townships at the last assessment, and may adjourn from time to time until the said allotment and division shall be completed; and the city of Hudson shall be liable to pay a just proportion of the debts, if any there be, and their decision shall be final and conclusive.

Treasurers
of city and
of North Ber-
gen to divide
property &c.

61. *And be it enacted*, That all persons residing within

Who entitled to vote at city election. the limits of the said City of Hudson, who would have been entitled to a vote at the next annual town meeting held at North Bergen if this act had not been passed, shall be entitled to vote at the next charter election in the City of Hudson.

Vested rights of persons or corporations 62. *And be it enacted*, That nothing in this act contained shall be construed to interfere with or impair the vested rights and privileges of any person or corporation whatever, except as to property taken for public use upon compensation as provided for in this act.

Mayor and council authorized to supply city with water. 63. *And be it enacted*, That, to enable the inhabitants of the City of Hudson to supply the said city with pure and wholesome water, the mayor and common council of the City of Hudson for the time being shall be and are hereby vested with all the powers, rights, and privileges, and subject to all the restrictions, obligations, duties, and liabilities, in all respects, as are granted, confined, and imposed upon the mayor and common council of Jersey City by virtue of 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; *provided however*, that the number of water commissioners for this city shall be not more than four in number, to be elected annually, exclusive of the president of the board of aldermen for the time being, who shall be a commissioner ex officio; the first commissioners shall be chosen at the first election to be held under this charter; *and provided further*, that the bond to be given by each of said commissioners shall be given in the sum of ten thousand dollars; *and provided further*, that no authority is hereby, in any way or manner, granted by this act to authorize the authorities of the City of Hudson to take away or diminish the powers conferred and acquired by the water commissioners of Jersey City, or levy any tax or assessment on their works, mains, and pipes in the City of Hudson, or to authorize the City of Hudson, or their commissioners, to take water therefrom without the consent of the water commissioners of Jersey City.

64. *And be it enacted*, That, to enable the inhabitants

of said city to raise a sum of money sufficient for the purchase of sites, and the costs of the erection of the school houses required by this act, the mayor and common council of the City of Hudson be and are hereby authorized and empowered to raise, in the name of the said mayor and common council of the City of Hudson, notes, or scrip, or certificates of debt, to be denominated on the face "City of Hudson public school scrip," to an amount in the whole not exceeding fifteen thousand dollars, bearing an interest not exceeding six per cent. per annum; the said interest shall be payable semi-annually, and the principal of said debt be payable at periods not less than fifteen, or more than twenty years from date; and the said mayor and common council may sell the same at public or private sale, at such times as the proceeds thereof may be required, or may pledge the same for money borrowed at a higher rate of interest, if in their opinion the necessities of the work require such proceedings; *provided*, that no notes, or scrip, or certificates of debt, shall be sold at public or private sale for less than the par value thereof, nor shall any higher rate of interest be paid for any sum of money borrowed on a pledge of said scrip than at the rate of seven per cent. per annum; and, to meet and pay the said accruing interest, the mayor and common council of the City of Hudson are hereby authorized and required to raise and assess for that purpose, by tax, such amount as may be annually necessary above the other taxes authorized by law; *provided*, that the work hereby authorized shall not be commenced until at least one half of the whole amount of money required for said work shall be first had or secured; all certificates issued as aforesaid shall be signed by the mayor of the City of Hudson, and countersigned by the city clerk, and a record of all certificates issued or disposed of shall be kept by the city clerk, and copies of said record shall be made and delivered to the treasurer of said city; all moneys received upon such certificates shall be received and deposited by the city treasurer in a bank of good credit in the state of New Jersey, and be made payable to the joint order of the treasurer and mayor of the City of Hudson.

Public
school scrip
may be is-
sued.

Proviso.

Proviso.

Election to
be held for
adoption or
rejection of
charter.

65. *And be it enacted*, That this act shall not go into effect unless a majority of the electors within the boundaries described in the first section of this bill shall be first obtained, and for this purpose a poll shall be opened on the twelfth day of April, eighteen hundred and fifty-five, at eight o'clock, A. M., and continued open until seven o'clock, P. M., under the direction of the inspectors of the last election of the town of Hudson, and at the place where the election was held for members of the town committee, of which time and place the town committee of said town shall give at least five days' previous notice in one of the newspapers published or circulated in the said town; and the electors within said boundaries entitled to vote for members of the said town committee of Hudson, or township officers in the township of North Bergen, as now constituted, shall express their assent or refusal of this act by depositing their ballots in the box provided for this purpose in said town of Hudson; and those electors who are in favor of the said law shall each deposit a ballot containing the word "Charter" written or printed thereon, and those who are opposed shall each deposit a ballot with the words "No charter" written or printed thereon; and a canvass and return of the votes shall be made by the said inspectors to the town committee of the town of Hudson; and if a majority of those who vote at such election are found to be in favor of this act, it shall then, but not otherwise, go into effect.

Act may be
amended.

66. *And be it enacted*, That the legislature may, at any time, alter, amend, or repeal this act; and this act shall be a public act, and take effect immediately.

Approved April 11, 1855.

JOINT RESOLUTIONS.

NUMBER I.

Relative to the endorsement of the bonds of certain railroad companies by the Joint Companies.

WHEREAS doubts have arisen as to the meaning of the Preamble word endorse, which has been used by the legislature of this state as equivalent to guarantee—therefore, in order to remove the same,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That all bonds of the West Jersey Railroad Company, the Flemington Railroad and Transportation Company, the Belvidere Delaware Railroad Company, and of the Camden and Pemberton Agricultural Railroad Company, heretofore endorsed or guaranteed by the Delaware and Raritan Canal and the Camden and Amboy Railroad and Transportation Companies, shall be considered as guaranteed by said companies as of the day on which said guarantees bear date; and all such guarantees are hereby sanctioned and ratified, as well as all future guarantees to be made by them of the bonds of either of the companies aforesaid, in pursuance of the joint resolution of the second of February, eighteen hundred and fifty-four, authorizing them to endorse said bonds; *provided* Endorsement of bonds guaranteed. *nevertheless*, that nothing in this resolution, or in any resolution or act heretofore passed by the legislature, shall be construed to hold the state of New Jersey in any way liable for the payment of any bonds, or other evidences of debt, which have been or hereafter may be issued, endorsed, or guaranteed by the said Joint Companies. Provide.

Approved February 12, 1855.

NUMBER II.

Relative to the appointment of commissioners to represent the state at the French national exhibition.

Preamble. WHEREAS it has been recommended by the governor, and is in conformity with the action of other states, that commissioners be appointed to represent the interests of the state at the French national exhibition, to be held at Paris—

Commissioners may be appointed. 1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor be and is hereby authorized to appoint commissioners to represent the interests of the state at the French national exhibition, to be held at Paris in May next; *provided*, that the state shall not be subjected to any expense by said commission.

Proviso.

Approved March 6, 1855.

NUMBER III.

In relation to encroachments made in the harbor of New York.

Preamble. WHEREAS it is alleged that, by certain erections made and contemplated in the East and Hudson rivers, under and by authority of the state of New York, the usefulness of the Brooklyn navy yard is impaired, if not endangered, and the channels of the East river and the Hudson river much innovated upon and narrowed, to the injury of the main entrance channel of the harbor of New York and to the injury of the Jersey shore, and also to the naviga-

tion of the Passaic river, leading to Newark, the largest port of entry in this state; and whereas, also, counter encroachments upon the part of New Jersey would greatly injure the navigation of the Hudson, and impair the usefulness and capacity of the harbor of New York; and whereas, also, the establishment of a water line, outside of which no erections should be made, would seem to be necessary to arrest similar innovations in future—therefore,

1. *BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey*, That the legislature of the state of New York be requested, so far as the same may be within its power, to cancel and repeal all grants to build and erect wharves, piers, bulkheads, and docks in the immediate neighborhood of the Brooklyn navy yard, the erection whereof would injure and impair the usefulness thereof, and to remove the more glaring erections in the East river, to the injury of the commerce and harbor of New York, and also to the injury of New Jersey. Legislature of N. York to be requested to remove obstructions, &c.

2. *And be it resolved*, That the legislature of the state of New York be requested, in such manner and by such means as it may think best, to survey, lay out, and establish in the rivers and harbor of New York an exterior water line, beyond which no erections shall hereafter be made to the injury of the commerce of New York, or to, either directly or indirectly, injure the state of New Jersey. Survey of exterior water line.

3. *And be it resolved*, That the governor of this state be requested to forward an attested copy of the above resolutions to his excellency the governor of the state of New York, to be laid before the legislature of said state. Governor to forward copies.

Approved March 14, 1855.

NUMBER IV.

For the appointment of commissioners to revise the school laws of this state, to extend and codify the same.

Preamble.

WHEREAS it is represented that the present school law of this state is imperfect in many of its provisions, and not adapted to the necessities of the people; and whereas it would be difficult, if not impracticable, in the press of an ordinary legislative session, to devise and arrange such alterations as may be deemed necessary and expedient—

Commissioners to be appointed.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor be and he is hereby authorized to nominate and appoint, with the advice and consent of the senate, from each congressional district, one discreet commissioner, whose duty it shall be to revise the school laws, and to prepare such additions and alterations as may be proper and necessary to carry into effect the purpose of the state to provide for the education of the children of the state, and to codify and arrange such law so as to be easily understood, and to report said revision and codification to the next legislature, by or before the tenth day of its session.

Compensation to commissioners.

2. *And be it resolved*, That the said commissioners shall be allowed the payment of the necessary travelling and other expenses which may be actually incurred in the performance of the duties hereby imposed upon them, to be paid to the said commissioners, respectively, upon an appropriation being made for that purpose by law.

Passed March 13, 1855.

NUMBER V.

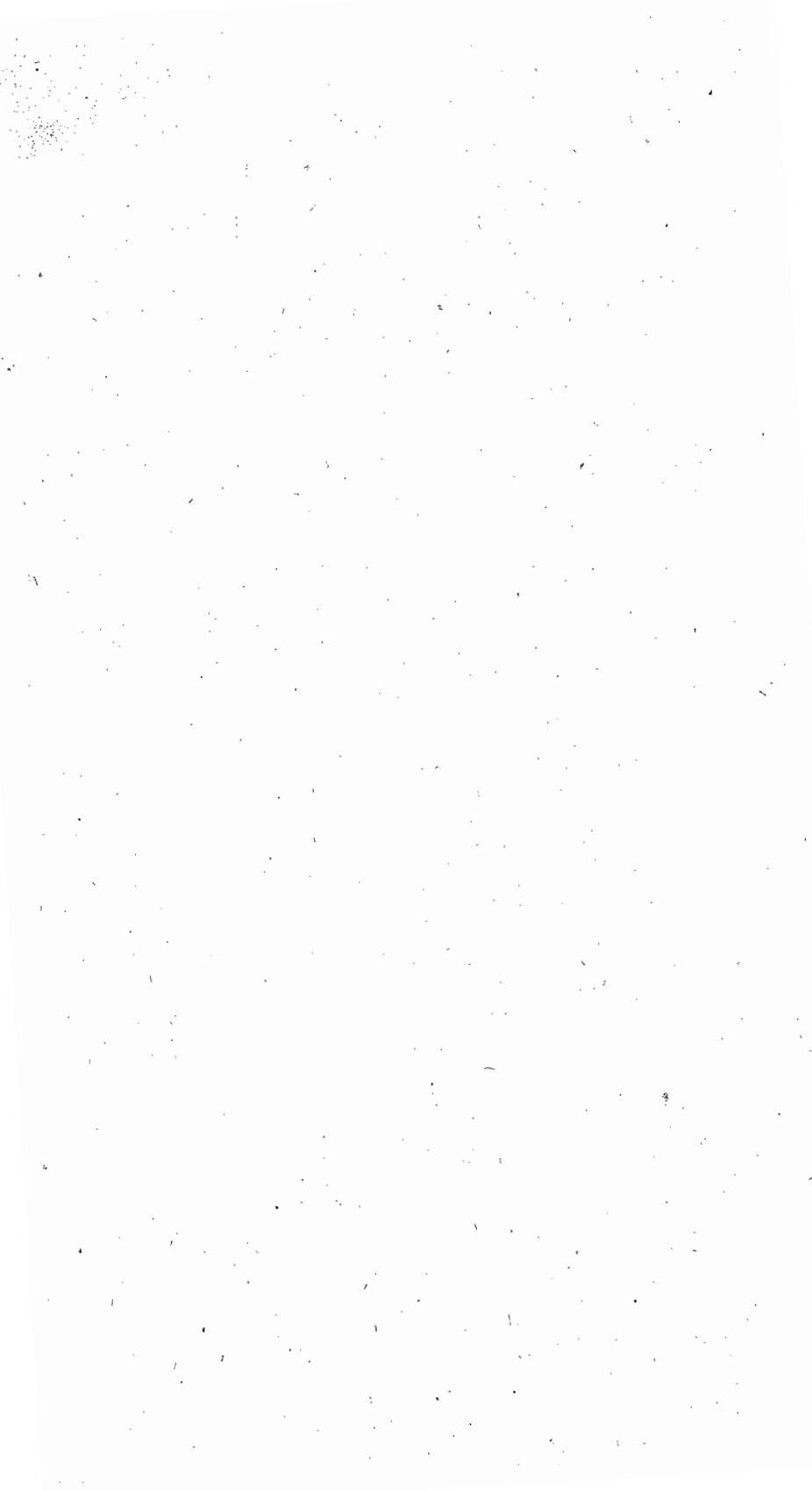
To authorize the treasurer to borrow money.

1. BE IT RESOLVED *by the Senate and General Assembly* Treasurer authorized to borrow money.
of the State of New Jersey, That the treasurer of this state be authorized to borrow, from time to time, for the use of this state, such sum or sums of money as may be necessary to meet the expenses authorized by law, not exceeding thirty thousand dollars, at a rate of interest not exceeding six per cent. per annum, and that he be instructed to repay the whole, or as much thereof, before the first day of January next, as the condition of the treasury will allow.

Passed April 6, 1855.



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