

A C T S

OF THE

SEVENTY-FOURTH LEGISLATURE

ACCESSION No. 33002

OF THE RECEIVED _____

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STATE OF NEW JERSEY,

AND

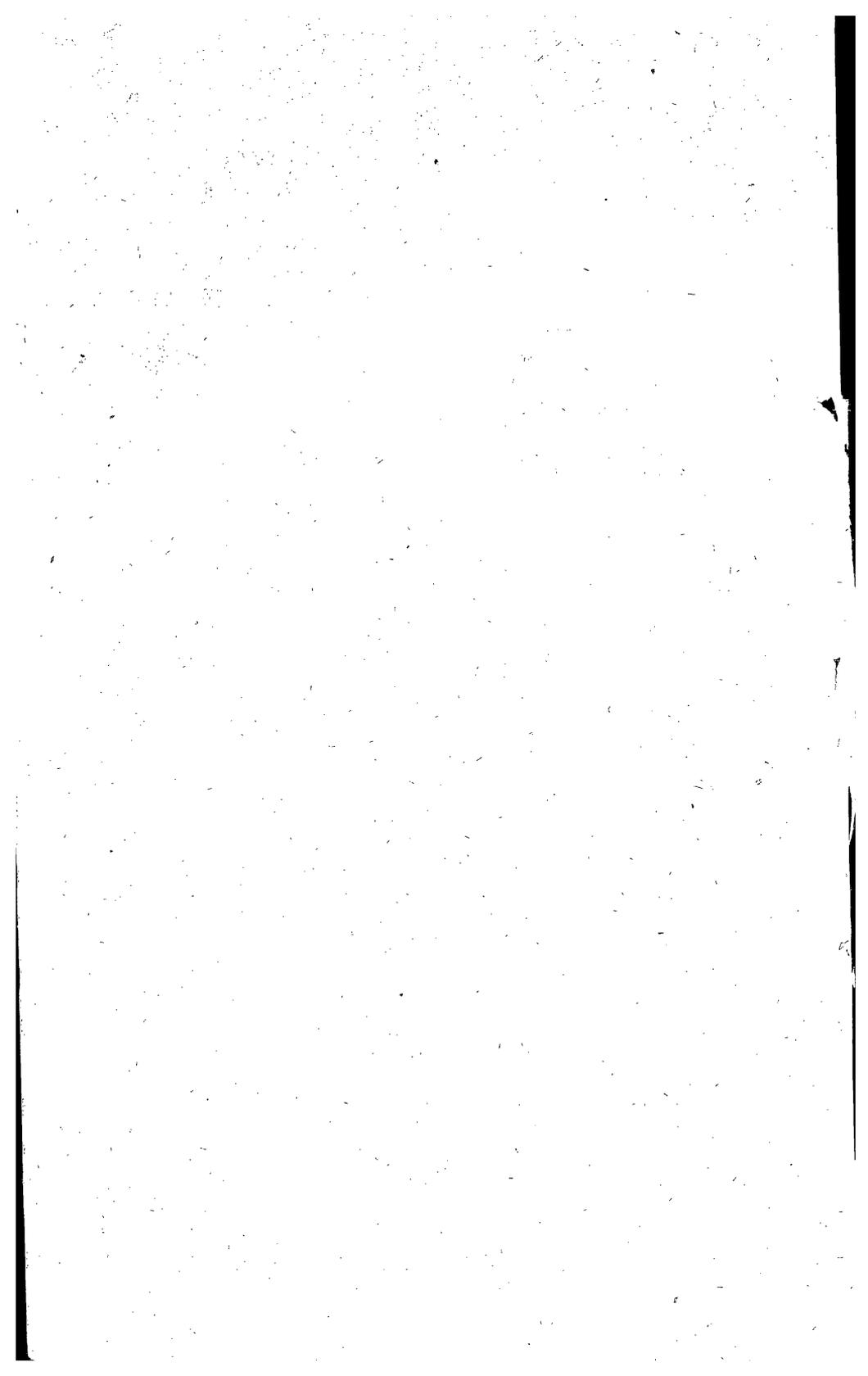
SIXTH SESSION UNDER THE NEW CONSTITUTION.



TRENTON:

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1850.



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

AN ACT to change the name of the Third Baptist Church and Society of Middletown, in the county of Monmouth, to that of the First Baptist Church of Keyport.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the Third Baptist Church and Society of Middletown, in the county of Monmouth, be changed to that of the First Baptist Church of Keyport. Name of society changed.

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

Approved January 28, 1850.

Supplement to the act entitled, "An act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this state."

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the medical society of New Jersey, incorporated by Fund for the support of widows and orphans authorized. *vir-*

tue of the above act, in addition to the powers therein granted, to create and establish a fund for the support of the widows and orphans of deceased physicians and surgeons, members of said society, and of the district societies under its authority; and to make, ordain, and adopt such rules and regulations, and elect such officers for the creation, control, and management of the said fund, as the said society shall deem necessary and proper, not inconsistent with the constitution and laws of this state or the United States.

Approved February 1, 1850.

A further supplement to the act entitled, "An act to enable the president and directors of the Bank of New Brunswick to settle the affairs of said Bank," passed March seventh, eighteen hundred and thirty-seven.

Preamble.

WHEREAS, since the passing of the supplement to the aforesaid act, which supplement vested the assets held by the receivers of the Bank of New Brunswick in trust for the creditors and stockholders of said bank, in the president and directors of the bank, last elected, (which supplementary act was passed on the sixth day of March, eighteen hundred and forty,) the then president of the bank has departed this life, and one of the directors has removed beyond the jurisdiction of the state of New Jersey; and whereas, in the final settlement of the affairs of said bank, it has become necessary to make certain conveyances of real estate, and do other official acts in the collection and disposal of the assets; and whereas the charter of the said bank has expired, and doubts have arisen as to the proper name by which the said parties should and may be known in law—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the property held as aforesaid, and remaining undisposed of, be considered, and it is hereby declared to be vested in the surviving directors of the late Bank of New Brunswick, last elected and sworn in, now resident in this state, and in their survivors; and that the said persons and their survivors shall and may

Property
vested in di-
rectors.

elect, from among themselves, one of their number as president, so often as it may be necessary or proper so to do.

2. *And be it enacted*, That the said persons and their survivors, and the president whom they may appoint, shall, for the purposes aforesaid, and for no other purpose or use whatsoever, be known in law as "the President and Directors of the Bank of New Brunswick," by which name they may sue and be sued, take conveyances for the payment and settlement of debts due and owing, and make necessary deeds, conveyances, and assignments of all their lands and real estate and other assets, and for this purpose may use the common seal of the bank; but nothing in this act shall be so construed as to revive the said charter of said bank, or in any way to grant or confer banking privileges.

Powers and duties of president and directors.

3. *And be it enacted*, That any suit or suits now pending, brought by or against the Bank of New Brunswick, by whatsoever name the same may be brought, may be continued and prosecuted in and by the name of "the President and Directors of the Bank of New Brunswick."

Suits, how continued and prosecuted.

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

Parts of former acts repealed.

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

Approved February 1, 1850.

AN ACT to annex to the county of Middlesex part of the township of Franklin, in the county of Somerset.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Franklin, in the county of Somerset, lying within the bounds of the city of New Brunswick, and contained within the limits following, viz: beginning in the Raritan river, in the now boundary line of the counties of Middlesex and Somerset, and running westerly by said line along the old stage road leading to Trenton, until it strikes the Mile-run brook; thence down said brook, the several courses thereof, to Raritan river; thence down said Raritan river to

Boundaries of township.

the place of beginning, shall be, and the same is hereby set off and made a part of the county of Middlesex, and shall be annexed to, and made part of the township of North Brunswick, in the county of Middlesex; and the boundary line between the township of North Brunswick, as by this act constituted, and the adjoining township of Franklin, in the county of Somerset, shall be the boundary line between the county of Middlesex and the county of Somerset; and the inhabitants of the said part of said township of Franklin, so annexed, shall be incorporated together with the inhabitants of the township of North Brunswick, as heretofore existing, under the corporate name of "the inhabitants of the township of North Brunswick, in the county of Middlesex."

Officers to hold offices, and courts to exercise jurisdiction for certain time.

2. *And be it enacted*, That judges, justices, and other officers, within the limits of the territory hereby annexed to the county of Middlesex, shall continue to hold, exercise, and enjoy their several and respective offices and appointments, with the powers and privileges thereto belonging, within the limits of the county of Somerset, until the second Monday of April next; and all the courts of said county of Somerset shall continue to have and exercise jurisdiction within the limits of the territory hereby annexed to the county of Middlesex until the second Monday of April next, in the same manner as if this act had not been passed.

Suits commenced, not to be affected by this act.

3. *And be it enacted*, That all actions, suits, appeals, prosecutions, and other legal proceedings commenced or depending in the supreme court of this state, or in any court, or before any justice of the peace within the county of Somerset, as the same stood before the passage of this act, before the second Monday of April next, shall be in no wise affected by this act, but the same shall and may be prosecuted in said county, and before said courts, in the same manner as if this act had not been passed, any thing herein contained to the contrary notwithstanding; *provided*, that in all such causes pending in the supreme court, where the defendants in any transitory action shall, at the time when this act takes effect, reside within the territory hereby annexed, or where in any local action the cause of action arose within such territory, either party may, at his election, on application to said court for that purpose, have the venue in said action changed to the said county of Middlesex, and the cause tried therein, as if the said action had originally commenced in the county of Middlesex.

Executions, &c., to be directed to, and executed by sheriff of Somerset.

4. *And be it enacted*, That all judgments obtained, or that may hereafter be obtained, in any of the courts of the

county of Somerset, upon any action, suit, or proceeding actually commenced or depending before the second Monday of April next, shall be of the same force and effect, within that part of the said township of Franklin hereby annexed to Middlesex county, as if this act had not been passed, and writs of execution, or other legal process may be issued thereon, and directed to the sheriff or other lawful officer of the said county of Somerset, who is hereby authorized and directed to execute the same, in the same manner as he should by law have done in case this act had not been passed; and upon such judgment or judgments a writ or writs of scire facias may issue, as allowed by law in other cases, directed as aforesaid; and thereupon such further proceedings shall be had therein, as the party prosecuting the same would have been entitled to in other cases, and in the same manner as if this act had not been passed.

5. *And be it enacted*, That all persons at present residing within that part of the township of Franklin hereby annexed to the county of Middlesex, who would have been entitled to vote at ensuing elections in the county of Somerset if this act had not been passed, shall be, and they are hereby declared to be entitled to vote at all ensuing elections in the county of Middlesex; and that all persons residing in the territory hereby annexed, who would have been entitled to vote at the next annual town meeting of the said township of Franklin, if this act had not been passed, shall be entitled to vote at the next annual town meeting of the township of North Brunswick.

Inhabitants
of Franklin
to vote in
Middlesex.

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

When act to
take effect.

Approved February 1, 1850.

AN ACT to confirm certain deeds, made by the executors of the last will and testament of Doct. Stephen B. Cook, late of the county of Morris, deceased.

WHEREAS it has been made to appear to the legislature, that Doct. Stephen B. Cook, late of the township of Hanover, in the county of Morris, deceased, duly made and

Preamble.

published his last will and testament, and did thereby, among other things, order and direct that all his property, both real and personal, should be sold, the personal property as soon after his decease as convenient, and his real estate at any time within two years thereafter, leaving the particular time to the convenience or discretion of his executors, and did appoint his brother James Cook and one Caleb H. Ely, of the said township of Hanover, his executors thereof, who duly proved the said will, and took upon themselves the burthen of the execution thereof; and whereas the said executors have sold and conveyed to one David Norris a certain lot of land, containing forty-four hundredths of an acre, situate in the village of Whippany, in the said township of Hanover, by deed bearing date on or about the eighteenth day of March, eighteen hundred and forty-five; and to Lewis H. Mount a certain other lot of land, situate in the village of Whippany aforesaid, containing forty-two hundredths of an acre, more or less, by deed bearing date on or about the first day of August, eighteen hundred and forty-seven; and to the trustees of the First Presbyterian Church in Whippany a certain other lot of land, situate in the said village of Whippany, containing one acre and five hundredths of an acre, more or less, by deed dated on or about the first day of January, eighteen hundred and forty-nine, which said several lots of land were parts of the real estate, of which the said testator died seized; and whereas doubts having been expressed, as to the legality of the said sales, by reason of the same having been made after the expiration of the two years in said will mentioned, and legislative aid having been prayed in the premises—therefore,

Deeds made
by execu-
tors confirm-
ed.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the several deeds above mentioned, made by the said James Cook and Caleb H. Ely, executors of the last will and testament of Stephen B. Cook, deceased, to David Norris, to Lewis H. Mount, and to the trustees of the First Presbyterian Church in Whippany, shall, and the same are hereby declared to be as valid and effectual, to all intents and purposes, as if the same had been executed and delivered within two years after the death of the said testator.

Approved February 1, 1850.

AN ACT to repeal part of an act entitled, "An act to authorize the inhabitants of the township of Plainfield, in the county of Essex; the inhabitants of the township of Vernon, in the county of Sussex; and the inhabitants of the township of Independence, in the county of Warren, to vote by ballot at their town meetings," approved February ninth, eighteen hundred and forty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the said act as relates to the election of overseers of the highways in the township of Independence, in the county of Warren, be, and the same is hereby repealed. Part of former act repealed.

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

Approved February 1, 1850.

A supplement to the act entitled, "An act to incorporate the Washington Manufacturing Company of the city of Camden," passed January thirty-first, eighteen hundred and forty-four.

Whereas it is represented to the legislature, that the Washington Manufacturing Company was incorporated by the act, to which this is a supplement, with a capital of five hundred thousand dollars; that, after their organization, the company purchased a large square or plot of ground fronting on the river Delaware, in the town of Gloucester, in the county of Camden, and have erected thereon extensive factories, dwelling houses, and other buildings; that, in the purchase of the land and erection of said buildings, the grading and improving of their streets and grounds, and in the purchase of machinery and works necessary for the objects of their corporation, the company have already expended upwards of seven hundred thousand dollars; that their money has been expended in good faith in making valuable improvements, and thereby adding much to the wealth and population of that section of the state, and have prayed the aid of the legislature in the premises—therefore, Preamble.

Capital stock increased. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of the Washington Manufacturing Company be, and the same is hereby increased to seven hundred and fifty thousand dollars.

Approved February 1, 1850.

AN ACT to incorporate the Glassborough and Carpenters Landing Turnpike Company.

Style of incorporation.

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 Glassborough and Carpenters Landing Turnpike Company;" and that Joseph Iszard, Jacob Address, Joseph T. Paulin, Thomas H. Whitney, Samuel A. Whitney, Woodward Warrick, Thomas H. Paul, Johnson Beckett, George Clark, Joseph Lodge, John Daniels, John R. Sickler, and John B. Harrison, 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 Constitution, a newspaper printed and published at Woodbury, in the county of Gloucester.

Commissioners to open books of subscription.

Amount of capital stock.

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

3. *And be it enacted*, That the affairs of said company shall be managed by a board of thirteen directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; and that when four 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 ten days' notice of the time and place of said meeting in the newspaper aforesaid, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, thirteen directors for the term of one year 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, thirteen directors, to hold as aforesaid, a majority of whom shall be citizens of this state; 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 vote, a vote may be given for each share, by the holder thereof, in person or by proxy; and that if four hundred shares of said stock shall not be subscribed for within two years, and the said road completed within four years from the passage of this act, then this act shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers, or their representatives, the residue of the money paid by them, in proportion to the sums paid.

4. *And be it enacted*, That as soon as conveniently may be after the first and subsequent annual election of directors, they shall elect a president, treasurer, and secretary 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 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 and duties as they may think expedient; and special meetings of the stockholders may be called by the said board, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, and the object for which such meeting is called.

Annual statement to be made.

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

Company authorized to construct road.

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road, to commence in the main street in the village of Glassborough, where the Ellis mill road crosses the same, near Whitney's glassworks; and thence along the said main street, to where the same connects with the public highway, known as the middle road, from Glassborough to Barnsborough; then on or near the said public highway, as far as the same was laid out straight; thence a direct course, as far as the ground and other circumstances will admit of, to the village of Barnsborough; thence, on or near the present public highway, to and through the village of Carpenters Landing, to where the same intersects the turnpike road from Mullica-hill to Woodbury; which said turnpike road shall be laid out three rods wide, shall be graded thirty feet wide, at least, and shall be sufficiently arched and drained to make and keep the same dry; and at least twenty 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, maintain, and make good and sufficient bridges along the line of said road, not less than twenty-two feet in width; and whenever the said road 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

Description of road.

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

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 draught, 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 other materials therefrom, suitable for constructing and maintaining said road as aforesaid; *provided always*, that the said company shall pay, or make tender of payment, for all damages for the occupancy of the lands and the materials to be taken by said company, their agents or workmen, before the said company, or any person in their employ, shall enter or break ground in the premises (except for the purpose of surveying said route), unless the consent of the owner or owners of such land, or their legal representatives, be first had and obtained; and if the owners of the land or materials, as aforesaid, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the county of Gloucester, who is disinterested in the premises, upon application by either party, and after ten days' notice in writing to the opposite party of such application, to appoint three disinterested commissioners, freeholders of this state, to as-

Proceedings
in case own-
ers of land
cannot agree.

certain the price or value of such materials as may be required by said company, and all damages to be sustained by reason of their removal, who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof; and, after ten days' notice in writing to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the said county of Gloucester, to be by him filed as a public record; and certified copies 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 Gloucester, at the first term to be holden after such decision of the commissioners, by proceeding in the form of petition to the said court, with at least five days' notice in writing to the opposite party of such appeal; which appeal shall vest in the said court full right and power to hear and adjudge the same, and, if required, they shall award a venire, in the common form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of said materials and all damages sustained, and, for that purpose, to view the premises in question, if required by either party so to do; and if the said 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; and if the said appeal be made by the owner or owners of the land, and the said court or jury shall not award or find 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 valued and appraised as aforesaid; and in case any owner or owners of such land or materials shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of said corporation 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 Gloucester, to the clerk thereof, subject to the orders of said court, for the use of the said owner or owners; all which proceedings, as well under this, as the sixteenth section of this act, shall be at the proper costs and charges of the said corporation, except in cases of appeal, as above provided for.

8. *And be it enacted*, That as soon as the said company ^{Rates of toll.} shall have constructed 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 the said road, not exceeding the following rates, to wit:

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

For every additional beast, one cent.

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

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

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

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

9. *And be it enacted*, That before the said company shall receive toll for travelling on said turnpike road, they shall ^{Mile stones or posts 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 Glassborough and Carpenters Landing; and shall cause to be fixed, and always kept up at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board, on which shall be printed in large letters, "Keep to the right, as the law directs."

Penalty for
injuring
works.

10. *And be it enacted,* That if any person shall wilfully break down or deface any of the mile stones or posts, so erected on 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 the 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 the said road to pass a gate or gates, on private ground adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for
illegal tolls
or delaying
travellers.

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 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 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.

Company to
keep road
and bridges
in order.

13. *And be it enacted,* That if the said company shall not keep the said turnpike road, and bridges which may be erected thereon, in repair, and complaint thereof shall be made to any judge of the court of common pleas of the county of Gloucester, who may be disinterested, the said judge shall immediately appoint, by writing under his hand

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

14. *And be it enacted*, That when the board of chosen freeholders of the county of Gloucester shall desire so to do, they may, by paying to the stockholders the original cost of constructing said turnpike road, as aforesaid, make the same free; and that nothing in this act shall be construed to affect

County may
make road
free on pay-
ment of cost.

the title of the owners to the land on which the said turnpike road passes, or from whence the materials for its construction may be taken.

Statement of
cost to be
filed.

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

When act to
take effect.

16. *And be it enacted*, That this act shall not take effect until the public highways upon which the said turnpike road is authorized to be located and made are vacated as public highways according to law; *provided nevertheless*, that such vacation shall not take effect until the route of the said turnpike road shall be selected and fixed by said company; but the same shall remain common highways, to all intents and purposes, notwithstanding such vacation, until the route of said turnpike road shall be fixed as aforesaid.

Powers and
restrictions.

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

Approved February 4, 1850.

AN ACT to incorporate the Monmouth Railroad Company.

Names of
corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Henry D. Polhemus, Henry Howland, Joseph Combs, Egbert H. Grandin, Henry Wardell, 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 Monmouth Railroad Company."

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be three hundred thousand dollars, which shall

be divided into shares of twenty-five dollars each, and shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places, within the counties of Monmouth and Mercer, as they, or a majority of them, may think proper, giving twenty days' notice of the same in two of the newspapers published in the county of Monmouth, and that, at the time of subscribing, ten per centum shall be paid upon each share subscribed for to the commissioners, or some one of them; and as soon as one half of the capital stock shall be subscribed, such commissioners shall give like notice for a meeting of the stockholders to choose nine directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said incorporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscriptions, books, and money paid in, deducting a reasonable compensation for their own services; to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Commissioners to open books of subscription.

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 have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, on notice as aforesaid; and the directors for the time being

Corporation not dissolved for failure to elect on day prescribed.

shall continue to hold their office until others shall have been chosen in their places.

Instalments,
how paid.

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 remaining capital stock of said company, by such instalments and at such times as they may direct, by giving thirty days' previous notice in two of the newspapers of the county of Monmouth; *provided*, that no such instalment shall exceed five dollars upon each share, and that no two instalments shall be required within thirty days of each other; and in case of the nonpayment of said instalments, or any one of them, they shall have power to forfeit such share or shares upon which such default shall arise, to and for the use of the said company.

Route of rail-
road.

6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from some suitable point at or near the village of Freehold, in the county of Monmouth, to the railroad running from New Brunswick to Trenton, at a point between Cruser's mills and Princeton basin, passing within one-fourth of a mile of the village of Cranbury, upon the most direct route, as near as the nature of the ground will admit; *provided*, said railroad shall not run north of the village of Englishtown, not exceeding one hundred feet wide, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, superintendents, engineers, or others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, levelling, or laying out the route of such railroad, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is herein after provided; *provided always*, that the payment, or tender of the payment, of all damages

for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying or laying out said road, unless the consent of the owner or owners of such lands be first had and obtained.

7. *And be it enacted,* That if the said company or its agents cannot agree with the owner or owners of such required lands, for the use or purchase thereof, or if, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land 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 and judicious freeholders, not resident in the county in which the lands in controversy lie, commissioners to examine and appraise the said lands and to assess the damages, upon such notice, not less than twenty days, to be given to the persons interested as shall be directed by the justice making such appointment; and it shall be the duty of the said commissioners (having first taken an oath or affirmation, before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to view and examine the said lands, 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 the company for such land and damages as aforesaid; the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removing the fencing on the line of the route

Proceedings
in case own-
ers of land
and compa-
ny cannot
agree.

of said road, through any improved lands over which the same may run; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land and the appointment and oaths and affirmations aforesaid, in the clerk's office of said supreme court; to remain of record therein; which report, or a copy thereof, certified by the clerk of the said court, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in 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 said court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees, and expenses to the said justice, commissioners, clerks, and other persons performing any of the duties prescribed in this section of the act, as he shall think equitable and right, and to order and direct to whom the same shall be paid by the said company.

Parties ag-
grieved may
appeal.

8. *And be it enacted*, That in case the said company, or owner or owners of the said land, shall be dissatisfied with the report of the commissioners named in the preceding section, the party so aggrieved may appeal to the circuit court of the county wherein the lands in controversy lie, at the first or second term after the filing of the said report, by proceeding in form of petition to the said court; which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had; and the said issue to be tried at the next term of said court to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favour of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find the same

or a less sum than the company shall have offered or the said commissioners awarded, then said costs to be paid by the said applicant or applicants; and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land upon the filing of the aforesaid report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands of any person or persons, for the purpose of actually constructing said railroad, or of making any erections 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 and damages, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners in case there shall be no appeal, or found by the jury, 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 said county of Monmouth, shall be deemed a legal and valid payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same, without being barred thereby from his, her, or their appeal from the report of the commissioners.

Proviso.

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, now or hereafter laid out, shall cross the same, so that the passage of carriages, horses, and cattle on the said road shall not be impeded thereby; and also, where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under said railroad; and shall construct and maintain good and sufficient fences, on both sides of said road, throughout its entire length; and shall also construct and maintain cattle guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on the railroad.

Company to construct bridges.

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

Rates for passage and transportation.

on the said railroad, all machinery, engines, cars, wagons, carriages, or vehicles for the transportation of persons or any species of property, as they may think reasonable, expedient, or right; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than at the rate of four cents per mile for carrying each passenger; but no charge shall be required to be less in the aggregate than ten cents, nor shall said company charge more than seven cents per ton per mile for the transportation of every species of property on said road in the carriages of the said company, or two cents per mile per ton for property, or two cents per mile for each passenger carried on said road in the carriages of others, and two cents per mile for each empty carriage; and that the road authorized by this act shall be, and is hereby declared a public highway, and free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the said carriages so used thereon shall be of the same description, in the formation of the wheels and length of axle, as those used by the company, and shall be regulated, as to the time of starting and rates of travelling, by the company, in the same manner as the carriages of the company are; and the said railroad and its appendages, and the land over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the company, are hereby vested in the said company and their successors for and during the continuance of the charter; *provided always*, that in case the said company, after the same is completed, shall abandon the said road, or cease to use and keep the same in repair at any time for three successive years, that then and in that case this charter shall be annulled, and the title to the lands over which the said road shall pass shall be re-vested in the person or persons from whom the lands were taken by concession or by inquisition as aforesaid; but that the superstructure of the said railroad, and the materials of which the same is composed, shall in such case be deemed and taken to be the personal property of the said company, and shall be by the said company removed and disposed of, to and for the use of the said incorporation, within one year from the time the property will vest in the original owners.

Semi-annual
dividends to
be made.

11. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have

been completed, declare and make such dividend 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, or to their legal representatives, in proportion to the number of shares held by them respectively, as they may deem prudent and proper.

12. *And be it enacted*, That the said company may have and hold real estate, at or near the commencement and termination of the said road, or at any other point on the line of said road where the directors may think proper to establish a depot, not exceeding two acres at each place, and may erect and build thereon houses, warehouses, and such other buildings and improvements as they may deem expedient for the safety of their property and other necessary uses appertaining to their business. What real estate may be held.

13. *And be it enacted*, That if any person or persons shall wilfully or maliciously injure the said road, or any buildings, machinery, or other works of said corporation, such person or persons shall forfeit and pay therefor, to the corporation, three times the amount of damages sustained by means of said injury, to be recovered in the name of the said corporation, with costs of suit, in any court having cognizance of the same. Penalty for injuring works.

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

15. *And be it enacted*, That at any time after the expiration of thirty-five years from the passage of this act, the legislature of this state may cause an appraisement of said railroad, with the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of the state for the time being, and the remaining three by the said company, who, or a majority of them, shall report the value thereof to the legislature within one year. State may take road on payment of assessment.

from the time of their appointment; or if they cannot agree, they shall choose a seventh, who, 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 the said appointment by the said chief justice, then the said 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 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, and thereupon the state shall have the privilege for two years of taking said road, upon the payment to the company of the amount of said appraisement within one year after electing to take said road; which report shall be filed in the office of the secretary of state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment to the said company of the amount so reported; *provided*, that the said valuation shall in no case exceed the first cost of said road, with the appendages thereof.

Time of commencement and completion of road.

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

Public act.

17. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatsoever.

Certain officers to pass free.

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

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

Approved February 4, 1850.

AN ACT to incorporate the Philadelphia Ferry Company.

WHEREAS it is represented by Richard F. Loper, William M. Baird, and Benjamin T. McMurtrie, that they now own the ferries between Gloucester City, in the state of New Jersey, and the county of Philadelphia, state of Pennsylvania, with the real estate, boats, slips, and appendages belonging thereunto, which property, not being in its nature susceptible of division without great prejudice, and liable to embarrassment and inconvenience, by death or other misfortune, while thus jointly held, the said owners desire to be incorporated, that they may, with greater security to themselves and advantage to the public, improve said ferries—now therefore,

Preamble.

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

Names of corporators.

Style of incorporation and general powers.

2. *And be it enacted*, That it shall and may be lawful for the said corporators, or any of them, to lease, sell, convey, or assign, all or any portion of their said ferry property, real or personal, to the said company; and any

Corporators may assign property to company.

lease, deed of conveyance, assignment, or other transfer made and executed by them, or any of them, shall be as good and sufficient to pass the term, property, and estate therein mentioned and described, as the same would be if made and executed by any other person or persons.

Amount of
capital stock.

3. *And be it enacted*, That the capital stock of said company shall be one hundred and 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, as the said company may by by-law or otherwise direct or appoint; notice of such instalment shall be published in at least one newspaper published in the city of Camden, and one newspaper published in the city of Philadelphia, for thirty days; and in case of a failure by any stockholder to pay his or her instalment or instalments, at the time and place mentioned and appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her share, and all previous payments thereon, to the use of said company.

Stock trans-
ferable.

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

First direct-
ors.

5. *And be it enacted*, That until the board of directors shall be enlarged, as is herein after provided for, the affairs of said company shall be managed by a board of five directors, any three of whom shall be a quorum for the transaction of business, but any less number shall have power to adjourn; and that Richard F. Loper, William M. Baird, Benjamin T. McMurtrie, John Cooke Siter, and William H. Loper shall be, and are hereby appointed the first board of directors, to serve until the first Monday in October next or until others shall have been elected in their stead; and the said directors, or a majority of them, as soon as convenient, may hereafter appoint one of their number to be president of said company until the first Monday in October next, or until another shall be appointed in his stead; and should a vacancy at any time occur in the board of directors, by death or otherwise, the board may at their next, or any subsequent stated meeting, fill such vacancy until the then next annual election of directors; and no person shall be a

Directors to
appoint pre-
sident.

director but a stockholder; and a majority of the directors shall reside in the state of New Jersey.

6. *And be it enacted*, That there shall be an annual election of directors held at some place in the city of Gloucester, on the first Monday in October next; and that all subsequent annual elections of directors shall be held at such time and place, and upon such notice as shall be ordained by the by-laws; and the board of directors shall appoint the judges of such elections; but if it should happen that an election of directors should not be had on the first Monday in October next, or at the time appointed for the holding of any subsequent annual election, the said company shall not for that cause be deemed to be dissolved, but such election shall be held at such other time and place as the board of directors for the time being may appoint; and the directors for the time being shall continue in office until others shall be elected in their stead; and every board of directors, as soon as may conveniently be after their election, shall appoint from their number a president of said company, to serve until the then next annual election of directors and another shall be appointed in his stead; that the said president shall preside at all meetings of the board, but in case of his absence any other of the directors may be chosen president pro tempore; and all stated meetings of the board shall be held at such times and places, within the state of New Jersey, 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.

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

Number of directors may be increased.

8. *And be it enacted*, That the president and directors shall from time to time declare dividends of the profits re-

Dividends.

alized, if any, by the company, or so much thereof as a majority shall deem expedient; *provided*, that no part of the capital stock shall be withdrawn or refunded to the stockholders, or dividends declared, until all debts and liabilities of the company shall have been paid; and in case of any violation of the provisions of this section, the directors shall be personally liable in their own estates, jointly and severally, for all debts previously contracted, by action of debt, as debts of like amount are recoverable.

Property of
company li-
able for con-
tracts made.

9. *And be it enacted*, That all the joint stock, property, money, and effects of said company shall be answerable for all contracts made by said company, or any of its authorized agents, and for all just claims against the same.

Rates of fer-
riage.

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

For each passenger, six and quarter cents.

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

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

For a hogshead of liquor, sugar, molasses, lime, &c., fifty cents.

For a stove of cast iron, six or more plates, ten cents.

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

For iron by the hundred weight, five cents.

For coffee per bag, chests, large trunks, &c., six and a quarter cents.

For soap, candles, glass, chocolate, &c., per box, three cents.

For Windsor chairs, per dozen, twenty-five cents.

For lumber, per hundred feet, twenty cents.

For live calves and fat hogs, per head, five cents.

For sheep and store hogs, three cents.

For fat cattle, twenty-five cents.

For cow and calf, twenty cents.

For store cattle, horses, and mules, &c., per head, fifteen cents.

CARRIAGES AND DRIVERS.

For every four wheel carriage drawn by four horses, sixty cents.

For every four wheel carriage drawn by two horses, thirty cents.

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

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

For every two wheel carriage drawn by one horse, twenty cents.

For market carriages, with their drivers, including fish wagons, going to or returning from market, with four wheels drawn by two horses, thirty cents.

For four wheels drawn by one horse, twenty cents.

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

For carriages of burthen, to include charcoal, tin wagon, pedlers, &c., with their drivers, two horse loads, thirty-five cents.

Unloaded, twenty-five cents.

For carriages of burthen, one horse loaded, twenty-five cents.

Unloaded, twenty cents.

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

Unloaded, thirty cents.

For one horse load, forty cents.

Unloaded, twenty-five cents.

For each additional horse, ox, or mule, fifteen cents.

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

Charity schools with their teachers to pass free.

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

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

Annual statement of affairs to be made.

12. *And be it enacted*, That if any person or persons shall wilfully injure, impair, destroy, or obstruct the

Penalty for injuring works.

wharves, slips, bridges, piers, boats, or any of the works, engines, or machines of said company, such person or persons so offending shall forfeit and pay to the said company any sum not exceeding one hundred dollars, at the discretion of the court or jury, to be recovered before any justice of the peace of the county of Camden; 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.

Limitation.

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

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

Approved February 5, 1850.

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

Four commissioners may be appointed.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful to appoint any number of commissioners for taking the acknowledgment and proof of deeds, not exceeding three in each township in this state, according to the provisions of the act to which this is a supplement.

Part of former act repealed.

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

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

Approved February 6, 1850.

AN ACT to confirm the last will and testament of Jacob Miller, late of the city of Wilmington, in the state of Delaware, deceased.

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

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

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

Approved February 6, 1850.

AN ACT to incorporate the New York, Elizabethtown, and Morris
Railroad Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George R. Chetwood, Charles Davis, Ashbel Bruen, Francis Childs, Jason King, David T. Cooper, Moses A. Brookfield, and Ferdinand Van Doren, and such other persons as may hereafter be associated with them, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the New York, Elizabethtown, and Morris Railroad Company."

Amount of
capital stock.

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

Books of sub-
scription to
be opened.

3. *And be it enacted*, That the above named persons may open books, to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, within the state of New Jersey, as they, or a majority of them, may think proper, upon thirty days' notice thereof, given in one or more newspapers published, respectively, in Morristown, Elizabethtown, and Newark; and at the time of the subscribing for said stock, five dollars on each share subscribed shall be paid to the commissioners, in gold or silver coin or legal and current bank notes; that whenever there shall be two thousand shares of said stock subscribed, the said commissioners shall give like notice for a meeting of the stockholders to choose nine directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed by such of the 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 said directors, and pay to them the money received as aforesaid; and the time and place of holding the first meeting of directors shall be fixed by the persons named in the first section of this act, or a majority of them; and the directors so chosen at such meeting;

Election of
directors.

or at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall reside in this state; and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Vacancies,
how suppli-
ed.

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 their office until others shall have been chosen in their places.

Corporation
not dissolved
for failure to
elect on day
prescribed.

5. *And be it enacted*, That 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 not to exceed five dollars on each share at any one time, and at such times as they may direct; *provided*, that such instalments shall not be called for at a shorter period than thirty days from each other, notice of such required payments shall be given in manner aforesaid; 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.

Shares for-
feited for
nonpayment
of instal-
ments.

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 some suitable place at or near Morristown, in the county of Morris, to Elizabethtown, in the county of Essex, or to intersect the Elizabethtown and Somerville railroad at some point between Somerville and Elizabethtown, not exceeding sixty-six feet wide, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said company, their agents, engineers, superintendents, and others in their employ, to enter at all times upon all lands or water for the purpose of exploring, surveying, levelling, or laying out the route of such road, and of locating the same, and to erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route

Company
authorized
to construct
road.

Location.

Company
may enter
upon lands.

or routes of such road shall have been determined upon, and a survey of the same deposited in the office of the secretary of this state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all things which shall be suitable or necessary for the completion or repair of such 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, 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 roads, unless the consent in writing of the owner or owners of such lands be first had and obtained.

Proceedings
in case com-
pany and
owners of
land cannot
agree.

7. *And be it enacted*, That if the owners of the land on which said railroad or railroads shall be made, shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of one of the justices of the supreme court, who is disinterested in the premises, upon the application of either party, and after giving ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, being freeholders, to assess the price or value of said land, who shall be sworn, before any person authorized to administer an oath, faithfully to execute the duties of such appointment; and after like notice to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of the said land, and the quantity taken, by whom owned, and how situate, bounded, and described, in writing under their hands and seals, or the hands and seals of a majority of them, to the justice who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of the county, there to be kept as a public record, and copies taken, if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the inferior court of common pleas of the county, at the next term after such decision of the commissioners, by proceeding in the form of petition to

the said court, with five days' notice in writing to the opposite party of such appeal; which proceeding shall vest in the said circuit court full right and power to award a venire in proper form for a jury, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands and all damages sustained; and if the said appeal be demanded by the company, and the jury shall find a greater sum than the said commissioners, then judgment shall be given, with costs, against the said company, and execution issue, if need be; but if the said appeal shall be demanded by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded, then the cost shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issue therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners or by the jury; with costs, if any, the said corporation shall be deemed to be seized and possessed of all such lands and real estate appraised as aforesaid for the purposes of said railroad; but in no case whatever shall said company enter upon or take possession of any land of any person or persons for the purpose of constructing said roads, making any erection or improvements whatever, or otherwise appropriating said lands, until they shall have actually paid to the party or parties entitled to receive the same the amount assessed by the commissioners of the value of the lands and damages, in case the assessment of the commissioners is not appealed from; or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party entitled to receive the amount assessed by the commissioners, or found by the jury, shall refuse the same when tendered, shall be out of this state, or under any legal disability, then the payment of the amount assessed or found as aforesaid into the court of chancery of this state shall be deemed a legal and valid payment; and that any person or persons, whose tender of the amount assessed by the commissioners being made, may receive the same without being thereby debarred from his, her, or their appeal.

8. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert, under age, non compos, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said 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 order of the said court, for the

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

use of the said owner or owners; all of which said proceedings, as well under this as the preceding section of this act, shall be at the proper costs and charges of the said corporation, except in cases of appeal, above provided for; and the said judge shall and may order and direct the amount of costs and charges of such valuation, appraisement, and witness' fees.

Company to
make and re-
pair bridges.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages, over or under the said railroad or roads, where any public or other road, now used or hereafter laid out, shall cross the same, and also, where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable bridges and wagon ways over or under said road, so that he may pass the same; and if the company neglect to perform the same, after twenty days' notice given to the company by the owners or possessors so to do, the owner or possessor may do it himself, and recover the value of the work from the corporation by common process of law.

Rates for
passage and
transporta-
tion.

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 six cents per mile per ton for the transportation of heavy merchandise or produce on the said road or roads, or four cents per mile for carrying each passenger on said railways in the carriages of the company; but no charge for the transportation of a passenger shall be required to be less in the aggregate than ten cents, or three cents per mile for each ton of property transported, or two cents per mile for each passenger carried on said railways in the carriages of others, and two cents per mile for each empty carriage, and for the transportation of dry goods and packages in the care of the company, such reasonable rates may be charged as shall be fixed by the board of directors; 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 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 proceeds thereof, and shall in like manner semi-annually declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them respectively, as they may deem prudent and proper. Semi-annual dividends to be made.

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

13. *And be it enacted*, That the said company may have and hold real estate, at the commencement and termination of said road or roads, or at any intermediate point where the said company shall establish a depot, not exceeding two acres at each place; and may erect and build thereon houses, warehouses, machine shops, and other such 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 such a bridge over the Passaic river, on the line of said road, as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act. What real estate may be held.

14. *And be it enacted*, That the road or roads authorized by this act be, and the same are hereby declared a public highway, and shall be constructed with a track for one or more horses, and free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the said carriages, so used thereon, shall be of the same description, in the formation of the wheels and length of axle, as those used by the company, and shall be so regulated, as to the time of starting and rates of travelling, as not to interfere with the carriages of the company. Railroad a public highway.

15. *And be it enacted*, That as soon as the railroad, with its appendages, shall be finished so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, in the office of the secre- Statement of costs to be filed.

tary of 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 and expenses of said road; and as soon as the net proceeds of said road shall amount to six per centum per annum 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 in January in each year; *provided*, that no other tax or impost shall be levied or assessed upon the said company.

State may
take road on
payment of
appraise-
ment.

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 company, who, or a majority of them, shall report the value thereof to the legislature within one year from the time of their appraisement, 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 the said road, with its appendages, upon the payment to the company of the amount of said report within one year after electing to take the said road; which report shall be filed in the office of the secretary of 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 it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of said road, and of the receipts and disbursements of the company; *provided always*, that the aforesaid valuation shall be made without any reference to the receipts 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.

17. *And be it enacted*, That if the said road shall not commenced within two years, and be completed and in use at the expiration of five years from the fourth of July next ensuing, that then and in that case this act shall be void. Road, when to be completed.

18. *And be it enacted*, That this act shall be deemed and taken as a public act. Public act.

19. *And be it enacted*, That the said company shall have power to make such deviations from the line of said road, as from time to time the directors thereof may deem expedient; *provided however*, the right of any individual or individuals to demand and recover damage for any injury sustained in consequence of such deviation or change, shall not be affected by the provisions of this section, and that such deviations shall not extend beyond one mile from the line of the road as surveyed. Route may be altered.

20. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors of this state, 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 the annual or other sessions, shall pass and repass on the said road of said company, in their cars, free of charge. Certain officers to pass free.

Approved, February 6, 1850.

AN ACT to incorporate the Paterson and Hackensack Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Cornelius S. Van Wagoner, Daniel K. Allen, Christopher Colt, jun., John Chadwick, Patrick Maginnis, Henry H. Voorhis, jun., John Ackerman, jun., Garret G. Ackerson, and John Van Brunt, and such other persons as may be hereafter associated with them, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the Paterson and Hackensack Railroad Company." Names of incorporators. Style of incorporation.

2. *And be it enacted*, That the capital stock of said com-

Amount of
capital stock.

pany shall be four hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation, by their by-laws, shall direct.

Commission-
ers to open
books of sub-
scription.

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 said corporation, giving notice thereof, for at least twenty days prior to the opening of said books, by publishing the same in one newspaper published at Paterson, one in Jersey City, and one in New York; and that the said books shall be kept open for at least two days in Paterson, two days in Hackensack, and two days in Hoboken, 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 than four hundred thousand dollars of stock be subscribed for, it shall be the duty of said commissioners to make a fair and just apportionment of the stock among the subscribers, in such manner as they may think best calculated to secure the speedy construction of said road.

Time and
mode of elec-
tion of di-
rectors.

4. *And be it enacted*, That at the time of subscribing for said stock, five dollars shall be paid upon each share subscribed for to the said commissioners; and when two hundred thousand dollars of the capital stock shall be subscribed for, the books having been kept open as specified in the preceding section, 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; the elections shall be in either of the counties through which the said road is to be located, by such of the stockholders as shall attend for the purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said named persons, or a majority of them, shall be the inspectors of said election of the first directors of said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over to them the subscription books and money paid in, after deducting a reasonable compensation for their services; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall, in the same manner, elect the same number of directors, a majority of whom shall be residents of this state; and the time and place of holding the first meeting of directors shall be fixed by the persons named in the first section of this act, or by a

majority of them; and the directors chosen at any of the elections of said corporation shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled, for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of said corporation shall provide.

5. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed dissolved, but such election may be held at any other time, on notice as aforesaid; and the directors for the time being shall continue in office until others be elected in their places.

Corporation not dissolved for failure to elect on day prescribed.

6. *And be it enacted*, That four directors of said corporation shall be competent to transact all business thereof; and they shall have power to call in the remainder of the capital stock by instalments, not to exceed five dollars on each share, by giving thirty days' previous notice in a newspaper published at Paterson; at Jersey City, and in New York; *provided*, that no two instalments shall be demanded within thirty days of each other; and in case of the nonpayment of said instalments, or any of them, to forfeit the share or shares upon which such default shall arise.

Instalments, how paid.

7. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from some suitable point within three-quarters of a mile of the county bridge at the foot of Parke-street, at Paterson; thence to a point within half a mile of the Hackensack court house, crossing the Passaic river north of the bridge in the village of Acquackanonk; and thence to some point on the Hudson river north of Jersey City, crossing the Hackensack river north of the present bridge in the line of the Paterson and Hudson river railroad; and to locate and form said railroad, not exceeding sixty-six feet in width, unless it be necessary for the purpose of constructing said road to take more, and then not more than one hundred feet in width, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said

Route of railroad.

Directors
authorized
to enter up-
on lands.

president and directors, their agents, engineers, superintendents, and others in their employ, to enter at all times upon lands and waters for the purpose of exploring, leveling, surveying, and laying out the route of such railroad, and of locating the same, doing no unnecessary damage to private property; and when the route and location of said road shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other necessary works thereon, and to lay rails, and to do all other things which may be suitable and necessary for the completion and repairs of said railroad and to carry into full effect the objects of this act, subject to such compensation, and upon such terms, as is herein after provided for in section nine.

Proceedings
in case own-
ers of land
and compa-
ny cannot
agree.

8. *And be it enacted*, That if the said company, or its agent or agents, cannot agree with the owner or owners of such required lands, for the use or purchase thereof, or if, by the reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of the said company, in the construction of said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of said company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the inferior court of common pleas of the county in which the lands are situate, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof, as he shall direct, for any 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, residents in this state, commissioners to examine and appraise the said lands and assess the damages, upon such notice, not less than twenty days, to be given to the persons interested, or otherwise, as shall be directed by the judge making the appointment of commissioners; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation,

before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report, according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands, and to make a just and equitable appraisement or estimate of the value of the same, and an assessment of damages, which shall be paid by the company for such land and damages aforesaid; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land and the appointment and oaths and affirmations aforesaid, in the clerk's office of said county, to remain of record therein; which report, or, in case of an appeal, the verdict of the jury and the judgment of the court thereon, or a copy thereof, certified by the clerk of said county, the damages found or assessed with the costs adjudged being first paid, as herein after mentioned, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land; and either of the judges of the said court shall, on application of either party, on reasonable notice to the others, tax and allow such costs, fees, and expenses to the judges of the said court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

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

Parties aggrieved may appeal.

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

Company to
construct
and repair
bridges.

10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public road or other road, now in use or hereafter laid out, 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 other lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under the same; and where this railroad crosses any other railroad now constructed, it shall be the duty of the company hereby incorporated to cause crossings to be made, so as to do the least injury possible to the old road; and the said company may build a bridge over the Hackensack river and other navigable streams within the line of their road; in each bridge they build over a navigable river, they shall put a draw of at least forty feet wide, in the narrowest part, and place it in a line with the course of the river over the best channel of the stream, in such position as to do the least injury to the navigation; and shall at all times, when said river is navigable, during the night time, from dark until daylight, keep a constant light at such bridge or bridges, and keep a suitable person to open the draw for the free passage of all vessels with standing masts; and for each and every neglect to light the said lamp or lamps for one night, and to open the said draw when necessary, the directors of the said company shall forfeit and

pay the sum of twenty dollars, to be recovered, with costs, in any court having jurisdiction thereof, by any person who shall sue for the same within six months after the time of such neglect.

11. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, and place and run on said railroad, all machinery, engines, cars, wagons, carriages, or vehicles for the transportation of persons or any species of property, as they may think reasonable, expedient, or right; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons, and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than two cents per mile for each passenger, and six cents per ton per mile for the transportation of every species of heavy merchandise and produce on said road in the carriages of the said company, and for dry goods and packages such reasonable rates as shall be fixed by the board of directors, or five cents per ton per mile for every ton, one and three-quarter cents per mile for every passenger carried on said road in the carriages of others, and three cents per mile for every empty carriage not the property of the company; and that the road authorized by this act shall be, and is hereby declared a public highway, and free for the passage of any railroad carriage thereon with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the carriages so used thereon shall be of the same description, in the formation in the wheels and length of axle, as those used by the company, and shall be regulated, as to the time of starting and rates of travelling, by the company, in the same manner as the carriages of the company are; and the said railroad, and its appendages, and the land over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the company, are hereby vested in the said company and their successors for and during the continuance of the charter; *provided always*, that in case the said company, after the road is completed, shall abandon the same, or cease to use and keep it in repair for three successive years, that then and in that case this charter shall be annulled, and the title to the lands over which the said railroad is located shall be re-vested in the person or persons who would have been legally entitled thereto, if this said road had not been located; but the superstructure of the said railroad, and the materials of

Rates for
passage and
transporta-
tion.

Road to be
public high-
way.

which the same is composed, shall in such case be deemed and taken to be personal property of the said company, and shall be by them removed and disposed of, within a reasonable time, to and for the use of said company.

Semi annual dividends to be made.

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

What real estate may be held.

13. *And be it enacted*, That the said company may have, hold, and occupy such real estate, at or near the commencement and termination of said road, and at its junction with the Hackensack river, as may be necessary for the convenient transaction of its business, not exceeding five acres in each place, and may erect and build thereon warehouses, houses, and such other buildings and improvements as they may deem expedient for the safety of their property and other necessary uses appertaining to their business.

Penalty for injuring works.

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

Statement of cost to be filed.

15. *And be it enacted*, That as soon as the said railroad is finished so as to be used, the president of the said company shall file, under oath or affirmation, a statement of the amount of the costs of the said railroad, including all expenses, in the office of the secretary of state; and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds and expenses of said road; and whenever the net proceeds of the road shall amount to six per centum per annum 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 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.

State may take road at appraisalment.

16. *And be it enacted*, That at any time after the expiration of thirty-five years from the passage of this act, the

legislature of this state may cause an appraisement of said railroad, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of the state for the time being, and the remaining three by the said company, who, or a majority of them, shall report the value thereof to the legislature within one year from their appointment; or, if they cannot agree, they shall choose a seventh, who, with the aforesaid six, or a majority of them, shall report as aforesaid; or, in case the said company shall neglect or refuse to appoint the three persons on their part, for two months after the appointment by the chief justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding upon said company; or, in case the said six commissioners shall be appointed as aforesaid, and cannot agree upon the seventh person, then, upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man as aforesaid, who, with the aforesaid six, or a majority of them, shall report as aforesaid; and thereupon the state shall have the privilege, for two years, of taking said road, upon the payment to the company of the amount of said appraisement within one year after electing to take said road; which report shall be filed in the office of the secretary of state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment to the said company of the amount so reported; *provided*, that the valuation of said road and appendages shall in no case exceed the first cost thereof.

17. *And be it enacted*, That if the said railroad shall not be commenced in two years, and completed and in use in six years from the fourth day of July next, that then and in that case this act shall be void. When road to be completed.

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

Approved February 6, 1850.

AN ACT relative to the supreme court.

Sergeant-at-arms and crier, how appointed.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the justices of the supreme court be, and they are hereby authorized to appoint two suitable persons as sergeants-at-arms and criers of said court, to hold their offices during the pleasure of said court, whose duty it shall be to attend said court during the several terms thereof, for which service they shall severally receive one dollar per day, for each day they shall be in actual attendance upon said court, to be paid by the treasurer, on the certificate of the chief justice or any other of the justices of said court.

Approved February 8, 1850.

 AN ACT for the relief of Samuel Davis.

Preamble.

WHEREAS at the term of May, eighteen hundred and forty-nine, of the circuit court of the county of Warren, judgment was entered against Samuel Davis, of said county, at the suit of the state of New Jersey, for the sum of five hundred dollars, on account of a forfeited recognizance, heretofore entered into by the said Samuel Davis, in the county of Warren, for the appearance of one John N. Case at the court of oyer and terminer and general jail delivery of said county of Warren; and whereas it seems equitable and just that the said Samuel Davis should be discharged from the payment of the said judgment—therefore,

Satisfaction to be entered on judgment.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerk of the circuit court of the county of Warren be directed and required to enter satisfaction of said judgment upon the record of the said circuit court, and that the said Samuel Davis be entirely freed and discharged from the payment of the said judgment, or any part thereof.

Approved February 12, 1850.

A supplement to the act entitled, "An act for the preservation of sheep," approved April the fourteenth, eighteen hundred and forty-six.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act entitled, "An act for the preservation of sheep," approved April the fourteenth, eighteen hundred and forty-six, as refers to the age of the dog or bitch, and is in said act mentioned and contained in these words, to wit, "above the age of six months," be, and the same is hereby repealed. Part of former act repealed.

Approved February 12, 1850.

AN ACT to authorize and confirm the partition of certain real estate in the county of Burlington, late of Ebenezer Tucker, deceased.

WHEREAS, in the term of November, in the year of our Lord one thousand eight hundred and forty-eight, upon application duly made, the orphans' court of the county of Burlington, in this state, did appoint George Sykes, Joseph K. Hulme, and Elihu Mathis, esqrs., commissioners to make partition of the real estate whereof Ebenezer Tucker died seized in said county amongst his heirs at law, pursuant to the statute in such case made and provided; and whereas, since said appointment, and before the commissioners have completed the said partition; George W. Tucker, one of the said heirs at law of said Ebenezer Tucker, deceased, hath departed this life, first having made and executed his last will and testament in due form of law to pass real estate, wherein and whereby he devises his undivided share of the said Ebenezer Tucker's real estate unto his brother Samuel Tucker, his sister Elizabeth C. Page, his nephews Ebenezer T. Blake, Joseph Bispham and George Bispham, and his nieces Cornelia E. Slack, Margaretta B. Page, Glorvina E. Page, Georgiana C. Page, Samuel Anna Tucker, and Josephine Bispham, share and share alike; and whereas, in consequence of the death of said George W. Tucker, some doubts have arisen as to the authority of the said Preamble.

commissioners to proceed any further with the said partition, and legislative aid hath been requested in the premises—therefore,

Commissioners to make partition.

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 George Sykes, Joseph K. Hulme, and Elihu Mathis, the commissioners appointed as aforesaid, to make the said partition, and proceed therein in all things in the same manner as if the said George W. Tucker was still living, and report the same to the next or some subsequent term of the orphans' court of said county of Burlington; which partition so made and reported, being first approved by said orphans' court, shall be as valid and effectual in law as if the said George W. Tucker was still living; and the share set off by the said commissioners to the said George W. Tucker shall thereupon vest in and become the property of the said Samuel Tucker, Elizabeth C. Page, Ebenezer T. Blake, Joseph Bispham, George Bispham, Cornelia E. Slack, Margaretta B. Page, Glorvina E. Page, Georgiana C. Page, Samuel Anna Tucker, and Josephine Bispham, share and share alike, as tenants in common, in the same manner, to all intents and purposes, as if the said George W. Tucker had not died until after the said report should have been confirmed by the said court.

Costs, how paid.

2. *And be it enacted*, That the necessary costs and expenses attending said partition shall be taxed, assessed, and recovered, as is provided by law in cases of partition.

Approved February 12, 1850.

AN ACT to incorporate the Raritan and Delaware Plank Road Company.

Names of incorporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John W. Stout, Martin A. Howell, Henry Richmond, John W. Newell, John R. Watson, James C. Stout, Edward J. Jaques, Herman Bruen, Henry Vroom, and such other persons as may hereafter be associated with them, shall be, and they are hereby constituted a body politic and corporate in law, by the name of "the Raritan and Delaware Plank Road Company," and

Style of incorporation.

by that name they and their successors shall be known in law.

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

3. *And be it enacted*, That John W. Stout, Martin A. Howell, and John W. Newell, or a majority of them, shall be commissioners to receive subscriptions for the capital stock of the said corporation; and they, or a majority of them, are hereby authorized for that purpose to open books of subscription, at such times and places as they, or a majority of them, shall appoint, giving twenty days' notice of such times and places; by publishing the same in a newspaper published in the city of New Brunswick, and also in a newspaper published in the city of Trenton; and at such times and places the said commissioners, or a majority of them, shall attend and receive subscriptions to the said capital stock; and at the time of subscribing for said stock, five dollars on each share subscribed shall be paid to the said commissioners, in specie or in the bills of banks which redeem their bills with specie; and if more shall be subscribed than by this act is authorized, the said commissioners, or a majority of them, shall apportion the same as to them shall seem fair, equitable, and just. Commissioners to open books of subscription.

4. *And be it enacted*, That whenever there shall be two thousand shares of the said stock subscribed, and ten thousand dollars paid in, as above directed, the said commissioners, or a majority of them, shall give public notice for ten days, in one or more newspapers published in this state, of a meeting of the said stockholders for the purpose of choosing directors and organizing said company, at which meeting the said stockholders shall proceed to elect, by ballot, seven directors, the majority of whom shall be citizens and residents of this state, and hold their office for a year and until others are elected, at which election the said commissioners, or a majority of them, shall be judges; and each stockholder at such election, and at all future elections of the said corporation, shall have one vote for each share he, she, or they shall own at the time of such election; and that such stockholders may vote at any election by proxy, duly authorized for that purpose. Election of directors.

5. *And be it enacted*, That the board of directors so to be chosen as aforesaid shall and may elect out of their own Instalments, how paid.

body, or from among the stockholders, a president, who shall be a resident of this state; and a majority of the said board shall at all times be a quorum for the transaction of business; and the said board shall have power to call in the remainder of the capital stock of the said corporation by instalments, not exceeding five dollars on each share, by giving thirty days' notice of such required instalments, in one or more newspapers published in the cities of New Brunswick and Trenton; 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, for the use of said company; and the said board of directors shall and may require from their treasurer such security as to them shall seem proper.

Commissioners to pay over subscription money to directors.

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

Corporation not dissolved for failure to elect on day prescribed.

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

Description of road.

8. *And be it enacted*, That the president and directors of the said company are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a plank road, not exceeding sixty feet in width, in the middle of said road to be formed a special artificial road with one or two tracks of eight feet wide each, of substantial plank or timber, laid down in a firm and workmanlike manner, and to keep the same at all times in good repair, so as to present a firm, smooth, and even surface at all seasons of the year, and in no case to rise above six degrees in a parallel with the horizon; to

commence on the Raritan river at or near the city of New Brunswick, and thence, passing by the most convenient and direct route across the state of New Jersey, to its point of termination in the Delaware river, at or near the city of Trenton, where the river is navigable for steamboats at all times of tide; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, levelling, or laying out the route or routes of such road, and of locating the same, doing no unnecessary damage to private property; and when the route of such road shall have been agreed upon, and filed 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, wharves, and all other works necessary to construct said road, and do all other things which shall be suitable or necessary to carry into full effect the objects of this charter; *provided always*, that the said corporation shall pay, or make tender of payment, for all damages for the occupancy of lands through which the said road shall be laid out, or being at the beginning or ending points of the same, before the said company, or any person in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying said route, unless the consent in writing of the owner or owners of such lands be first had and obtained; and it shall be lawful for the said company, at any time, to construct, erect, and build such wharves and piers upon the Raritan and Delaware rivers as they may deem necessary for the use of the said company, and to carry into full effect the object of this incorporation; *provided always*, that no steam power shall be used on such road, nor iron rails or other obstruction to common travel placed thereon.

Directors,
&c., may enter on lands.

9. *And be it enacted*, That if the owners of the land on such road 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 in this state, who is disinterested in the premises, upon the application of either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, freeholders of this state, to assess the price or value of such land and all damages sustained, who shall be sworn before said justice faithfully

Proceedings
in case owners
of land
cannot agree.

to execute the duties of such appointment; and, after ten days' notice in writing to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of said land, and the quantity taken, by whom owned, and how situate, bounded, and described, in writing under their hands and seals, or the hands and seals of a majority of them, to the justice who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of the county in which said land lies, there to be recorded and kept as a public record, and copies taken, if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the county in which said land lies, at the first term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal; which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and, if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said land and all damages sustained, and for that purpose to view the land in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs, against the said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issued therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed of all such lands and real estate so appraised as aforesaid, for the purposes of said road; *provided*, that in no case whatever shall the said company enter upon or take possession of any lands of any person or persons for the purpose of actually constructing said road, or making any erection or improvement whatever, or otherwise appropriating said lands to the use of said company, until they shall have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners as the price or value of such

land and damages, in case the assessment of the commissioners is not appealed from, or, if the same is appealed from, then the amount found by the jury by whom the issue shall be tried; but in case the party entitled to receive the amount assessed by the commissioners or found by the jury, shall refuse to receive the same, or shall be out of this state or under any legal disability, then payment of the amount assessed or found as aforesaid, into the court of chancery of this state, shall be deemed a legal and valid payment, and that the person or persons entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same, without being debarred thereby from his, her, or their appeal.

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

Money, in certain cases to be paid into the court of chancery.

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

Rates of toll.

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

For every additional beast, two cents.

For every horse and rider, or led horse or mule, one cent.

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

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

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

Horses, cattle, &c., may be stopped until toll is paid.

12. *And be it enacted*, That no toll gate shall be erected on such part of said road as is at present a public highway.

Mile stones
or posts to
be erected.

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

Penalty for
injuring
works.

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

Penalty for
illegal tolls
or delaying
travellers.

15. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any person 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 for and recovered for the sole use of the person so unreasonably hindered or defrauded.

Penalty for
obstructing
passage.

16. *And be it enacted*, That all drivers of carriages, sleighs, or sleds, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs, or sleds on the right hand of said road in the passing direction, leaving the other side of the said road free and clear for other carriages or persons on horseback to pass; and if any person shall offend against this provision, such person or persons shall, besides being

liable to make compensation for all damage, forfeit and pay the sum of five dollars to any person or persons who shall be obstructed in his or her passage, and will sue for the same, to be recovered in an action of debt, with costs of suit.

17. *And be it enacted*, That if the said company shall not keep the said road and bridges, which may be erected thereon, in repair, and complaint thereof shall be made to any judge of the court of common pleas of the county wherein the lands lie, who may be disinterested, the said judge shall immediately appoint, by writing under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships; which three persons, being disinterested in the said plank road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said judge may appoint; and, having taken an oath or affirmation to act impartially, shall proceed to view and examine said 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 eighth section of this act requires it to be kept in; and if the report be unfavourable to the said road, the said judge shall immediately, in writing under his hand and seal, order the keeper of the said gate or turnpike to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge to open the said gate or turnpike, exact toll of travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who 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 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 favour of the company, the same fees shall be allowed as before prescribed, and paid by the person making the complaint; and

Company to
keep road
and bridges
in order.

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

Public act.

18. *And be it enacted*, That this shall be deemed and taken as a public act, and that the same shall take effect immediately; and that the said company shall have all the powers and privileges, and be subject to the restrictions, limitations, and conditions as are specified and contained in the act entitled, "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same are applicable.

Approved February 13, 1850.

AN ACT to establish public schools in the city of Newark.

Commissioners of schools to be elected.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That two commissioners of public schools shall be elected by each of the wards of the city of Newark, at the next annual charter election; and the said commissioners, after such election, shall proceed to divide themselves 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 case of the death, resignation, or other disability, of any commissioner of public schools, a person may be duly appointed by the common council of the city of Newark to fill the unoccupied term; the said commissioners of public schools first elected, and the persons so elected or appointed from time to time thereafter, shall constitute a board of education of the city of Newark; and every person who shall be elected or appointed as commissioner of public schools under this act shall, previous to entering on the discharge of the duties of said office, take and subscribe, before the clerk of the city of Newark, or one of the judges of the inferior court of common pleas of

To take oath.

the county of Essex, who are hereby, respectively, authorized to administer the same, the oath of allegiance to this state, and likewise an oath or affirmation faithfully and impartially to execute the trust reposed in him according to the best of his ability and understanding, which oaths shall be filed and preserved by the said clerk in his office.

2. *And be it enacted*, That the board of education shall convene within ten days after the annual charter election, and shall organize by the appointment of a president and secretary; a majority of the whole number of commissioners shall constitute a quorum for the transaction of business, and no resolution or order of the board shall be adopted unless with the consent of a majority of the whole number of commissioners; the board of education shall prepare and transmit to the common council of the city of Newark, on or before the first Friday of May in each year, an estimate of the amount of moneys necessary for the support of public schools in said city during the year, which estimate shall specify particularly, under the several heads, of erection and repairs of school houses, salaries of teachers, school books, school furniture, and school libraries; stoves and fuel, and incidental expenses, as nearly as may be, the several sums required for each branch of expenditure; the said board of education shall take charge of the public school houses in the city of Newark, and shall cause all necessary repairs to be made to the same; and are also empowered to establish public schools of different grades; adapted to the age and progress of the pupils; to select and employ teachers; to provide school books, school furniture, and school libraries for the schools; to purchase stoves and fuel, and incur such incidental expenses for the maintenance of the said schools as may be necessary, and to adopt rules and regulations for the admission of pupils, the visitation and inspection of the schools, and the government and studies to be pursued therein; and the said board of education, with the concurrence of the common council of the city of Newark, are further empowered to purchase real estate for school purposes, and to erect school houses thereon for the use of public schools; and the real estate so purchased as aforesaid shall be vested in the mayor and common council of the city of Newark; *provided nevertheless*, that the said board shall at no time make nor incur any expenditure exceeding the amount appropriated by the common council of said city for school purposes, and that all moneys so appropriated shall be expended by the said board in compliance with the laws of this state; the said board of education shall prepare and transmit annually to the common council of

Powers and
duties of
board of edu-
cation.

the said city a report, embracing the number of schools under their charge, specifying their grades, the number and names of the teachers, the number of pupils on the roll, and the average attendance in each school, and the several items or bills of expenditure paid by said board during the year, under the respective heads of erection and repairs of school houses, salaries of teachers, school books, school furniture, and school libraries, stoves and fuel, and incidental expenses; and a copy of said report, substituting the total amounts under the respective heads for the items or bills of expenditure, shall be transmitted by them to the state superintendent of common schools; and the said board shall, on or before the first Friday of March in each year, report to the common council of said city the names of the commissioners of public schools whose term of office expires at the period of the ensuing charter election of said city, and shall also notify the said common council of any vacancy which may occur in said board of education.

Common council may raise money by tax for support of schools.

3. *And be it enacted*, That the common council of the city of Newark shall determine, by resolution, the amount of moneys to be appropriated to public schools during the year, including therein the annual appropriation to the city of the school fund of this state; and the said common council are hereby empowered to raise by tax such sums for the support of public schools as they may deem expedient and necessary; and all moneys so raised and appropriated shall be expended by the board of education, as provided in the preceding section of this act.

Duties of secretary of board.

4. *And be it enacted*, That the secretary of the board of education shall be authorized to receive the moneys appropriated from time to time by the common council of the city of Newark for school purposes, and shall safely keep and faithfully disburse the same, as directed by the board of education; and previous to entering upon the discharge of his duties, so far as relates to the receipt and disbursement of the moneys aforesaid, he shall enter into bond to the mayor and common council of the city of Newark, with one or more sureties to be approved of by the said common council, in such sum as the common council shall designate, conditioned for the faithful performance of the duties hereby enjoined upon him.

Parts of former acts repealed.

5. *And be it enacted*, That the provisions of the act entitled, "An act to incorporate the city of Newark," and the several supplements thereto, so far as the same relate to the election and powers of the school committee of the city of Newark, and the provisions of the said act, and its sev-

ral supplements, which are inconsistent with or contrary to the provisions of this act, are hereby repealed; *provided nevertheless*, that nothing contained in this act shall be construed to comprehend within any of its provisions the extension of the authority of the board of education hereby created over any school instituted or established under the twelfth section of the act entitled, "An act to establish public schools," approved April seventeenth, eighteen hundred and forty-six.

6. *And be it enacted*, That this act shall take effect on the second Monday of April next, and shall be deemed and taken to be a public act. When act to take effect.

Approved February 13, 1850.

AN ACT to provide for the education of coloured children in the township of Morris, in the county of Morris.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the town superintendent of public schools in the township of Morris, to fix the limits of a school district in the said township of Morris, without regard to the limits of other school districts therein, to be called "the Coloured School District of Morristown;" and that the said town superintendent shall have power to alter the district so fixed whenever, in his opinion, it shall be necessary so to do. Coloured school district.

2. *And be it enacted*, That it shall be the duty of the said superintendent, on or before the first Monday in April, of each and every year, to appoint three discreet persons, as trustees of said coloured school district, who shall hold their offices for one year and until others are appointed; and that said trustees shall possess the same powers and perform the same duties as other district trustees under the act entitled, "An act to establish public schools." Trustees of school district.

3. *And be it enacted*, That it shall be the duty of the trustees of said coloured school district, within twenty days after their appointment, to make out, and transmit to the township superintendent, a true list of all the coloured children residing within the limits of said coloured school district, and capable of attending school, between the ages of Trustees to make list of children.

five and sixteen years, together with the names of their parents or guardians; and that said list shall designate the number of said coloured children reported in said list, residing within the limits of each of the other school districts out of which said coloured school district shall be formed; and that said trustees shall be respectively liable to a penalty of ten dollars for each neglect of such duty.

Penalty for neglect.

Apportionment of money to district.

4. *And be it enacted*, That it shall be the duty of the town superintendent, in making the annual apportionment of moneys received by him for school purposes, to apportion to the said coloured school district its just share, according to the number of coloured children reported by the trustees of said coloured school district, by taking from each district out of which the said coloured school district is formed, a part of its apportionment, in the ratio of the number of coloured children reported to be therein residing as aforesaid.

District may be abolished.

5. *And be it enacted*, That it shall be lawful for the inhabitants of the said township of Morris, assembled at their annual town meeting, by vote, to abolish the said coloured school district, by a majority of votes in favour of such abolition.

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

Approved February 14, 1850.

A supplement to the act entitled, "An act to establish and confirm the charter rights and privileges of the borough of Elizabeth."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the judicial and municipal powers vested in the mayor, deputy mayor, recorder, and aldermen of the said borough of Elizabeth, by the act to which this is a supplement, and the supplement thereto, be, and are hereby separated; and that from and after the passage of this act, the power to hold courts of common pleas and general sessions of the peace, as established and confirmed by the sixth and seventh sections of the aforesaid

Court of common pleas, &c., how held.

act, to which this is a supplement, with all the rights, privileges, and powers, individually and collectively, as is therein provided, shall be vested in five aldermen, or a majority of them, who shall not, ex officio, constitute part of the corporate body of the said borough; that the said aldermen shall be appointed by the Senate and General Assembly of this state, in joint meeting, and commissioned by the governor, in the same manner as the judges of the inferior courts of common pleas for the counties of this state are appointed and commissioned, and for the same period of time; and that the said aldermen shall act as justices of the peace within the borough aforesaid.

Aldermen,
how appointed.

2. *And be it enacted,* That the corporate powers and jurisdiction which, in the aforesaid act, is vested in a mayor, deputy mayor, recorder, seven aldermen, twelve common councilmen or assistants, one sheriff, one coroner, one chamberlain or treasurer, one town clerk, one marshal, one high constable, seven constables, four assessors, four collectors of taxes, and six overseers of the poor, shall, from and after the first day of April next, be vested in one mayor, one recorder, twelve common councilmen, one sheriff, one coroner, one chamberlain or treasurer, one town clerk, one marshal, two constables, one assessor, and one collector of taxes; that the said officers and ministers, with exception of the said town clerk, shall be annually elected, by ballot, by such persons as are by law entitled to vote at township meetings, at the same time that the annual town meeting of the township of Elizabeth is held; and that the said town clerk shall be chosen and appointed by the board of common council, to consist of the said mayor, recorder, and common councilmen; that the said town clerk shall not be, ex officio, clerk of the court; that, from and after the expiration of the term of service of the present clerk of the courts of common pleas and of general sessions of the peace within the borough, it shall be lawful for the persons entitled to vote at township meetings within the said township to elect, by ballot, a clerk of the courts as aforesaid; the said election to take place at the time the township meetings are held next preceding the expiration of the term of service of the said clerk; and in case of the death, resignation, or other disability of the said clerk previous to that time, then the court shall appoint a substitute to fulfil the duties of clerk until that time, and until such time as the clerk shall be elected and qualified; and the said clerk, so elected, shall hold his office for five years, and shall be entitled to all the rights, perquisites, fees, and profits as are set forth in section eighth of the act to which this is a supplement; *provided however,*

Officers of
the borough.

How elected.

Vacancies,
how supplied.

that nothing in this act shall in any wise affect the official term of any person now holding any office in said borough.

3. *And be it enacted*, That the courts of common pleas and general sessions of the peace for the borough aforesaid, and the sheriff and officers, and ministers thereof, shall be subject to all the statutes now in force, or which may hereafter be enacted, for selecting, summoning, and empanneling grand and petit juries, and other matters of practice provided for by law; and all expenses and costs attendant upon the arrest and detention of prisoners, and for the pay of jurors, after first applying therefor the fines and penalties collected or received in said courts, shall be made chargeable upon, and shall be paid by the county collector of the county of Essex, upon the presentation of such voucher or proofs as by law are or may be made necessary in similar cases by the courts of the county; and it shall be lawful for the said court of general sessions of the peace of said borough to sentence and commit all prisoners who may be convicted before said court of offences, not punishable by confinement in the state prison, to the jail and workhouse of the said county of Essex, as said court may deem proper; and the officers of said court shall be, and hereby are authorized to carry into effect any such judgment of said court.

Deputy mayor.

First election of mayor, &c.

Aldermen.

4. *And be it enacted*, That the office of deputy mayor of the borough shall expire with the term of service of the present incumbent; that the first election for mayor and recorder, under this act, shall be held on the day of the township meeting next preceding the end of the term of service of the present mayor and recorder, and shall take effect on that day, for one year; that so soon as the number of the present court, consisting of a mayor, deputy mayor, and recorder, and seven aldermen, shall be reduced to four, or less than four, then the joint meeting of the legislature, as aforesaid, shall appoint and commission the number of aldermen necessary to make up the number of five, and so from time to time, as vacancies occur, continue to keep up that number; that the sheriff and coroner elected under this act shall be commissioned by the governor, in the same manner as the sheriff and coroners of the borough have hitherto been commissioned; and that all the powers, rights, privileges, and franchises granted to and enjoyed by the citizens of the borough aforesaid, in virtue of the act to which this is a supplement, and the supplements thereto, shall continue in full force and effect, and shall be in no way impaired by the passage of this act; *provided at-*

ways, that all the provisions and conditions of said act, and the supplements thereto, which come within the purview of this act, shall be, and are hereby repealed.

Approved February 14, 1850.

A further supplement to the act entitled, "An act to incorporate the city of Newark."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the common council of the said city to order any lots of land within the limits of the said city, to be filled up to such grade as may be by the said common council designated; that notice in writing of such order shall be given to the owner or owners of such lots, designating the lots to be filled and the grade fixed, except where such owner or owners do not reside in the said city or cannot be found upon reasonable inquiry, in which case said notice shall be advertised for four weeks, once in each week successively, in some public newspaper published in said city; that if the owner or owners, as aforesaid, shall neglect to comply with such order within thirty days after said notice has been given or advertised as aforesaid, then it shall be lawful for the said common council to have such lots filled up to said grade, under the supervision of the street commissioner, by whose certificate, under oath, the expense thereof shall be fixed; and, on the said certificate being filed in the office of the city treasurer, the expense so incurred by the city shall become a lien on the lots so filled up; and the said common council shall and may take the same measures to reimburse the city for the expense so incurred, as is provided by the third section of an act entitled, "A further supplement to the act entitled an act to incorporate the city of Newark," passed February the tenth, eighteen hundred and forty-seven.

Common council may order lots to be filled up.

2. *And be it enacted*, That the assessment authorized by the sixth section of an act entitled, "A further supplement to the act entitled an act to incorporate the city of Newark," passed February the twenty-eighth, eighteen hundred and forty-nine, shall be a lien on the property so assessed;

Manner of enforcing assessments.

and that all assessments made for laying out, opening, altering, extending, or widening any street, road, highway, or alley, under and by virtue of the act entitled, "An act to incorporate the city of Newark," and this or any other supplement thereto, shall be enforced in the same manner as is provided in the third section of an act entitled, "A further supplement to the act entitled an act to incorporate the city of Newark," passed February the tenth, eighteen hundred and forty-seven.

Provisions of former act extended.

3. *And be it enacted*, That the provisions of the act entitled, "A further supplement to the act entitled an act to incorporate the city of Newark," passed January the twenty-sixth, eighteen hundred and forty-four, be extended to all sales of any real estate made under and by virtue of an act entitled, "An act to incorporate the city of Newark," passed February the twenty-ninth, eighteen hundred and thirty-six, or under and by virtue of any of the supplements thereto, any provisions contained in any act prior hereto to the contrary notwithstanding.

Vacant lots, how assessed.

4. *And be it enacted*, That all vacant and unimproved lands and lots in the city of Newark shall hereafter be subject to assessments for all city taxes, in the same manner as improved real estate now is or may hereafter be; and that all the provisions of the act entitled, "An act to incorporate the city of Newark," passed February the twenty-ninth, eighteen hundred and thirty-six, and the several supplements thereto in relation to taxes, shall be applicable to such lands and lots; *provided*, that the valuation of such unimproved lands and lots, upon which such assessments shall be made, shall be, as near as may be, one half of the true value thereof.

Coloured persons exempt from poll tax.

5. *And be it enacted*, That all persons of colour resident in said city shall be, and are hereby declared to be exempt from personal or poll tax.

Public squares may be laid out.

6. *And be it enacted*, That it shall be lawful for the said common council, whenever in their opinion the public good will be promoted thereby, from time to time to lay out any public square or squares, or park or parks, in said city, and to take and appropriate for such purpose any lands or lots in said city, with their appurtenances, upon making compensation to the owners thereof, as herein after mentioned and provided for.

Proceedings in case common council and land owners can not agree.

7. *And be it enacted*, That whenever the said common council shall have determined to lay out any public square or park, it shall be their duty to give notice in writing to the owner or owners of the lands or lots, with the appur-

tenances, proposed to be taken and appropriated for that purpose, of their intention to take and appropriate such lands or lots, with their appurtenances, for the purpose aforesaid, and shall treat with such owner or owners for the same; and if any such owner or owners shall refuse to treat for any such land or lots, with the appurtenances, or the said common council cannot, for any reason, agree with such owner or owners for the same, that then it shall be lawful for the said common council to appoint five disinterested persons, being freeholders of said city, each of whom shall be from different wards of said city, commissioners to make an estimate and appraisement of the value of the lands or lots, with their appurtenances, proposed to be taken and appropriated for such square or park; that the said commissioners, before they enter upon the discharge of the duties of their appointment, shall be sworn, before some person authorized to administer an oath in this state, faithfully to discharge the duties of their appointment.

8. *And be it enacted*, That in case any owner or owners of any of the lands or lots, with their appurtenances, proposed to be taken and appropriated as aforesaid, shall not be resident in the city of Newark, or cannot, upon reasonable inquiry, be found, that in that case, instead of the notice in writing before mentioned required to be given, it shall be the duty of said common council to cause a notice to be published, for four weeks successively, in one of the newspapers published in said city, at least once in each week, of their intention to take and appropriate such lands or lots, with their appurtenances, for the purpose aforesaid.

Notice to be published in case of non-residents.

9. *And be it enacted*, That the expenses of laying out and establishing any public square or park under the authority of this act, shall be paid, one-third part thereof by the common council of said city, out of the general funds of said city, and two-third parts thereof by the owners of houses and lots and lands intended to be benefited thereby; and that the said two-thirds of such expenses shall be assessed, by the same commissioners, upon the owners of houses and lots and lands intended to be benefited thereby, in proportion, as nearly as may be, to the advantages each shall be deemed to acquire.

Expenses, how paid.

10. *And be it enacted*, That all the provisions of an act entitled, "An act to incorporate the city of Newark," passed February the twenty-ninth, eighteen hundred and thirty-six, and of the several supplements thereto now in force, relating to the laying out and opening streets, roads, or highways in said city, touching the notice of the times and

Certain provisions of former acts to be considered parts of this act.

places of the meetings of the commissioners, the manner of proceeding of said commissioners, the reports to be by them made, the proceedings of the common council thereon, the appeal from the same, and the proceedings upon such appeal, the payment for the lands, with the appurtenances, taken and appropriated, and of the other expenses incurred, and the collection of the amounts assessed against the owners of houses and lots and lands intended to be benefited as aforesaid, to the liens upon lands, the sale and redemption thereof, and all other of the said provisions, shall be deemed and taken to be parts of this act, so far as the same may be applicable to the laying out and establishing public squares or parks, except so far as the same may be repugnant to, or inconsistent with the provisions of the previous sections of this act.

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

Approved February 14, 1850.

A supplement to an act entitled, "An act respecting conveyances," approved April fifteenth, eighteen hundred and forty-six.

Acknowledgment of deeds in other states.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That if the party who shall execute any deed or conveyance of lands, tenements, or hereditaments, lying and being in this state, or any other instrument of writing under seal required or authorized by the laws of this state to be acknowledged or proved, or the witnesses thereto reside not in this state, but in some other of the United States, then the acknowledgment or proof of any such deed, conveyance, or instrument of writing, taken or made before, and certified by a judge or justice of any district or circuit court, or the chancellor of the state in which such party or witnesses may be, in the manner directed by the laws of this state, shall have the same force and effect, and be as good and available in law, as if such acknowledgment or proof had been made before one of the justices of the supreme court of this state.

Non resident females covert.

2. *And be it enacted*, That the foregoing section shall be construed to extend to, and comprehend acknowledg-

ments of deeds and conveyances which shall be made by femes covert who reside out of this state, and in any other of the United States.

Approved February 15, 1850.

A further supplement to the act entitled, "An act securing to mechanics and others payment for their labour and materials in erecting any house or other building within the limits therein mentioned," approved April fifteenth, eighteen hundred and forty-six,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act, to which this is a further supplement, shall be extended to, and be of full force and effect within the county of Morris, and the township of East Windsor, in the county of Mercer, and the townships of Mansfield and Chester, in the county of Burlington in this state. Provisions of former act extended.

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

Approved February 15, 1850.

AN ACT to incorporate Parkeville Hydropathic Institute.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James P. Parke, Samuel Webb, Garric Mallery, James Harper, David Paul Brown, Mary H. Webb, Sally Ann Webb, and Samuel W. Fisher Webb, all of the city of Philadelphia, Rebecca W. Artois, of the city of New York, and George T. Dexter, M. D., of Parkeville, in the county of Gloucester, in the state of New Jersey, their successors and assigns, holders of stock in Parkeville Hydropathic Institute, be, and they are hereby Names of corporators.

created a body politic and corporate in law, by the name, style, and title of "Parkeville Hydropathic Institute," with all the rights, liberties, franchises, and privileges of a body corporate, for the purpose of establishing and conducting an institution for the cure of diseases by the water treatment, with such aids and appliances as the managers from time to time may deem proper; with the right to sue and be sued, in all courts of law or equity, and to purchase, have, hold, receive, possess, and enjoy such real and personal estate as may be required for the purposes of the said corporation; and to have a common or corporate seal, and the same to alter at pleasure, and to appoint such managers, assistants, and servants, and make such by-laws, rules, and regulations, not inconsistent with the constitution and laws of the United States or of this state, as often as the board of managers shall deem proper.

Amount of
capital stock.

2. *And be it enacted*, That the number of shares of stock in the Parkeville Hydropathic Institute shall consist of one thousand shares, of one hundred dollars each, transferable only by assignment upon the books of the institution; and each share of stock shall entitle the holder thereof to one vote at every meeting of the said corporation, upon every question requiring the vote of the stockholders; but no stockholder shall be entitled to a vote unless he shall have been the bona fide owner of his stock at least thirty days previous to the time of voting thereon; and that before the said corporation formed under this act shall proceed to transact business, twelve per cent. on the capital stock shall first be paid in.

Annual ap-
pointment of
managers.

3. *And be it enacted*, That the annual meeting of the Parkeville Hydropathic Institute shall be held at Parkeville, in the state of New Jersey, on the last Saturday of June in every year, to appoint not less than five, nor more than seven managers, a majority of whom shall be residents of the state of New Jersey, and to transact such business of said corporation as shall come before them, two weeks' previous notice of the time and place of meeting having been given in a newspaper published in the county of Gloucester; but no failure to meet or to elect managers shall be deemed or taken to be a forfeiture of this charter, or any of the privileges hereby granted, but the managers last elected shall continue in office until successors be elected in conformity hereto; and a special election may take place at any future time on the like notice; *provided nevertheless*, that nothing herein contained shall be deemed or taken to confer upon the corporation hereby created any banking privileges whatever, and that the corporation

formed under this act shall not engage or enter into the management or transaction of any business foreign to or other than the cure of diseases by water treatment.

4. *And be it enacted*, That the legislature may at any time alter, modify, or repeal this act. Act may be altered or repealed.

5. *And be it enacted*, That unless the associates named in the first section of this act, shall organize under the provisions of this act within one year from the passage of the same, then the said act shall become null and void. Corporation to organize in one year.

Approved February 15, 1850.

AN ACT to erect a part of the county of Monmouth into a new county, to be called the county of Ocean.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the county of Monmouth contained within the following boundaries, viz: beginning at Manasquan inlet and mouth of Manasquan river; thence up the middle of said river, to the first bridge over the same; thence westerly, to a corner on the south side of said river near the old bridge; thence south-westerly, to the road leading to Jackson's mills; thence along said road, till it strikes the line between Howell and Jackson townships; thence along said line, to the northeast corner of Jackson township; thence along the line between Jackson and Freehold townships, till it strikes the road leading from Freehold to Mount Holly; thence up the middle of said road, to the Plumsted line; thence down said line to Moses Ivins's floodgate bridge over the Lahaway creek, being the beginning corner of Plumsted township; thence following the Plumsted line, the several courses thereof, to the line between Burlington and Monmouth counties; thence along said line, to the sea shore; thence along the sea, to the place of beginning, be, and the same is hereby erected into a separate county, to be called "the County of Ocean;" and the said lines shall hereafter be the division lines between the counties of Monmouth, Burlington, and Ocean. Boundaries of county of Ocean.

2. *And be it enacted*, That the said county of Ocean shall have and enjoy all the jurisdiction, powers, rights, privileges, liberties, and immunities which any other county Representation in Senate and Assembly.

in this state doth or may enjoy; and that the said county of Ocean shall elect, in the same manner as other counties in this state do, one member to represent the said county in the General Assembly, and one member to represent the said county in the Senate of this state, and no more, until otherwise regulated by law; and the county of Monmouth shall hereafter elect one member to represent the said county in the Senate of this state; and the present member of Senate of said county of Monmouth shall continue in office until his term of office expires, and the present members of Assembly of the county of Monmouth shall continue in office till the meeting of the next legislature; and the said county shall elect four members to represent said county in the General Assembly of this state.

Inhabitants
of townships
incorporated

3. *And be it enacted*, That the said county of Ocean shall be divided into six townships, namely: the present townships of Jackson, Plumsted, Stafford, Union, and Dover, except so much of the said township of Dover as lies north of a line running east from a point where the line between the townships of Jackson and Howell meet the Dover township line; thence, a straight line, to Polhemus' mills, on the south branch of Kettle creek; thence along said creek to the bay; thence across the bay to the sea and all those parts of the townships of Howell and Dover included in the following boundaries, viz: beginning at Manasquan inlet and mouth of Manasquan river; thence up the middle of said river, to the first bridge over the same; thence westerly, to a corner on the south side of said river near the old bridge; thence a southwesterly course till it strikes the road leading to Jackson's mills; thence along said road till it meets the line between Jackson and Howell townships; thence along said line to the Dover township line; thence a straight line to Polhemus' mills, on the south branch of Kettle creek; thence along said creek, the several courses thereof, to the bay; thence across the bay to the sea; thence along the sea to the place of beginning, to be called the township of Brick; and that the inhabitants of each and every of the said townships be, and they are hereby constituted a body corporate and politic in law, by the following names, that is to say: that the inhabitants of the township of Jackson shall be styled and known by the name of "the inhabitants of the township of Jackson, in the county of Ocean;" that the inhabitants of the township of Plumsted shall be styled and known by the name of "the inhabitants of the township of Plumsted, in the county of Ocean;" that the inhabitants of the township of Stafford shall be styled and known by the name of "the

inhabitants of the township of Stafford, in the county of Ocean;" that the inhabitants of the township of Union shall be styled and known by the name of "the inhabitants of the township of Union, in the county of Ocean;" that the inhabitants of the township of Dover shall be styled and known by the name of "the inhabitants of the township of Dover, in the county of Ocean;" and that the inhabitants of the township of Brick shall be styled and known by the name of "the inhabitants of the township of Brick, in the county of Ocean;" and that the inhabitants of each and every of the said townships, respectively, shall be, and they are hereby vested with, entitled to, and authorized to exercise and enjoy all the franchises, powers, privileges, immunities, and authorities, and shall be, and hereby are made subject to all the provisions of the laws, for the time being, for the regulation and government of the inhabitants of the other townships of this state.

4. *And be it enacted*, That the justices of the peace and all other county officers, except the sheriff, clerk, surrogate, and prosecutor of the pleas, within the said townships hereby erected into a new county, shall continue to hold, exercise, and enjoy their several and respective offices and appointments within the present limits of said county of Monmouth, with all the privileges thereunto belonging, until the twenty-fifth day of March next; and all courts, at the time of the passing of this act, existing and being within the present limits of the said county of Monmouth, shall continue to have and exercise, respectively, jurisdiction within the same, until said twenty-fifth day of March next, in the same manner as if this act had not passed; and from and after the twenty-fifth day of March next, and until their respective terms of office in and for the county of Monmouth shall expire, all persons in office at the time of passing this act, resident within the bounds of said county of Ocean, and every of them, shall hold, exercise, and enjoy their respective offices, with all the powers, authority, privileges, and emoluments thereunto belonging, within the said county of Ocean, as fully and effectually, to all intents and purposes, as if they had been elected and appointed to their said offices, respectively, within the said county of Ocean; *provided however*, that all such county officers shall file an oath of office with the clerk of said county of Ocean, on or before the said twenty-fifth day of March next.

Jurisdiction
of officers
and courts of
Ocean coun-
ty.

5. *And be it enacted*, That all actions, suits, appeals, prosecutions, and other legal proceedings, commenced or depending in the supreme court, or in any court, or before any justice of the peace, within the former limits of the said

Suits depend-
ing not to
be affected.

county of Monmouth, before the twenty-fifth day of March next, shall not in any wise be affected by this act, but the same may and shall be continued and prosecuted in the same manner as if this act had not been passed, any thing herein contained to the contrary notwithstanding; *provided*, that in all such causes pending in the supreme court, or in any of the courts in and for the said county of Monmouth, where the defendant in any transitory action does, at the time of the passing of this act, reside within the limits of the county of Ocean, or where, in any local action, the cause of action arose within the bounds of said county, either party may, at his election, on application to the court in which said action may have been commenced for that purpose, have the venue in said action changed to the said county of Ocean, and the cause tried therein, as if the said action had originally been commenced in said county of Ocean.

County jail.

6. *And be it enacted*, That the jail of the county of Monmouth be, and it hereby is constituted the jail for the confinement of all prisoners of the county of Ocean, until a jail shall be prepared in the county of Ocean; and the sheriff of the county of Ocean, or any other officer having the lawful custody of any prisoner within said county of Ocean, is hereby authorized to confine such prisoners in the jail of the county of Monmouth; and the keeper of said jail is required to receive and safely keep every such prisoner so delivered to him; in the same manner, and under the same penalties, as he is or may be by law required to keep and provide for the prisoners of the county of Monmouth; until such prisoner shall be demanded by the proper officer or officers of said county of Ocean, or by other due and legal authority; and the said keeper shall be entitled to receive of the board of chosen freeholders of the county of Ocean such compensation for the support of the prisoners of said county as are or shall be allowed by law in other cases.

Chosen freeholders incorporated.

7. *And be it enacted*, That the chosen freeholders of the several townships of the county of Ocean, and their successors, shall be, and they hereby are constituted a body politic and corporate in law; and they shall be styled and known by the name of "the board of chosen freeholders of the county of Ocean," and shall hold; have, use, exercise, and enjoy the like rights, powers, and authority, and be subject to all the provisions of the laws for the time being, as the boards of chosen freeholders of the other counties of this state are and shall be entitled and subject to; and the said board of freeholders shall meet at the house of Thomas P. Barkelow, in the village of Toms River, on the

day appointed by law for the next annual meeting of the board of chosen freeholders in the county of Monmouth, and afterwards at such times and places as they may appoint, or shall be required by law, until a court house be provided for said county of Ocean.

8. *And be it enacted,* That John S. Forman, John W. Cox, and Joel Haywood, or any two of them, be, and they are hereby appointed commissioners, on the part of the county of Ocean, and Forman Hendrickson, Charles Parker, and Thomas Arrowsmith, or any two of them, be, and they are hereby appointed commissioners on the part of the county of Monmouth; to attend at the court house in the county of Monmouth on the seventeenth day of April next, at the hour of eleven o'clock in the forenoon of that day, and after taking an oath or affirmation, before some justice of the peace of said county of Monmouth, faithfully, honestly, and impartially to perform the trust reposed in them by this act, shall call before them the county collector of the county of Monmouth, whose duty it shall be to furnish the said commissioners with the abstract of the quotas of the tax fixed by the assessors of the said county of Monmouth at their last stated meeting; and the said commissioners, when met, shall make out a true statement of the quota of state tax, as adjusted the last year, and shall, in that proportion or ratio, fix the quota of tax to be levied and collected in each township the present year for the state; and the said commissioners shall also settle with the collector aforesaid for all county moneys which may remain in his hands, and shall value the buildings at Freehold, and other property belonging to the county of Monmouth, including the surplus revenue; and the said commissioners of the county of Ocean shall receive from the county collector of the county of Monmouth, whose duty it shall be to pay the same to them, or to deliver bonds and mortgages for a portion thereof, if he has not the money sufficient, the proportion that will belong to the county of Ocean, according to the ratio of the taxes as fixed by the last assessment; also their proportion of the public buildings, surplus revenue, and other public property, after making an equitable deduction of any debts which may be due by said county of Monmouth; and it shall be the duty of the said commissioners, respectively, to lay before the board of chosen freeholders of each county, at their annual meeting in May next, a statement of the valuation made by them of the public buildings at Freehold, the surplus revenue, and other public property, also the settlement aforesaid, which settlement shall form the quota of state tax for each county

Commissioners to fix quota of tax and divide property.

for the present year; and the said commissioners shall receive two dollars per day for their services while engaged in making such settlement, to be paid equally by the county collectors of the county of Ocean and the county of Monmouth; and the said commissioners of the county of Ocean shall pay over to the chosen freeholders of the county of Ocean all moneys, notes, bonds, and mortgages which they may receive from the county collector of the county of Monmouth on such settlement, at the annual meeting in May next.

Freeholders
authorized
to erect pub-
lic buildings.

9. *And be it enacted*, That the board of chosen freeholders of the said county shall, upon the call of their director, or upon their own adjournment, from time to time, as often as occasion may require, meet together at such places as they may appoint for that purpose; and said board, or a majority thereof, are hereby authorized, in the corporate name of said board, to contract for and take a deed or deeds for lands on which to erect the court house, jail, clerk's and surrogate's offices, and other public buildings, and to erect such buildings, and to purchase, or otherwise procure and provide the same, and also to order money to be raised by tax to be assessed on the inhabitants of said county for the purpose of defraying the cost of purchasing said lands, and of building, purchasing, or otherwise procuring and providing said public buildings.

Assessment
to be made.

10. *And be it enacted*, That, to raise money for the purposes mentioned in the last section, the assessors and collectors of the several townships in said county shall, in their respective townships, from time to time, as occasion may require, assess and collect such sums of money as the board of chosen freeholders of said county shall direct, in the manner county taxes are assessed and collected.

Certificate to
be made
when jail is
finished.

11. *And be it enacted*, That it shall be lawful for one judge, the clerk and surrogate of the said county of Ocean, at the request of the director of the board of chosen freeholders, when in their opinion the jail erected or procured in and for said county is finished, or prepared so as to be safe for the confinement of prisoners, so to certify in writing under their hands to the director of the board of chosen freeholders of said county; and the clerk of said board shall enter said certificate on the minutes of said board, and deliver a copy thereof to the sheriff of said county, and thereupon it shall be the duty of said sheriff to remove all prisoners of said county that may then be confined in the said jail of the county of Monmouth to the said jail of the county of Ocean, there to be confined according to law;

and such removal shall not be deemed an escape, or in any wise chargeable to the sheriff or the keeper of the jail of the county of Monmouth.

12. *And be it enacted*, That the militia of said county of Ocean shall form a separate brigade, to be called "the Ocean brigade;" and the militia of the county of Monmouth shall form a separate brigade, to be called "the Monmouth brigade;" and the said Ocean and Monmouth brigades shall severally be attached to the third division of the militia of this state. Militia of Ocean and Monmouth.

13. *And be it enacted*, That it shall be the duty of the trustees of the school fund of this state to apportion to the said county of Ocean, on or before the twenty-fifth day of April next, its just share and proportion of the annual appropriation of the school fund, according to law. Apportionment of annual appropriation of school fund.

14. *And be it enacted*, That, upon receiving the proportion of the surplus revenue to which said county of Ocean is entitled, the said board of chosen freeholders shall, within ninety days after receiving the same, deliver the certificate for the amount of such surplus revenue, signed by the director of the said board of freeholders, expressing the usual legal obligation, and pledging the faith of the county of Ocean for the safe keeping and repayment thereof to the treasurer of this state, and in all things comply with the act of the legislature of this state entitled, "An act making provision for the deposit and distribution of so much of the surplus revenue of the United States, as now is or may hereafter be apportioned to and received by this state," passed the tenth day of March, eighteen hundred and thirty-seven. Surplus revenue.

15. *And be it enacted*, That the court house, jail, and all other county buildings for said county of Ocean shall be located at the village of Toms River; and that the circuit courts, common pleas, quarter sessions of the peace, orphans' court, and court of oyer and terminer, shall be held in and for the county of Ocean at the village of Toms River, at some place to be provided by the chosen freeholders of said county for holding said courts, and for the accommodation of the clerk and surrogate of said county; and the said courts shall be held on the first Tuesday of June, on the first Tuesday of September, on the first Tuesday of December, and the first Tuesday of March, annually; and the first courts in and for said county shall be held on the first Tuesday of June next. Location of public buildings.

16. *And be it enacted*, That all judgments, already or that hereafter may be obtained in action, suit, or proceed- Executions or suits now pending in Monmouth may be executed in Ocean

ings actually commenced or depending before the twenty-fifth day of March next, shall be deemed, esteemed, and taken to be of the same force and effect within the present bounds of the said county of Monmouth as if this act had not been passed, and writs of execution or other legal process may be issued thereon, directed to the sheriff or other legal officers of the said county of Monmouth, who are hereby authorized and directed to execute the same within the limits of the county of Ocean as fully as if this act had not passed; and all writs of scire facias may issue as by law allowed in other cases.

Town meetings, when held.

17. *And be it enacted*, That the first town meeting of the townships of Stafford, Union, Dover, Jackson, and Plumsted shall be held at such times and places as they would have been held had they continued in the county of Monmouth; and the inhabitants of the township of Brick shall hold the first town meeting in and for said township on the second Tuesday of March next, at the house of Richard Burr, in Burrsville; and that the said town meetings shall be held hereafter on the second Tuesday of March, annually, at such places in the respective townships as the electors of said townships shall direct and appoint.

18. *And be it enacted*, That this act shall take effect from and after the passage thereof.

Approved February 15, 1850.

AN ACT to incorporate the South river and Freehold Plank Road Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Obadiah Herbert, Andrew J. Disbrow, John W. Abrahams, David C. Conover, and Jacob Herbert, and such other persons as may hereafter be associated with them, shall be, and are hereby constituted a body politic and corporate in law, by the name of "the South river and Freehold Plank Road Company."

Amount of capital stock.

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

deemed personal estate, and shall be transferable in such manner as the by-laws of said corporation shall direct.

3. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of the said corporation, at such time or times, and place or places in the county of Middlesex or Monmouth, 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 one or more of the newspapers printed in the city of New Brunswick, county of Middlesex, and also in one or more of the newspapers printed in the village of Freehold, county of Monmouth; and, at the times and places so fixed, the said commissioners, or a majority of them, shall attend and receive subscriptions to the capital stock; and at the time of subscribing for said stock, two dollars and fifty cents on each share subscribed shall be paid to the said commissioners, and the residue may be called in and shall be paid at such times and in such amount, by instalments, as is by this act herein after directed.

4. *And be it enacted*, That whenever there shall be one thousand shares of the said stock subscribed, and amount on each share paid in, as before directed, the said commissioners, or a majority of them, shall give notice, as above specified, for a meeting of the stockholders for the purpose of choosing directors and organizing said company, and of which said election the said commissioners, or a majority of them, shall be the judges; which subscribers, when so met, shall proceed to elect by ballot, from among the stockholders, seven directors, a majority of whom shall be citizens and residents of this state, and hold their office for one year and until others are elected, and each stockholder, at such election and at all future elections of said corporation, shall have one vote for each share they may hold at the time of such election; and that such stockholders may vote at any election by proxy, duly authorized for that purpose.

5. *And be it enacted*, That a majority of the board of directors shall at all times be a quorum for the transaction of business, and may have power to call in the remainder of the capital stock of said corporation by instalments, not exceeding seven dollars and fifty cents on each share, by giving thirty days' notice of such required instalments in one or more of the newspapers printed in each of the aforesaid counties; and if any stockholder shall neglect or refuse, for thirty days after such instalment is due, to pay the same,

he, she, or they, so neglecting or refusing, shall forfeit their stock, and all payments made thereon; and the said board of directors shall and may require from the treasurer such security as to them shall seem just.

Commissioners to pay over subscription money to directors.

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

Corporation not dissolved for failure to elect on day prescribed.

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

Route of road.

8. *And be it enacted*, That the president and directors of the said company are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a plank road, not exceeding sixty feet in width, to commence at South river, north of the turnpike road, in the township of North Brunswick, in or near the village of Old Bridge, and passing in the most eligible route to its point of termination in or near the village of Freehold, county of Monmouth; and it shall and may be lawful for the said president and directors, their agents, and others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, levelling; or laying out the route or routes of such road, and of locating the same, doing no unnecessary injury to private property; and when the route of such road shall have been agreed upon, and filed in the office of the secretary of this state, then it shall be lawful for the said company, by its officers, agents, contractors, and all other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to con-

Directors, &c., may enter on lands.

struct said road, and to do all other things which shall be suitable or necessary to carry into full effect the object of this charter; *provided always*, that the said corporation shall pay, or make tender of payment, for all damages for the occupancy of lands through which the said road shall be laid out, before the said company, or any person in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying said route, unless the consent, in writing, of the owner or owners of such lands be first had and obtained.

9. *And be it enacted*, That there shall be formed and constructed a special artificial road, of not less than eight feet in width, and faced with good substantial plank or timber, laid down in a firm and workmanlike manner; and the same shall be kept at all times in good repair, so as to present a firm, smooth, and even surface at all seasons of the year; and the same shall in no case rise above four degrees in a parallel with the horizon.

Description
of road.

10. *And be it enacted*, That if the owners of the land on which such road shall be located, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, who is disinterested in the premises, upon the application of either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, freeholders of this state, to assess the price or value of such land, and all damages sustained, who shall be sworn before said justice faithfully to execute the duties of such appointment; and, after ten days' notice in writing to both parties of the time and place, they shall meet to view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of said land, and the quantity taken, by whom owned, and how situate, bounded, and described, in writing under their hands and seals, or the hands and seals of a majority of them, to the justice who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of the county in which said lands lie, there to be recorded and kept as a public record, and copies taken, if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the county in which said lands lie, at the

Proceedings
in case owners
of land
cannot agree.

first term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal; which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and, if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said land and all damages sustained, and for that purpose to view the land in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs, against the said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issued therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed of all such lands and real estate so appraised as aforesaid, for the purposes of said road; and in case the said road shall be vacated or abandoned by the company, the land so taken shall revert to the original owners, or their heirs or assigns.

Rates of toll. 11. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert, under age, non compos, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report so made in behalf of any such persons, or the amount found by a jury, into the court of chancery, or to the clerk thereof, subject to the order of the said court for the use of said owners; all which proceedings, as well under this as the last section of this act, shall be at the proper costs and charges of the said corporation, except in cases of appeal above provided for; and the said justice shall and may direct the amount of cost and charges of such valuation, appraisement, and witness' fees.

Money, in certain cases to be paid into the court of chancery. 12. *And be it enacted*, That the said company may erect gates and turnpikes across the said road, whenever three miles of said road is completed, and demand and receive toll for each mile of the said road so made, not exceeding the following rates, to wit:

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

For every additional beast, two cents.

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

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

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

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

Horses, cattle, &c., may be stopped until toll is paid.

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

Mile stones or posts to be erected.

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

Penalty for injuring works.

15. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any person passing at any of

Penalty for illegal tolls or delaying travellers.

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

Penalty for obstructing passage.

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

Public act.

17. *And be it enacted*, That this act shall take effect immediately, and shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatsoever; and the said corporation shall have all the power and privileges, and be subject to the restrictions, limitations, and conditions specified and contained in the act entitled, "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six.

Approved February 19, 1850.

AN ACT to confirm certain acknowledgments and proofs of deeds, mortgages, and other instruments, taken by Caleb Brokaw.

Preamble.

WHEREAS it appears to the legislature of this state that Caleb Brokaw was appointed a commissioner for taking the acknowledgments and proofs of deeds for the county of Middlesex, on the fourteenth day of March, eighteen hundred and thirty-two, for the term of five years, which said commission expired on the fourteenth day of March, eighteen hundred and thirty-seven; and whereas it is represented that the said Caleb Brokaw did take and certify

acknowledgments and proofs within the above specified dates, viz: from the fourteenth day of March, eighteen hundred and thirty-two, until the fourteenth day of March, eighteen hundred and thirty-seven, the commission having been previously filled by the appointment of two commissioners for the township in which he lived—therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several acknowledgments and proofs of deeds, mortgages, and other instruments in writing, taken and certified by Caleb Brokaw, as one of the commissioners for taking the acknowledgments or proofs of deeds in the county of Middlesex, between the fourteenth day of March, eighteen hundred and thirty-two, and the fourteenth day of March, eighteen hundred and thirty-seven, be, and the same are hereby confirmed and declared valid and effectual, in like manner as though the same had been taken before one of the justices of the supreme court of this state.

Acknowledgments of C. Brokaw confirmed.

Approved February 19, 1850.

AN ACT to reimburse the county of Mercer for maintaining prisoners from the county of Warren.

WHEREAS Joseph Carter, jun., and Peter W. Parke, two prisoners from the county of Warren, severally indicted for the murder of John B. Parke, of the said county of Warren, were, after their conviction, removed to Trenton, and were, by the order of the supreme court, in which their indictments were depending, removed to the custody of the sheriff of the county of Mercer for safe keeping; and whereas, by virtue of the order of the supreme court, the said Joseph Carter, jun., was confined in Mercer jail, from the fourteenth day of September, eighteen hundred and forty-four, until the nineteenth day of August, eighteen hundred and forty-five; and the said Peter W. Parke was confined therein from the sixth day of February, until the nineteenth day of August, eighteen hundred and forty-five; and that while they were so confined, expenses to the amount of one hundred and twenty dollars and

Preamble.

eleven cents were incurred for their board and safe keeping, which were defrayed by the county of Mercer; and whereas the chosen freeholders of the county of Warren have refused to reimburse the county of Mercer, although applied to for that purpose, therefore, in order to reimburse the county of Mercer for the said moneys expended as aforesaid, with interest thereon—

\$150 to be
paid to col-
lector of
Mercer co.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*; That the treasurer of this state is hereby directed to pay to the collector of the county of Mercer one hundred and fifty dollars.

Approved February 19, 1850.

AN ACT to confirm the official acts of Nelson V. Young, a commissioner to take acknowledgments and proofs of deeds in the township of West Amwell, in the county of Hunterdon.

Preamble.

WHEREAS it appears that Nelson V. Young, of the township of West Amwell, in the county of Hunterdon, was duly appointed and commissioned one of the commissioners to take acknowledgments and proofs of deeds and other writings, in and for the county of Hunterdon, on the ninth day of March, in the year of our Lord one thousand eight hundred and forty-eight, and was sworn into office March the fourteenth of the same year, and did thereafter exercise the office of commissioner, as aforesaid; and whereas it appears that there were two commissioners in the same township at that time, whose terms of office have not expired; and whereas doubts have arisen as to the validity of the official acts of the said Nelson V. Young under his said commission—therefore,

Official acts
of Nelson V.
Young con-
firmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the official acts of Nelson V. Young, commissioner to take acknowledgments and proofs of deeds and other writings, in and for the county of Hunterdon, by him performed since the fourteenth day of March, in the year of our Lord one thousand eight hundred and forty-eight, until the passage of this act,

shall, and the same are hereby declared to be as valid and effectual in law, to all intents and purposes, as if there had not been two other commissioners acting in the township at the time of his appointment.

2. *And be it enacted*, That the said commission of the said Nelson V. Young to take acknowledgments and proofs of deeds and other writings, in and for the said county of Hunterdon as aforesaid, shall, and the same is hereby declared to be void from and after the passage of this act. Commission declared void.

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

Approved February 20, 1850.

A supplement to an act entitled, "An act to authorize the inhabitants of School District Number one, in the township of Plainfield, in the county of Essex, to raise money to build school houses," approved March ninth, eighteen hundred and forty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert Anderson, William P. Williamson, Elston Marsh, William Dunn, and Zachariah Webster, the trustees of School District Number one, in the township of Plainfield, elected on the first Monday in April, in the year of our Lord eighteen hundred and forty-nine, pursuant to the provisions of the act entitled, "An act to establish public schools," and their successors in office, shall be, and hereby are constituted a body politic, incorporated by the name of "the trustees of School District Number one, in the township of Plainfield." Trustees incorporated.

2. *And be it enacted*, That the real estate heretofore purchased by the trustees of said School District Number one, in their official capacity, pursuant to the provisions contained in the second section of said act, and upon which they have erected a public school house, be, and is hereby vested in the corporation hereby created, as fully, to all intents and purposes, as if the trustees of said district had been incorporated by the act to which this is a supplement, and the conveyance had been made to them in their corporate name. Real estate vested in corporation.

What real estate may be held.

3. *And be it enacted*, That said corporation may purchase and hold such real estate (including the lands purchased as aforesaid) as may be necessary for the purposes of public school houses, not exceeding in the whole five acres of land; and may sell, exchange, or mortgage the lands by this act vested in the corporation, and such other lands as they may purchase, as may be most for the benefit of said School District Number one, and to apply the money arising therefrom to the purposes mentioned in the act to which this is a supplement.

Provisions of former act extended.

4. *And be it enacted*, That the provisions contained in the act to which this is a supplement, relating to the official acts and duties of said trustees, are extended to the trustees hereby incorporated, and their successors, in the same manner and to the same effect as if they had been incorporated by the said act.

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

Approved February 20, 1850.

AN ACT to incorporate the Somerville and New Brunswick Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William H. Leupp, John S. Blauvelt, Rynear Veghte, George H. Brown, and Eugene S. Doughty, 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 Somerville and New Brunswick Railroad Company."

Amount of capital stock.

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

Commissioners to open books of subscription.

3. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of the said corporation, at such

time or times, and place or places, in the counties of Somerset and Middlesex, 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 Somerville; and that the said books shall be kept open 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 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.

4. *And be it enacted*, That when the said capital stock shall be subscribed for, and the books closed, and the apportionment made, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose seven directors, a majority of whom shall be residents in this state; and such election shall be made by ballot, by such of the stockholders as shall attend for the purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books and money to the said directors; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall, in the same manner, elect the same number of directors, a majority of whom shall be residents of this state; and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at any of the elections of the said corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies may be filled, for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Annual election of directors.

Corporation
not dissolved
for failure to
elect on day
prescribed.

5. *And be it enacted,* That in case an election of directors shall 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.

Instalments,
how paid.

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 capital stock by such instalments, not exceeding five dollars on each share at one time, and at such times as they may direct; and in case of the nonpayment of such instalment, to forfeit the share or shares upon which such default shall arise.

Company
authorized
to construct
road.

7. *And be it enacted,* That the said company be, and they are hereby authorized and vested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from some suitable point or place in or near the town of Somerville, in said county of Somerset, and within a half-mile of the court house, to some suitable point or place at or near the city of New Brunswick, and passing as near as practicable to the village of Boundbrook, and to locate and form said railroad, not exceeding sixty-six feet in width, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, and others in their employ, to enter upon all lands and waters for the purpose of exploring, surveying, levelling, and laying out the route of such railroad, and of locating the same; and when the route and the location of said road shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, it shall then be lawful for the said company, by its officers, engineers, agents, contractors, and workmen, to enter upon, take possession of, hold, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other necessary works thereon, and 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 payment of all damages for the occupancy of lands through which the said railroad may be laid out and

located, be made by the company, either to the owner or into court, as herein after provided for, before they, or any person under their direction or in their employ, shall enter upon or break ground upon the premises, excepting for the purposes of surveying and laying out said railroad, unless the consent of the owner or owners of such lands be first had and obtained in writing.

8. *And be it enacted*, That when the said company, or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company, in the construction of the said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or, if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners herein after named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and make a true report, according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands or materials, and hear evidence, if any shall be offered; to which end the commissioners are authorized to administer oaths to witnesses, and make a just and equitable estimate or appraisement of the value of the same; and assessment of damages, to be paid by the company for such land or materials and damages aforesaid, and to make a report thereof, under the hands and seals of the said com-

Proceedings
in case owners
of land
and company
cannot
agree.

missioners, 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, in case of an appeal, the verdict of a jury and judgment of the court thereon, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possess, and enjoy the said land or materials, after payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action in any court of competent jurisdiction, to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice shall tax and allow such costs, fees, and expenses to the justice, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company; *provided always*, that should the said company, or the owner or owners of any of the land or materials, feel himself, herself, or themselves aggrieved by the decision of the commissioners aforesaid, he, she, or they may appeal to the next circuit court in the county wherein the said lands or materials shall lie.

Parties aggrieved may appeal.

Manner of appealing.

9. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section shall be made in writing, and filed with the clerk of the circuit court of the county wherein the lands or materials appraised by the said commissioners shall be; and notice in writing of such appeal shall be given to the opposite party, within ten days after the filing thereof, and thereupon, without any further proceedings, the parties shall be considered as at issue, and the like proceedings shall be had, and the like process awarded for the trial thereof by jury, and for compelling the attendance of witnesses, as may be had or awarded for the trial of any other issue before the said court, and the like judgment shall be rendered on the verdict of the jury, with costs, if costs ought to be awarded; and such judgment shall be recorded in the same manner, and have the like force and effect as in any action of trespass, or on the case, prosecuted in the said court, and execution may be thereupon issued, as in other cases; and

if the verdict 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 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, or upon his, her, or their refusal to receive it, on tender thereof, it first be paid into the said court, to the clerk thereof; *provided*, that the person or persons entitled to receive the damages assessed by the commissioners may, upon tender thereof being made, receive the same without being thereby debarred from his, her, or their appeal, as herein before provided for.

10. *And be it enacted*, That in case any owner or owners of any such required lands or materials so appraised, or in favour of whom damages may have been assessed, shall be feme covert, under age, non compos mentis, or resident out of this state, or shall refuse to receive the amount so awarded or assessed, then, and in such case, the said company shall pay the amount or amounts so awarded to the last mentioned owner or owners, respectively, or the damages so assessed into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of the said owner or owners, or of the said person or persons so damnified; which payment shall have the same force and effect, and vest in the company the same rights and privileges, as if paid to the owner or 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.

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

11. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, now or hereafter laid out, 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

Company to construct and repair bridges.

thereby; and when the railroad shall intersect any farm or lands, they shall provide and keep in repair suitable wagon ways over or under the said railroad, and shall make and keep in repair good and sufficient fences on both sides of said railroad, throughout its entire length, and also construct and maintain cattle guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on to the said road, and 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 costs of the said railroad, 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 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 in January of each year; *provided*, that no other tax or impost shall be levied or assessed upon said company.

Company may construct or purchase engines.

12. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, and to place on their railroad, all machines, engines, wagons, carriages, and vehicles, for the transportation of persons or any species of property thereon, that they may think reasonable, expedient, and right.

Dividends.

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

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 the court or jury, to be by them recovered in an action of debt, with costs of suit, in any court having competent jurisdiction; and also, shall be liable to pay to

said company the amount of damages sustained thereby, with costs of suit, to be sued for in an action of trespass.

15. *And be it enacted*, That the said company may have and hold real estate, at the commencement and termination of said road, not exceeding four acres at each place; and may erect and build thereon houses, warehouses, stables, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property, and construction of carriages and other necessary uses, and take and receive the rents, profits, and emoluments thereof; and shall have the privilege and authority to erect, build, and maintain on the river Raritan, and such other 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.

What real estate may be held.

16. *And be it enacted*, That the road authorized by this act be, and the same is hereby declared free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the said carriages, so used thereon, shall be so constructed and so regulated, as to the time of starting, speed of travelling, and amount of tonnage, as not to interfere with the carriages of the company nor injure the said road.

Road to be public highway.

17. *And be it enacted*, That if the said railroad shall not be commenced in two 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.

Time of commencement and completion of road.

18. *And be it enacted*, That at any time after the expiration of fifty years from the completion of said road, the legislature of this state may cause an appraisement of the said road, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof 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 the appointment by the said chief justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding on the said company; or in

State may take road at appraisement.

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, who, or a majority of them, shall make such appraisement as aforesaid, and thereupon the state shall have the privilege, for three years, of taking the said road, upon the payment to the company of the amount of the said report within one year after electing to take said road; which report shall be filed in the office of the secretary of this state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment of the amount so reported to the said company; and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of the said road, and the appendages thereof; *provided always*, that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company or advance of the stock; and the said valuation shall in no case exceed the first cost of the said railroad, with the lands and appendages thereof.

Company
may make
contracts for
transportation,
&c.

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

Rates for
passage and
transportation.

20. *And be it enacted*, That it shall be lawful for the said company to demand and receive for carrying each passenger over said railroad, at the rate of four cents per mile, but no charge for the transportation of a passenger shall be less in the aggregate than ten cents; and for the transportation thereon of every species of heavy merchandise, produce, property, and freight, the loading and unloading thereof upon and from the cars of said company inclusive, at the rate of seven cents per mile for each ton weight; and for the transportation of dry goods and packages, the company may charge such reasonable rates as the board of directors of said company shall fix for the same; and when such passengers or property are carried over and upon said road in vehicles, and by means not belonging to said company, but owned by others, the said company shall be empowered to demand and collect, as tolls therefor, at the rate of two cents per mile for each and every passenger, and at the rate of three 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 freights as shall be brought to the same, to be transported on the said road.

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

Approved February 20, 1850.

AN ACT for the better government of the Amicable Meadow Company, in the county of Salem.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the owners and possessors of that body of marsh and meadow ground now subject to the overflow of the tide, in the township of Upper Penn's Neck, in the county of Salem, lying between the fast land of William Justice, at Pedricktown, and the line of the Association Meadows Company, and extending from low water mark in Oldman's creek to the fast land, crossing Batsto creek branch where the swamp bank now crosses the same, shall hereafter be known as the "Amicable Meadow Company." Company incorporated.

2. *And be it enacted*, That the marsh and meadow of said company shall be in two divisions, to be known as the upper and lower divisions; the division line to commence at low water mark aforesaid, and corner of marsh of Charles Kidd and Jonathan B. Grier, and to follow up said Grier's line to the fast land, leaving all Grier's marsh and meadow in the lower division, and all the rest in the upper division; and it shall be lawful for the members of either division to make a bank on the line of the division, and stop the ditches, to prevent the water from passing from one division to the other. Division line.

3. *And be it enacted*, That the said company shall meet on the first Thursday in April next, at the inn now kept Annual election of officers.

by Samuel Bond, in Pedricktown, and between the hours of two and six o'clock in the afternoon, and, by a plurality of the votes of those present, choose one person interested in the lower, and two interested in the upper division, to be the managers thereof, one clerk and three disinterested persons for commissioners, all of whom are to continue in office one year and until others are chosen in their stead, and have accepted their appointment; and that annual meetings shall be held on the first Thursday in April, in each successive year thereafter, at such place as they at their previous annual meeting shall designate, for the appointment of officers and transaction of such business as may be deemed necessary; and in case of a vacancy in any of the aforesaid offices during the year, special meetings may be called, by either of the managers or any two members of the company, to fill the same, by giving at least five days' notice, by advertisements set up in three public places in the neighbourhood of said meadow, stating the time, place, and object of such meeting; which meeting shall be governed in all respects as an annual meeting, and the acts of those chosen thereat shall be as valid, and the penalties the same as if chosen at an annual meeting; and special meetings may be called in like manner for any other purpose not adverse to the other provisions of this act.

Managers
authorized
to stop breaches.

4. *And be it enacted*, That when the owners of at least two-thirds of the marsh and meadow ground within said bounds, at an annual meeting, shall agree to re-embank the same, it shall be the duty of the managers, and they are hereby jointly and severally authorized and empowered, by contract or otherwise, to stop, or cause to be stopped, all the breaches in the banks that were cut at the expense of the company, including the one known as the short-turn breach, to commence at the time agreed upon at such meeting, and to proceed without any unnecessary delay until the water shall be stopped off and the stoppings well secured; which said marsh and meadow shall remain reclaimed until the owners of at least two-thirds thereof, at an annual meeting, shall agree to another overflow.

Sluices, &c.,
how to be
kept up.

5. *And be it enacted*, That the sluices, waterworks, and creek bank, in the lower division, shall be laid, put up, and kept in repair by the owner or owners of the marsh and meadow in said division, and the breaches in the banks therein stopped and maintained in like manner; and in the upper division, the creek bank to be put up and kept in repair by the several owners and possessors, as now laid off, the aforesaid breaches excepted, unless some of the owners shall agree to change allotments, which change, whether

through commissioners or otherwise, shall be as binding on the parties and marsh as the former lay off; and the expenses of the sluices, with two rods of bank or dam over the same, and stopping the breaches as aforesaid, and keeping them in repair, shall be defrayed by a tax on the marsh and meadow of the several owners in said division, according to the quantity by them held; and if, at an annual meeting, after the marshes shall be reclaimed, a majority of the owners in said division shall agree to a new lay off, it shall be the duty of the commissioners to relay off said banks, giving those owning lots adjoining the creek the preference of their front towards their share; and if said commissioners deem it necessary, they may have the marsh and meadow accurately measured, and a map made thereof, designating the quantity owned or held by each person; after which lay off and allotment, the several owners, their heirs and assigns, shall keep up and maintain the part or share so assigned them, and their marsh and meadow shall be bound accordingly for said maintenance, notwithstanding any judgment, sale, or alienation thereof.

6. *And be it enacted,* That within three months after the time shall be fixed for reclaiming said marsh, the managers shall give notice to the several members of said company of the time when their respective shares of the creek bank must be put up and completed; and if any of them shall neglect or refuse to have said work done by the time so specified, or shall not do it in a proper manner, in the opinion of the managers, then they, or either of them, may proceed to put up, repair, or finish the same; and if, in the opinion of said managers, it is necessary to have any part or parts of said bank shifted or new bank made, those having the condemned part or parts shall shift or make new, where pointed out by the managers, instead of repairing the old.

Notice to be given of time for putting up banks.

7. *And be it enacted,* That the said managers, or either of them, are hereby authorized and empowered to assess and collect from the several owners and possessors of the marsh and meadow in the respective divisions, from time to time, all such sums of money as may be necessary for defraying the expenses of stopping breaches, maintaining the stoppings, laying and maintaining sluices, and all other expenses incumbent upon said divisions, or either of them; and for the security of such assessments, all the marsh and meadow of the several owners and possessors in the respective divisions shall be pledged and bound for the payment thereof, into whose hands soever the same may come, notwithstanding any judgment, sale, or alienation thereof;

Assessments how made and collected.

provided always, that no other property of the defendant, except the said meadow, and the produce thereof, shall be in any way liable for such assessments; and the said managers, or either of them, for the recovery thereof, or the recovery of any moneys by them, or either of them, expended by virtue of this act on the banks or watercourses of any member of said company, may sell and dispose of any grass, hay, or grain found on the meadow of any defaulter at public sale, giving at least five days' notice of the time and place of sale, set up in three public places in the neighbourhood of said meadow; and in case of an insufficiency of grass, hay, or grain, to make the demand and expenses, then to lease at public vendue, by giving twenty days' notice as aforesaid, so much of the meadow of such owner or possessor as will be sufficient to discharge such demand, with reasonable costs, to any person who will pay such demand for the shortest term; and it shall be lawful for such managers or manager to make and execute a lease to such purchaser for such term, which said lease shall be good and effectual in law, and shall vest the possession thereof in the purchaser, and bar the owner and all others during the term, except a subsequent purchaser, for repairs to bank or after assessments; *provided always*, such managers shall demand of the delinquent the sum or sums so assessed or expended at least twenty days previous to putting up said notices of sale.

Repairs of
banks, how
made.

8. *And be it enacted*, That the managers shall lay, or cause to be laid, as many sluices in their respective divisions as may be necessary to drain every part of said meadow, and cause ditches to be opened thereto, by the owners or possessors through whose meadow they may pass, and to view the banks and waterworks at least once every month, and see that they are kept in good repair; and if any member of said company shall neglect or refuse, after having five days notice thereof, to repair his or her bank laid off to him or her as aforesaid, or to open a watercourse according to the direction of one or more of the managers, it shall be lawful for said managers, or either of them, to enter on the premises, and do all such repairs as he or they may deem necessary on, in, or outside of said bank; and either of the managers may stop, mend, or repair any breach or dangerous place in the bank of any owner or possessor without giving notice, if the nature of the case should require it; and the managers, in making any stoppings, or in the repair or erection of any bank, likewise owners or possessors having bank allotted them to put up and keep in repair, who are not the owners of the

soil whereon such bank stands, are authorized and empowered to take mud and earth to stop, put up, and repair the same, where it may be most convenient and least injurious to the banks and owners; it shall also be the duty of the managers to have charge of all private roads laid out over said meadows, and keep them in good repair, bridges included, charging the expense thereof to the owners and possessors using the same, in proportion to the meadow benefited by said road, and collect said expense as other expenses and assessments are provided for; and any member of said company shall have the privilege of working out his share of the expense of stopping breaches, laying sluices, or making and repairing roads; *provided*, it be done at the time fixed by the managers.

9. *And be it enacted*, That all line ditches shall be wa-^{Ditches to be} tercourses, and all that are eight feet wide at the surface of^{line fences.} the meadow, and three feet deep therefrom, and lying on a mud or miry bottom, shall be deemed and held, and the same are hereby declared to be lawful fences, and shall be divided in the same manner, and made and maintained in the same proportion, as line fences are by law directed to be divided, made, and maintained; and the mud and earth shall be cast as equally on each side as may be, except the owners by agreement determine otherwise.

10. *And be it enacted*, That it shall be the duty of each^{Owners to} and every owner and possessor of meadow adjoining the^{mow and} tide or cross bank, to mow and trim all the bank standing^{trim banks} on his or her meadow twice in each year, and keep it clear of all rubbish; and upon default thereof, after notice of five days by any member of the company, it shall be the duty of one of the managers to have said work done at the expense of the defaulter.

11. *And be it enacted*, That the clerk shall provide a^{Duties of} book at the expense of the company, and enter therein all^{clerk.} the votes and proceedings of the meetings, orders, and assessments, judgments, and decisions, and expenses of said company, and such other matters as may be deemed necessary, and give notice of all meetings ordered by the managers, or any two members of said company.

12. *And be it enacted*, That it shall be the duty of the^{Commission-} commissioners to hear and determine all disputes that may^{ers to hear} arise in said company between any persons interested^{and deter-} therein, who, after hearing the parties and viewing the pre-^{mine dis-} mises in dispute, shall give judgment in writing, under their^{putes.} hands, or the hands of any two of them, as well with respect to costs as the matter in controversy; but in no case

shall they proceed to hear and determine any dispute, unless the party claimant shall have notified his adversary of the time, place, and object of the hearing, at least five days previous thereto; and if either party shall think him or herself aggrieved by such decision, each party may choose one other commissioner, who shall, together with the regular commissioners, give them a rehearing, and their decision, or that of any three of them, in writing as aforesaid, shall be final and conclusive between the parties; *provided*, that in case either party neglect or refuse to choose as aforesaid, for the space of three days after notice of such appeal, the other party may choose them both, and the rehearing must be had within eight days after the first decision; *provided*, that the commissioners may adjourn for any time not exceeding twenty days.

Penalty for neglect of duty by officers.

13. *And be it enacted*, That if any person, duly appointed a manager, clerk, or commissioner, shall neglect or refuse to perform any of the duties required of him by this act, he shall, for every such refusal or neglect, forfeit and pay the sum of fifteen dollars, to be recovered in an action of debt, with costs of suit, by any member of said company who may sue for the same; *provided*, that no person shall be liable to be fined for refusal or neglect of duty until he shall have had five days' notice of the case requiring his attention; nor shall any person be compelled to serve in any of said offices after having served the preceding three years therein.

Notices to be in writing.

14. *And be it enacted*, That all notices required to be given by this act (except notices of meetings) shall be in writing, and served personally, or by leaving the same at the usual place of abode of the person to be notified.

Annual statements to be made.

15. *And be it enacted*, That the managers shall exhibit statements, at every annual meeting, of all assessments and expenditures made or done by them, respectively, during the preceding year; and all balances in their hands they are required to pay over to their successors.

Tax to be laid when land is insufficient to pay expenses.

16. *And be it enacted*, That in case of a breach in the bank laid off to any of the owners, and the meadow of said owner to which said bank is assigned should prove insufficient to pay the expenses of stopping the same, the balance of the expenses shall be raised by a tax on all the rest of the meadow in the company, except that if the owner or owners of the meadow in the lower division shall put up a bank between the two divisions sufficient to prevent the water coming in at said breach from passing through or over the said bank, then the meadow in the lower division

shall be exempt from assessments in raising such deficiency; and the expense of keeping up and repairing the cross bank adjoining the Association Meadows Company, when required to be kept up for the protection of the Amicable Meadow Company, shall be raised by a tax on the meadow of the whole company.

17. *And be it enacted*, That, in the election for officers and other purposes, the mode of voting shall be in person, or by proxy in writing, duly executed; and every member of said company shall be entitled to one vote; except on questions relating to throwing out and reclaiming meadow, in which case if a member shall own meadow attached to more than one farm or tenement, he shall be entitled to as many votes as he shall have farms or tenements with meadows attached.

18. *And be it enacted*, That the commissioners shall be allowed one dollar and fifty cents per day, each, whilst attending to the duties of their office, and the managers the same fees until the water shall be stopped off and the stoppings well secured, after which time one dollar and twenty-five cents per day whilst attending to the duties required of them by this act, likewise the clerk the same fees; and all persons serving notices shall be allowed a reasonable compensation therefor, to be paid by the persons notified, the commissioners excepted.

19. *And be it enacted*, That the several officers appointed at the last annual meeting of the Amicable Meadow Company in the county of Salem, which company was created by an act of the legislature of this state, passed February fourteenth, eighteen hundred and forty-three, shall continue in office until the first Thursday in April next, and that all other parts of said act and all other acts and parts of acts repugnant to the provisions of this act be, and the same are hereby repealed.

Approved February 20, 1850.

AN ACT to validate and confirm the acknowledgments and proofs of deeds, mortgages, and other instruments in writing, taken by Benjamin H. Bone.

Preamble.

WHEREAS it appears to the legislature, that Benjamin H. Bone, of the township of Acquackanonck, in the county of Passaic, was, on the thirteenth day of March, eighteen hundred and forty-four, appointed a commissioner to take acknowledgments and proofs of deeds for the county of Passaic, and that the said Benjamin H. Bone, under said appointment, proceeded to take acknowledgments of deeds, mortgages, and other instruments in writing; and whereas said appointment was made under a misapprehension, there being at the time of said appointment two other duly appointed commissioners to take the acknowledgments and proofs of deeds in said township of Acquackanonck—therefore,

Official acts
of B. H. Bone
confirmed.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several acknowledgments and proofs of deeds, mortgages, and other instruments in writing, taken and certified by Benjamin H. Bone, of the township of Acquackanonck, in the county of Passaic, and state of New Jersey, be, and the same are hereby declared valid and effectual, in like manner as though the same had been taken and certified by a duly appointed commissioner to take the acknowledgments and proofs of deeds.

Approved February 20, 1850.

AN ACT to incorporate the Evergreen Cemetery Company, in the township of Newton, in the county of Camden.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard W. Howell, William J. Hatch, George Culan, Benjamin A. Hamell, Joseph J. Hatch, and Benjamin Browning, and such other persons as may hereafter be associated with them, their successors and assigns, be, and they are hereby ordained, constituted,

and declared a body politic and corporate, in fact and in law, by the name of "the Evergreen Cemetery Company."

2. *And be it enacted*, That the said corporation shall have power to purchase, hold, and convey a tract or piece of land, situate in the township of Newton, in said county of Camden, lying on the road leading from the city of Camden to Mount Ephraim, late the property of Isaac Cooper, deceased, and to lay out so much of the same as may be necessary for the purposes of said cemetery; *provided*, the whole amount so purchased shall not exceed thirty-five acres.

Corporation authorized to purchase land.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of directors, consisting of five members, with power to choose from among themselves such officers as may be deemed necessary and expedient; and that for the first year, and until others shall be chosen conformably with the by-laws made in pursuance of this act, Richard W. Howell, William J. Hatch, Benjamin A. Hamell, Joseph J. Hatch, and Benjamin Browning shall compose said board of directors.

First directors.

4. *And be it enacted*, That no roads or streets shall hereafter be opened through the lands of said corporation, except by consent of the board of directors; nor shall any part of the premises appropriated to the purposes of said cemetery ever be subject to sale by virtue of execution or any legal process whatever, nor subject to taxation, except for cemetery purposes.

Streets not to be opened thro' lands of corporation.

5. *And be it enacted*, That an act entitled, "An act to incorporate the Evergreen Cemetery Company, in the county of Camden," approved February twenty-third, eighteen hundred and forty-eight, be, and the same is hereby repealed.

Former act repealed.

Approved February 20, 1850.

AN ACT to incorporate the Monmouth County Plank Road Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Aaron Longstreet, Wil-

Names of corporators.

liam Little, David Warner, Asbury Fountain, John R. Barricklo, Nicholas Cottrell, David Craig, William H. Conover, Alfred B. Dayton, Henry S. Little, Sydney Schenck, and Alfred Walling, and such other persons as may hereafter be associated with them, shall be, and are hereby constituted a body politic and corporate in law, by the name of "the Monmouth County Plank Road Company," and by that name they and their successors shall be known in law.

Amount of capital stock.

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

Commissioners to open books of subscription.

3. *And be it enacted*, That Aaron Longstreet, William Little, David Warner, Asbury Fountain, John R. Barricklo, Nicholas Cottrell, David Craig, William H. Conover, Alfred B. Dayton, Henry S. Little, Sydney Schenck, and Alfred Walling, or a majority of them, shall be commissioners to receive subscriptions for the capital stock of said corporation; and they, or a majority of them, are hereby authorized for that purpose to open books of subscription, at such times and places in the county of Monmouth as they, or a majority of them, shall appoint, giving twenty days' notice of such times and places in two of the newspapers published in Monmouth county, and in such other newspapers as the said commissioners, or a majority of them, shall deem advisable; and at such times and places so fixed, the said commissioners, or a majority of them, shall attend and receive subscriptions to the capital stock; and if more shall be subscribed than by this act is authorized, the said commissioners, or a majority of them, shall apportion the same as to them shall seem fair, equitable, and just; and at the time of subscribing for said stock, two dollars and fifty cents on each share subscribed shall be paid to the said commissioners, in gold or silver or legal and current bank notes; and the residue may be called in and shall be paid at such times and in such amounts, by instalments, as is by this act herein after directed.

Election of directors.

4. *And be it enacted*, That whenever there shall be four thousand shares of the said stock subscribed, and ten thousand dollars paid in as above directed, the said commissioners, or a majority of them, shall give public notice for ten days, in one or more newspapers of this state, of a meeting of the subscribers to said stock, for the purpose of choosing directors and organizing the said company, and

of which said election the said commissioners, or a majority of them, shall be the judges; which subscribers, when so met, shall proceed to elect by ballot, from among the stockholders, seven directors, a majority of whom shall be citizens and residents of this state, and hold their offices for one year and until others are elected; and each stockholder, at such election and at all future elections of said corporation, shall have one vote for each share he, she, or they shall own at the time of such election; and that such stockholders may vote at any election by proxy, duly authorized for that purpose.

5. *And be it enacted*, That a majority of the board of directors shall at all times be a quorum for the transaction of business, and may have power to call in the remainder of the capital stock of said corporation by instalments, not exceeding two dollars and fifty cents on each share, by giving thirty days' notice of such required instalments in one or more newspapers published in Monmouth county circulating generally; and if any stockholder shall neglect or refuse, for ten days after such instalment is due, to pay the same, he, she, or they, so neglecting or refusing, shall forfeit their stock, and all payments made thereon; and the said board of directors shall and may require from the treasurer such security as to them shall seem just.

Instalments,
how paid.

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

Commissioners to pay over subscription money to directors.

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

Corporation not dissolved for failure to elect on day prescribed.

Directors,
&c., may enter
on lands.

8. *And be it enacted,* That the president and directors of the said company are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a plank road, not exceeding sixty feet in width, to commence in or near the village of Freehold, and passing through the villages of Marlboro' and Middletown Point, in the most eligible route to Keyport, its point of termination, in the township of Raritan; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, levelling, or laying out the route or routes of such road, and of locating the same, doing no unnecessary injury to private property; and when the route of such road shall have been agreed upon, and filed in the office of the secretary of this state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to construct said road, and to do all other things which shall be suitable or necessary to carry into full effect the objects of this charter; *provided always,* that the said corporation shall pay, or make tender of payment, for all damages for the occupancy of lands through which the said road shall be laid out, before the said company, or any person in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying said route, unless the consent, in writing, of the owner or owners of such lands be first had and obtained; *provided,* that no steam power shall be used, nor iron rails or other obstructions to common travel placed thereon.

Proviso.

Proceedings
in case owners
of land
cannot agree.

9. *And be it enacted,* That if the owners of the land on which such road shall be located, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, who is disinterested in the premises, upon the application of either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested and impartial commissioners, freeholders of this state, to assess the price or value of such land, and all damage sustained, who shall be sworn, before some officer authorized by law to administer an oath, faithfully to execute the duties of such appoint-

ment; and, after ten days' notice in writing, to both parties, of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of said land, and the quantity taken, by whom owned, and how situate, bounded, and described, in writing under their hands and seals, or the hands and seals of a majority of them, to the justice who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of the county in which said lands lie, there to be recorded and kept as a public record, and copies taken, if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the county in which said 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 proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and, if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said land and all damages sustained, and for that purpose to view the land in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs, against the said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issued therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed of all such lands and real estate so appraised as aforesaid, for the purposes of said road.

10. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert, under age, non compos, 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

Money, in certain cases to be paid into the court of chancery.

behalf of any such person into the court of chancery, to the clerk thereof, subject to the order of the said court for the use of said owner or owners; all which proceedings, as well under this as the last section of this act, shall be at the proper costs and charges of the said corporation, except in cases of appeal above provided for; and the said justice shall and may direct the amount of costs and charges of such valuation, appraisement, and witness' fees.

Rates of toll. 11. *And be it enacted*, That the said company may erect gates and turnpikes across the said road, whenever three miles of said road are completed, and demand and receive toll for each mile of the said road so made, not exceeding the following rates, to wit:

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

For every additional beast, two cents.

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

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

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

Horses, cattle, &c., may be stopped until toll is paid.

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

Mile stones or posts to be erected.

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

Penalty for injuring works.

13. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile stones or posts so erected on the said road, or shall wilfully cut, break down, destroy, or deface, or otherwise injure any gate, turnpike, bridge, machinery, timber, or plank that shall be erected, built, placed, or laid down in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at the gates or turnpikes, such person or persons shall forfeit and pay a fine of twenty dollars, besides being

subject to an action of damages for the same, to be recovered by the said company, to their use, in an action of debt, with costs of suit; and if any person shall, with his team, carriage, or horse, turn out of said road, to pass a gate or gates, and again enter on said road with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by said company, to their use, in an action of debt, with costs of suit.

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

15. *And be it enacted*, That all drivers of carriages, sleighs, or sleds, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs, or sleds on the right hand of said road in the passing directions, leaving the other side of the road free and clear for other carriages or persons on horseback to pass; and if any person shall offend against this provision, such person or persons shall, besides being liable to make compensation for all damages, forfeit and pay the sum of five dollars to any person or persons who shall be obstructed in his or her passage, and will sue for the same, to be recovered by an action of debt, with costs of suit. Penalty for obstructing passage.

16. *And be it enacted*, That this act shall take effect immediately, and the said corporation shall have all the powers and privileges, and be subject to the restrictions, limitations, and conditions specified and contained in the act entitled, "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six. When act to take effect.

Approved February 20, 1850.

A supplement to the act entitled, "An act to regulate fences," passed January twenty-third, seventeen hundred and ninety-nine.

Agreements
to be regis-
tered.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the clerk of every township in this state shall provide, at the expense of the township, a book for the purpose of registering the agreements in writing of any persons who may agree to make a division of their fence or fences of their adjoining lands; and said clerk shall also record in said book the certificate in writing of any two of the township committee who may make a division of any fence or fences, agreeable to the provisions of the act to which this is a supplement; and said agreements and certificates in writing shall be recorded by the clerk or clerks of the township or townships in which said fences may be, and the said clerk or clerks shall be entitled to receive twenty-five cents for recording the same; *provided*, that before any such agreement or certificate shall be recorded, the same shall be acknowledged by the parties or said town committeemen, or the execution thereof proved in the same manner as deeds of conveyance of lands are required to be acknowledged or proved before the recording thereof.

Proviso.

Certified co-
pies to be
evidence.

2. *And be it enacted*, That a copy of said record, certified by the clerk of the township, shall be admitted as evidence in any court of this state; and for a certified copy of said record, the said clerk shall be entitled to receive twenty-five cents.

Penalty for
neglect of
duty by clerk

3. *And be it enacted*, That if any township clerk shall not, within two weeks after any agreement or certificate so made and delivered to him, and the fees aforesaid tendered to him, enter or register the same, he shall forfeit five dollars, to be recovered by action of debt, with costs of suit, by any person who shall sue for the same.

Notice to be
given of time
for making
fence.

4. *And be it enacted*, That when two of the township committee shall, at any time hereafter, determine the parts or shares of any partition fence to be made under the provisions of the said act, they shall also specify in writing the time within which such fence shall be made by the parties, respectively, to whom such parts or shares shall have been assigned.

Approved February 22, 1850.

Supplement to "An act to regulate gunpowder manufactories and magazines within this state," passed February seventh, eighteen hundred and eleven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the act to which this is a supplement, be so modified as to allow any person or persons to erect fire-proof magazines for storing not more in quantity than one hundred kegs of gunpowder, of twenty-five pounds each, at any one time, one-fourth of a mile from any town or village, house of public worship, dwelling house, or out house. Former act modified.

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

Approved February 22, 1850.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the circuit courts, the court of oyer and terminer and general jail delivery, the court of common pleas, and the court of general quarter sessions of the peace, in and for the several counties, herein after named, shall hold, annually, four stated terms, as follows, and not otherwise, that is to say :

I. In the county of Cumberland, on the third Tuesday of February, May, August, and November, respectively. Cumberland.

II. In the county of Salem, on the fourth Tuesday of February, May, August, and November, respectively. Salem.

III. In the county of Gloucester, on the first Tuesday of March, June, September, and December, respectively. Gloucester.

2. *And be it enacted*, That the orphans' court, in and for each of the said counties, shall hold annually four stated terms, on the Monday next preceding the times so above fixed for the said several courts in the said counties, respectively. Orphans' court.

Cape May.

3. *And be it enacted*, That the several courts in the said act, to which this is a supplement, mentioned, (except the orphans' court) which, by said act, are to be holden in the county of Cape May on the first Tuesday of August annually, shall hereafter be holden on the second Tuesday of August annually, and not otherwise; and the orphans' court of the said county shall be held, at said term, on the Monday next preceding the second Tuesday of August, and not otherwise.

Part of former act repealed.

4. *And be it enacted*, That the provisions of the act to which this is a supplement, and of any other act which may be inconsistent with this act, are hereby repealed.

Approved February 22, 1850.

AN ACT respecting Dublin Spring brook, in the township of Paterson, in the county of Passaic.

Preamble.

WHEREAS it being represented that the Dublin Spring brook, in the town of Paterson, requires to be widened and deepened; that it overflows its banks and fills the cellars adjacent to said brook with water, and renders a part of said town unhealthy, and that there is no law to regulate the same—therefore,

Township committee may make ordinances for improving brook.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Paterson may make and establish such rules, ordinances, and regulations, as they, or a majority of them, shall determine to be necessary to deepen, widen, and cleanse the said brook, and to remove and prevent nuisances therein, and to wall the sides thereof, if necessary, from the north side of Oliver-street to the place of its discharge in the Passaic river, at the expense of the owners of lands to be benefited by such improvement; and that the expense of improving, as aforesaid, that portion of said brook running through John-street, in said town, shall be equally borne by the inhabitants of said township and the owners of lots fronting on said street, who are to be benefited by said improvement; *provided*, that the walls hereby authorized to be built, shall not be raised higher than the esta-

blished grade of the streets through which said brook runs; and said committee may enforce the observance of said rules, ordinances, and regulations by penalties, not exceeding twenty-five dollars each, for the use of the said township; and by imprisonment, not exceeding twenty days, for a wanton repetition of the offence, after the imposition and enforcement of a fine; the expenses of making such alterations and the fines may be recovered, with costs of suit, in an action of debt, in the corporate name of the township, before any justice of the peace within the county; the state of demand may be general for a penalty, and the special matters may be given in evidence; and the inhabitants of the township shall be competent jurors and witnesses, and a justice of the peace, before whom judgment of imprisonment shall be given, may carry the same into effect, by warrant of commitment under his hand and seal, directed to the keeper of the jail of the county, who shall receive and keep the defendant at the expense of the township.

Observance of ordinances may be enforced by penalties.

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

Approved February 21, 1850.

AN ACT
to incorporate the Salem and Delaware river Railroad and Transportation Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas Jones Yorke, Richard P. Thompson, James M. Hannah, James Brown, Jacob W. Mulford, John Wistar, Lewis S. Yorke, Jonathan Ingham, Joseph H. Thompson, Andrew Sinnickson, George M. Ward, Thomas D. Bradway, Joseph Bassett, Thomas J. Caspar, Benjamin S. Holme, and William Powell, and such other persons as may hereafter be associated with them, shall be, and are hereby constituted a body politic and corporate in law, by the name of "the Salem and Delaware river Railroad and Transportation Company."

Names of corporators.

2. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, with liberty to increase it to one hundred and fifty thousand dollars,

Amount of capital stock.

which shall be divided into shares of twenty-five dollars each, shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

Commissioners to open books of subscription.

3. *And be it enacted*, That Thomas Jones York, Richard P. Thompson, James M. Hannah, Jonathan Ingham, James Newell, John Johnson, and John Summerill, jun., of the county of Salem, be, and they are hereby appointed commissioners to receive subscriptions for the capital stock of said corporation; and they, or a majority of them, are hereby authorized, for that purpose, to open books of subscription, at such times and places, within the said county of Salem, as they, or a majority of them, shall appoint, giving twenty days' notice of such times and places in the newspapers published in the county of Salem, and in such other newspaper as said commissioners, or a majority of them, shall deem advisable; and at such times and places, so fixed, the said commissioners, or any two of them, shall attend and receive subscriptions to the said capital stock; and if more shall be subscribed than by this act is authorized, the said commissioners, or a majority of them, shall apportion the same as to them shall seem fair, equitable, and just; and at the time of subscribing for said stock, five dollars on each share subscribed shall be paid to the commissioners, in gold or silver or legal and current bank notes; and the residue thereof may be called in, and shall be paid at such times and in such amounts, by instalments, as is by this act herein after directed; and the said commissioners may meet from time to time, until the whole stock be subscribed.

Annual election of directors.

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

twenty shares, and for every five shares above twenty, one vote.

5. *And be it enacted*, That a majority of the said board shall at all times be a quorum for the transaction of business, and may have power to call in the remainder of the capital stock of said corporation by instalments, not exceeding five dollars on each share, by giving twenty days' notice of such required instalments in one or more newspapers published in the county of Salem; and if any stockholders shall neglect or refuse, for ten days after such instalment is due, to pay the same, he, she, or they so neglecting or refusing shall forfeit their stock, and all payments made thereon; and the said board of directors shall and may require from the treasurer such security as to them shall seem just.

Payment of instalments.

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

Commissioners to pay over subscription money to directors.

7. *And be it enacted*, That in case it should happen that an election for directors should not be made on the day or at the time when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time; and the directors for the time being shall continue to hold their offices until others shall have been chosen in their places; and if the said board of directors shall neglect to call a meeting of the stockholders at any time for two months after the same ought to have been called, then any five of the stockholders may call such meeting, at which directors may be chosen.

Corporation not dissolved for failure to elect on day prescribed.

8. *And be it enacted*, That the said president and directors of the said company are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad, not exceeding sixty-six feet wide, to commence at some point in the town of Salem, in the county of Salem, or at a point on the northwestern side of Salem creek, within one-fourth

Route of railroad.

of a mile from the foot of the bridge leading out of Salem into Lower Penn's Neck, and to run thence by the most eligible route to some point on the Delaware river between Finn's point and the mouth of Oldman's creek, in said county of Salem, with as many sets of tracks or rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, levelling, or laying out the route or routes of such road, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private property; and when the route of such road shall have been agreed upon, and a map or survey thereof filed in the office of the secretary of this state and in the clerk's office of the county of Salem, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary to carry into full effect the objects of this charter; *provided always*, that the said corporation shall pay, or make tender of payment, of all damages for the occupancy of the lands through which the said railroad may be laid out, before the said company, or any person in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying said route, unless the consent of the owner or owners of such land be first had and obtained.

Proceedings
in case own-
ers of land
and compa-
ny cannot
agree.

9. *And be it enacted*, That if the owners of the land on which such railroad shall be made, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, who is disinterested in the premises, upon the application of either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, freeholders of said county of Salem, to assess the price or value of said land, and all damages sustained, who shall be sworn, before any person authorized to administer an oath, faithfully to execute the duties of such appointment; and, after ten days' notice in writing to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision

and award as shall to them appear just and proper, and to transmit such award and decision, together with a description of said land, and the quantity taken, by whom owned, and how situate; bounded, and described, in writing, under their hands and seals, or the hands and seals of a majority of them, to the justice who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of the county, there to be kept as a public record, and copies taken, if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the county of Salem, at the first or second term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal, which proceeding shall vest in the said court full right and power to hear and adjudge the same; and, if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said land and all damages sustained, and for that purpose to view the land in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs, against the said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the cost shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issue therefor, as the court shall direct; and upon the payment or tender of the sum so found by the commissioners or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed of all such lands and real estate so appraised as aforesaid, for the purposes of said railroad; but in case the party entitled to receive the amount assessed by the commissioners, or found by the jury, shall refuse to receive the same, upon a tender thereof being made, 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 said county of Salem shall be deemed a legal and valid payment; and further, that the party entitled to receive the amount assessed by the commissioners, may receive the same, upon a tender thereof, without being bound thereby from his, her, or their appeal; *provided always*, that in case the said company, after the same is completed, shall abandon the said road, or cease to

use the same at any time for three successive years, that then and in that case this charter shall be annulled, and the title to the lands over which the said road shall pass shall be revested in the person or persons from whom the lands were taken by concession or by inquisition as aforesaid; but that the superstructure of the said railroad, and the materials of which the same is composed, shall in such case be deemed and taken to be the personal property of the said company, and shall be by the said company removed and disposed of, to and for the use of the said incorporation, within one year from the time the property will vest in the original owner; *provided*, that where the line of said road shall run through any farm or meadow land it shall be the duty of the said company to make and maintain a good and sufficient fence along the line of said road, on each side thereof, so as to prevent horses, cattle, and sheep from passing through or over the same.

Money, in certain cases, to be paid into court.

10. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert, under age, non compos, 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, or verdict and judgment in behalf of any such person, into the circuit court of the county of Salem, to the clerk thereof, subject to the order of the said court, for the use of said owner or owners; all of which proceedings, as well under this as the last section of this act, shall be at the proper cost and charges of the said corporation, except in cases of appeal, above provided for; and the said justice shall and may order and direct the amount of costs and charges of such valuation, appraisement, and witness' fees.

Company to construct and repair bridges.

11. *And be it enacted*, That it shall be the duty of said company to construct and keep in repair good and sufficient bridges or passages over, across, or under the said road, where any public or other road, now or hereafter laid out or now in use, shall cross the same, and also where the said road shall intersect any farm, to provide and keep in good order suitable wagon ways over, under, or across said railroad; *provided*, that nothing in this act shall tend to interfere or abridge any of the rights and privileges heretofore granted and possessed by the stockholders of the Salem Creek Canal Company, over which the said railroad is intended to pass.

Property vested in corporation.

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, and may purchase and hold or build and construct such steamboats and vessels, and such wharves, piers, and docks, as they may think proper; and that the said railroad and appendages, and the land over which the same shall pass, and all the works, improvements, carriages, and other property whatsoever belonging to the said company at any time, are hereby vested in the said corporation, and their successors and assigns, during the continuance of this act.

13. *And be it enacted*, That if the said board of directors, so to be chosen as aforesaid, shall determine to make the terminus of the said railroad at or near Pennsville, it shall and may be lawful for the said board of directors, if they see proper, to use and occupy so much of the present public road from Salem to Pennsville, not exceeding thirty feet on one of the sides thereof, as may be necessary, and thereon to lay and construct the said railroad for the whole distance thereof from Salem to Pennsville, or for such part or parts thereof as they may determine; *provided always nevertheless*, that the said board of directors shall not use the said highway, without having first had the consent of a majority of such of the taxable inhabitants of said township as may assemble at a township meeting, to be held after ten days' notice by handbills put up in five public places of said township, setting forth the object of said town meeting; and if a majority of said inhabitants, so assembled, shall vote in favour of, and consent to the use of the said public highway for the said railroad as aforesaid, it shall be the duty of the clerk of said township meeting to give to the said board of directors a certified copy of the proceedings of said town meeting, to be filed and recorded in the clerk's office of the county of Salem; and thereupon the said board of directors shall have full power and authority to enter upon, lay, and construct their said railroad upon the said highway, to the extent and for the purpose aforesaid; and if the said highway, or any part thereof, shall be found too narrow for the proper construction of said railroad consistent with public convenience, it shall be lawful to widen the same, by laying out so much of the land, out of and immediately adjacent to said road, or any part thereof, as may be necessary, not exceeding twenty feet in width in addition to the present road, and such additional land to be valued and paid for as is provided in the ninth section of this act.

Company
may occupy
present public
road.

14. *And be it enacted*, That if the said railroad shall be

Steam power not to be used on certain part of road.

so laid and constructed upon the said public highway, it shall not be lawful for the said company to use or employ any steam power in propelling their cars, carriages, or other vehicles in or upon that part of the said railroad that shall be laid or constructed upon the said public highway.

Time of commencement of road.

15. *And be it enacted*, That the president and directors of the said company may, whenever the sum of fifteen thousand dollars is paid in according to this act, commence the said railroad, and construct the same, as herein before specified; and if the said railroad is not finished within ten years after the passage of this act, then the rights of said corporation shall cease and be void.

What real estate may be held.

16. *And be it enacted*, That the said company may purchase, have, and hold real estate at each end of said road, or as near thereto as they can procure the same, and at such points along the line thereof as they may deem necessary, not exceeding three acres at each place, for the purpose of erecting thereon such houses, shops, and other buildings, and such wharves, piers, docks, and other improvements, as shall be necessary for the full use of the said railroad company, the comfort and convenience of passengers, and the preservation of their property.

Rates for passage and transportation.

17. *And be it enacted*, That it shall be lawful for the said company to demand and receive for carrying each passenger upon said railroad, at the rate of four cents per mile; but no charge for the transportation of a passenger shall be required to be less in the aggregate than ten cents; and not more than seven cents per ton per mile for the transportation of every species of heavy merchandise or produce, and for dry goods and packages at such reasonable rates as shall be fixed by the board of directors.

Penalty for injuring works.

18. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of said road, or any part thereof, constructed by the said corporation under the provisions of this act, or any of their works, wharves, carriages, houses, bridges, engines, machines, implements, or tools, such person so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court of competent jurisdiction, in an action of debt, and shall be also liable for all damages incurred thereby.

Semi-annual dividends to be made.

19. *And be it enacted*, That the president and directors of said corporation shall, within one year after the full completion and use of said road, declare and make such dividends out of the clear profits of the said railroad as they may deem prudent, and shall, in like manner, semi-annu-

ally thereafter, declare such dividends, and pay the same to the stockholders, or their legal representatives, in proportion to the shares held by them respectively, as they may deem prudent; *provided*, that the said corporation shall not, at any time, make, declare, or pay out any dividends of the capital stock of said corporation.

20. *And be it enacted*, That as soon as the said railroad, with its appendages, shall be finished so as to be used, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, in the office of the secretary of state; and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds and expenses of said road; and whenever the net proceeds of said road shall amount to six per centum per annum 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 on the first Monday in January in each year; *provided*, that no other tax or impost for the use of this state shall be levied or assessed upon the said company.

Annual statement to be made.

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

Certain officers to pass free.

22. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall be and continue in full force for the term of forty years.

Public act.

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

Approved February 22, 1850.

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AN ACT to authorize the establishment of a house of refuge.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Thomas Lavender, of the county of Mercer, Daniel Barkalow, of the county of Pas-

Commissioners to select site.

saic, and William R. Allen, of the county of Burlington, are hereby appointed and constituted commissioners for the purpose of selecting a suitable site on which to erect buildings, to be called the New Jersey House of Refuge, in which may be kept, employed, and instructed such minors as have been convicted of crimes by the courts, or who have been arrested as vagrants, or whose parents or guardians may desire their being committed to the institution hereby authorized to be erected.

Authorized
to purchase
land.

2. *And be it enacted*, That the said commissioners, or a majority of them, shall have power to purchase, at any price not exceeding six thousand dollars, or receive by gift, or to occupy any land now owned by the state, as a site for the location of said house of refuge, and as much land, under assured title, as they shall deem necessary to carry into effect the objects contemplated by this act.

Purchase
money, how
paid.

3. *And be it enacted*, That whenever the said commissioners shall procure a site for said house of refuge, which shall be approved by the governor, and a good and sufficient title therefor shall be duly executed and delivered, the treasurer of the state is hereby directed to pay, on the warrant of the governor, to the grantor or grantors of whom the said site shall be obtained or purchased as aforesaid, such sum or sums of money as may be required to pay for the said site, agreeably to the contract of said commissioners, not exceeding said sum of six thousand dollars.

Commission-
ers to con-
tract for, and
superintend
building.

4. *And be it enacted*, That within the period of three months after the said site shall be agreed on, either upon lands now owned by the state, or which may be acquired by purchase or gift, as aforesaid, the governor shall appoint three commissioners to contract for the erection of said house of refuge, on such terms and plan as they shall deem just and proper; *provided*, that said terms and plan shall be approved by the governor; and it shall be the duty of one or more of them to superintend the building of said house of refuge, with a view to the due execution of the work on the part of those with whom they shall contract; and in case of the death, inability, or refusal to serve, of one or more of said commissioners, the governor shall have power to fill such vacancy.

Commission-
ers to give
bond.

5. *And be it enacted*, That the said last named commissioners, before entering on the duties of their office, shall give bonds to the state, with two or more sufficient sureties, to be approved by the governor, jointly and severally, in the penal sum of five thousand dollars, conditioned for the faithful performance of the duties required of them by this act.

6. *And be it enacted*, That the treasurer of the state is hereby directed to pay to the said commissioners, on the warrant of the governor, out of any moneys in the treasury not otherwise appropriated, such sum or sums of money as they may require for the building of said house of refuge, not exceeding fifteen thousand dollars; and the secretary of state shall audit the accounts of said commissioners. Expenses of building, how paid.

7. *And be it enacted*, That it shall be the duty of the commissioners to make a detailed report of all the moneys expended by them by virtue of this act, and of the progress which shall have been made in the erection of the buildings, to the governor, on or before the first day of January next, and as often thereafter as the governor shall require. Commissioners to make report to governor.

8. *And be it enacted*, That each of the commissioners first mentioned in this act, shall be allowed for his services, while actually employed in the duties of his appointment, the sum of three dollars per day and his travelling expenses. Compensation to commissioners to select site.

9. *And be it enacted*, That each of said commissioners appointed by virtue of this act to contract for and superintend the building of the said house of refuge, shall be allowed for his said services, while actually employed in the duties of his office, the sum of two dollars per day. Compensation to commissioners for building.

10. *And be it enacted*, That the secretary of state shall audit the accounts of the commissioners for service and travelling expenses, and upon his certificate the treasurer shall pay the same. Accounts to be audited.

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

Approved February 23, 1850.

AN ACT to alter the time of holding the charter election of the city of Newark.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the election directed by the fifth section of the act entitled, "An act to incorporate the city of Newark," to be held on the second Monday in April, in every year; shall hereafter be held annually on the day that now is, or hereafter may be fixed for the election of members of the General Assembly of this state; that the term of office of all persons elected at said election Time of election changed.

shall commence on the first Tuesday after the first day of January next after such election, and continue for the same time as is prescribed by said act, and the supplements thereto.

Persons whose terms of office expire to hold over.

2. *And be it enacted*, That all persons holding office by virtue of elections heretofore held in pursuance of said charter, or any supplement thereto, and whose terms of office will expire before the first Tuesday after the first day of January, in any year, shall hold over and continue in office until the first Tuesday after the first day of January next after the expiration of the present terms of their offices, respectively.

Constables and collectors to give bond.

3. *And be it enacted*, That the several constables and collectors, respectively, of such city shall, on or before the second Monday in April next, give bond to the mayor and common council of the city of Newark, in the like manner and form, as near as may be applicable, with the like sureties, and in such sums as may be required by said common council, to be approved of by said common council; and in case the said constables and collectors, or any of them, shall neglect to comply with the requirements of this section, then it shall be the duty of said common council to proceed and appoint other persons to the offices become vacant by such neglect; and the person or persons so appointed shall thereupon give bond, as aforesaid, within ten days after his or their appointment; and the bond or bonds given under the authority of this section shall be delivered to, and recorded by the clerk of said city, and shall be valid and effectual in law, and may be prosecuted in the same manner, and to the same intents and purposes, as other bonds given by constables and collectors of said city.

Justices of the peace.

4. *And be it enacted*, That the justices of the peace of the several wards of said city shall be elected at the time prescribed by this act for holding elections for officers of said city.

Provisions of former act to be applicable to present.

5. *And be it enacted*, That all the provisions of the said act entitled, "An act to incorporate the city of Newark," and of the supplements thereto, and of any other act relating to the election of the city officers of said city, and to their qualifying or being sworn into office, shall be applicable to the elections to be held in virtue of this act, and to the persons who shall be elected to office under the same, so far forth as the same are not inconsistent with this act.

Clerks to keep separate ballot box.

6. *And be it enacted*, That the clerks of the election provided for by this act, and said act to incorporate the city of Newark, shall provide and keep a separate ballot box,

into which the ballots for officers to be voted for under this act shall be put and kept separate from the ballots of the other election or elections held at the same time; and no other ballots for charter officers, except those deposited and kept in said box, shall be counted by the officers of said elections.

7. *And be it enacted*, That all acts and parts of acts in-^{Parts of former acts re-}consistent with this act be, and the same are hereby re-^{pealed.}pealed.

8. *And be it enacted*, That this act shall be held to be ^{When act to} a public act, and shall take effect immediately. ^{take effect.}

Approved February 23, 1850.

AN ACT to incorporate the Coopers Point Ferry Company.

1. BE IT ENACTED *by the Senate and General Assembly* ^{Names of} *of the State of New Jersey*, That Joseph W. Cooper, Wil-^{corporators.}liam F. Reeve, Emmor Reeve, Isaac H. Wood, William W. Cooper, Benjamin W. Cooper, and William C. Champion, and their associates, and all other persons who shall become subscribers and owners of the capital stock hereby created, shall be, and they and their successors and assigns are hereby made and declared to be a corporation and body politic, by the name of "the Cooper's Point Ferry Company."

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

3. *And be it enacted*, That the capital stock of said com-^{Capital stock}pany shall be deemed and considered personal property, and ^{may be in-}shall be transferable in such way as the by-laws of said ^{creased.}

company may direct; that every share of stock shall be entitled to one vote, by the holder or holders thereof, which may be given in person or by proxy; and that the board of directors of said company may, at any time hereafter, increase their capital stock to any amount not exceeding two hundred thousand dollars.

First directors.

4. *And be it enacted*, That the affairs of the said corporation shall be managed by seven directors; and Joseph W. Cooper, William E. Reeve, Emmor Reeve, Isaac H. Wood, William W. Cooper, Benjamin W. Cooper, and William C. Champion are hereby appointed the first directors, who shall serve until the first Monday in January next and until others are elected; and the said directors, or a majority of them, shall assemble, as soon as convenient after the passing of this act, and appoint one of their number to be president of the said corporation, who shall be a resident of this state, and who shall serve for one year; should a vacancy at any time occur in the board of directors, by death or otherwise, the remaining directors, convened at the next succeeding meeting, shall appoint a director to fill such vacancy until the next annual election; *provided always*, that no person shall be a director who is not a stockholder, and at least four of the said directors shall be citizens of the state of New Jersey.

Annual election of directors.

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

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

6. *And be it enacted*, That the board of directors shall have power to erect a steamboat ferry between Coopers point, in the city of Camden, and Philadelphia, at such place or places as may best serve the public convenience and interest of the said corporation; and for that purpose may purchase or lease real estate, erect wharves, piers, slips, buildings, and all other necessary appendages, and may build steamboats, vessels, and ferry boats, of such description and dimensions as the said board shall order and direct; *provided always*, that it shall be the duty of the said corporation to keep a steamboat or boats running all the year for the accommodation of the public; and they shall not fail or refuse to carry any person or persons across the Delaware river in the day time, under the penalty of fifty dollars for each failure or refusal, to be sued for by the party demanding and refused to be taken across the said river, in any court of record in this state; *provided*, the said forfeiture shall not attach or be recovered when the navigation of the said river is impracticable or imminently dangerous.

Directors
authorized
to erect fer-
ry.

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

Rates of fer-
riage.

For each passenger, five cents.

Single passenger, in wherry, ten cents.

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

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

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

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

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

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

Flour, beef, pork, iron, &c., per hundred weight,	three cents
Coffee per bag, chest, large trunk, &c.,	five cents.
Soap, candles, glass, chocolate, &c., per box,	three cents.
Windsor chairs, per dozen, bureau, bedstead, clock case, &c.,	ten cents.
Lumber, per hundred feet,	ten cents.
Live calves and fat hogs, per head,	five cents.
Sheep and store hogs, per head,	three cents.
Fat cattle,	twenty-five cents.
Cow and calf,	twenty cents.
Store cattle, horses, mules, &c.,	fifteen cents.
Sideboard,	twenty cents.
Desks, secretaries, &c.,	fifteen cents.
Tables, stands, feather beds, mattresses, large chests of tea,	five cents.
Crate or tierce of earthenware, hamper of bottles,	fifteen cents.
Fresh shad per hundred, or herrings per thousand,	twenty cents.

CARRIAGES AND DRIVERS.

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

Unloaded, twenty cents.
 Each additional horse or mule, fifteen cents.
 Bricks on carriages, ninety cents per thousand, not more
 than five hundred on two wheels, the empty carriages to
 return free.

Charity schools, with their teachers, to pass free.

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

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

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

10. *And be it enacted*, That this act shall continue in force for thirty years, and shall be deemed and taken as a public act. Limitation.

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

Approved February 23, 1850.

AN ACT for the relief of Lawrence V. D. V. Van Nuys, of the township of Hillsborough, in the county of Somerset.

Preamble. WHEREAS Abraham Polhemus, now deceased, late of the township of Hillsborough, in the county of Somerset, in his lifetime advanced the sum of five hundred and seventy-five dollars for Lawrence V. D. V. Van Nuys; and whereas, to secure the payment of the said sum of money, the said Abraham Polhemus took a deed, in his own name, for a house and lot in the said township of Hillsborough, upon which the said Lawrence V. D. V. Van Nuys now lives, and of much greater value than the sum so advanced; and whereas the said Abraham Polhemus agreed in writing, attested by only one witness, to make a good and lawful deed for the said premises to the said Lawrence V. D. V. Van Nuys, his heirs, executors, administrators, and assigns, on the payment of the said sum of five hundred and seventy-five dollars; and whereas the said Lawrence V. D. V. Van Nuys is now ready and desirous to pay to John H. Polhemus, administrator of the said Abraham Polhemus, deceased, the said sum of five hundred and seventy-five dollars, and receive a deed for the premises, of which he, the said Lawrence V. D. V. Van Nuys, has continued in possession; and the said Lawrence V. D. V. Van Nuys having prayed for legislative aid in the premises—therefore,

Administrator authorized to make deed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John H. Polhemus, administrator of Abraham Polhemus, deceased, is hereby authorized to make, execute, and deliver to the said Lawrence V. D. V. Van Nuys, or to his assigns, a good and sufficient deed of conveyance of all the estate, right, title, and interest of Abraham Polhemus, deceased, at the time of his death, of, in, and to a lot of land and premises, situate in the said township of Hillsborough, whereon the said Lawrence V. D. V. Van Nuys resides, containing nine acres and one-tenth of an acre, more or less, whenever the said Lawrence V. D. V. Van Nuys shall pay, or cause to be paid, to the said administrator, the sum of five hundred and seventy-five dollars; which said deed shall be as valid and effectual as if the same had been duly executed by the said Abraham Polhemus in his lifetime.

Money, how to be applied.

2. *And be it enacted*, That the money paid to the said John H. Polhemus, administrator of Abraham Polhemus,

deceased, on executing said deed of conveyance, shall be applied and accounted for by the said administrator, according to law, as part of the personal estate of the said Abraham Polhemus, deceased.

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

Approved February 26, 1850.

AN ACT to incorporate the Grand Lodge of the Independent Order of Odd Fellows of the State of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly* Names of corporators. of the State of New Jersey, That William C. Branin, Marshall C. Holmes, Samuel Read, Edward T. Hillyer, Samuel Lilley, Thomas V. F. Rusling, William Thomas, Walter E. Stephens, Staats S. Morris, Joseph Wood, David Naar, John H. Phillips, Thomas Ashmore, Daniel T. Clark, John H. Wakefield, Joseph C. Potts, Stephen Congar, Richard Brandt, Charles Scott, James M. Cassady, and Joseph H. Hough, and their associates, officers, and members of the Grand Lodge of the Independent Order of Odd Fellows of the state of New Jersey, and their successors, be, and they are hereby constituted and declared to be a body corporate and politic in law, by the name, style, and title of "the Style of incorporation. Grand Lodge of the Independent Order of Odd Fellows of the State of New Jersey;" and by that name they and their successors shall and may at all times hereafter be capable in law of having, purchasing, holding, and possessing any lands, tenements, hereditaments, and personal estate, purchased, devised, or bequeathed by any person or persons, bodies corporate or politic, capable of making the same; *provided always*, that the said corporation, or body politic, shall not at any time hold or possess property, real, personal, or mixed, exceeding in value the sum of twenty-five thousand dollars.

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

Approved February 27, 1850.

AN ACT to incorporate the Hamilton Cemetery 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 William E. Hunt, Daniel Baker, and Thomas Ashmore, and such persons as shall become holders of burial lots in the cemetery herein after named, be, and they are hereby made and constituted a corporation and body politic, by the name of "the Hamilton Cemetery Company."

Corporation to make deeds for lots.

2. *And be it enacted*, That the said corporation shall have power to take and hold in fee a tract of land, containing about ten acres, situate in the township of Hamilton, in the county of Mercer, on the south side of the road leading from South Trenton to Pond run, now belonging to William E. Hunt, and about to be laid out by him as a cemetery, in trust, to convey by deeds duly executed, to such person or persons as the said William E. Hunt, his heirs or assigns, may nominate or appoint, the burial lots in the aforesaid cemetery; the said William E. Hunt, his heirs or assigns, however, to have the use and privilege of the several walks and passages, and the power to erect on said land (the consent of the managers being first obtained) such buildings, fences, and other fixtures as may be deemed necessary and suitable for said cemetery; the purchaser of each lot, and his heirs and devisees, to have the exclusive use thereof forever for the interment of deceased human bodies, and for no other purpose, with the common use of the walks and passages, subject to such regulations as may be established by the the said corporation for digging graves, building vaults, and ornamenting and preserving the ground.

Fund for necessary expenses.

3. *And be it enacted*, That, upon the conveyance of each and every of the burial lots in the said cemetery, the said William E. Hunt, his heirs and assigns, shall pay over to the said corporation the sum of three dollars, until the whole sum so paid shall amount to the sum of two thousand dollars, to be held by the said corporation as a fund to defray the necessary expenses of said cemetery.

Managers of cemetery.

4. *And be it enacted*, That the three persons in the first section named, and their successors, shall be the managers of said cemetery, and have power to lay out and ornament the grounds, erect fences, and such buildings as may be necessary.

Vacancies, how supplied.

5. *And be it enacted*, That in case of the death, resignation, neglect, or refusal of any manager of said corpora-

tion to act, an election shall be held by the lot holders to supply the vacancy, at a meeting to be convened in some place in the township of Nottingham for that purpose, by public notice published in a newspaper printed and circulated in the county of Mercer, at least two weeks, designating the time, place, and object of such meeting, which notice may be given by any three or more of said lot holders; and at such election the holder or holders of each lot shall be entitled to one vote, and the said William E. Hunt, his heirs and assigns, shall be entitled to as many votes as he or they may have burial lots laid out and undisposed of.

6. *And be it enacted*, That the lands of the said corporation, above mentioned, shall be used for the interment of deceased human bodies, and for no other purpose whatever, and the burial lots, vaults, and other erections and fixtures in the said cemetery shall not be subject to any assessments, taxes, or fines, or liable to be seized upon, distrained, sold, or otherwise subject to any process of law whatever, except for encumbrances existing at or previous to the passage of this act. Objects of incorporation.

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

8. *And be it enacted*, That no public street or road shall hereafter be opened through the lands of this corporation. No streets to be opened.

Approved February 27, 1850.

AN ACT for the relief of the Methodist Episcopal Church at Bethel, in the county of Burlington.

WHEREAS Charles Jobes, Stacy Webb, Stacy Bodine, Isaac Fox, jun., Thomas McIntire, and Daniel Harker, the trustees of the Methodist Episcopal Church at Bethel, in the township of New Hanover, and county of Burlington, in this state, by their petition have set forth that Jacob Gaskill and Sarah his wife, on the twenty-fifth day of January, eighteen hundred and twenty-one, by their deed of conveyance, duly executed, did convey unto John Preamble.

Lurkins, Witten Harker, Thomas Foulks, Joseph Sleeper, Benajah Brown, Uriah Thompson, and Anthony Pettit, and to their successors in office, as trustees for ever, a certain lot of land in said township, to hold the same in trust for the use of the members of the Methodist Episcopal Church in the United States for ever; upon which said lot of land the said trustees had then erected a house of worship for the members of said church, in which they have continued to worship until the twentieth day of December last; that the religious society worshipping in said house was incorporated on the seventh day of January, eighteen hundred and forty-three, in the manner prescribed by law, and a certificate of the same recorded in the clerk's office of said county; and that the said society have purchased a lot of land in an eligible site near the old one, and have thereon erected and built a commodious church for the use of the said society; and that, to aid in defraying the expenses of the same, they have resolved to sell the lot of land conveyed to the said trustees by Jacob Gaskill and wife, together with the appurtenances; but that, by reason of the omission of said society to continue a succession of trustees, in the manner directed by the said deed from Jacob Gaskill and wife, as well as from the nature of said trust, doubts have arisen whether a good or sufficient title for the said lot of land and premises can be made to the purchaser of the same—therefore,

Trustees authorized to sell land.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Methodist Episcopal Church at Bethel are hereby authorized and empowered to sell, at public or private sale, all that lot of land and premises, with the buildings and appurtenances, which was conveyed by Jacob Gaskill and Sarah his wife to John Lurkins, Witten Harker, Thomas Foulks, Joseph Sleeper, Benajah Brown, Uriah Thompson, and Anthony Pettit, and to their successors, in trust, for the use of the members of the Methodist Episcopal Church in the United States, by their deed, bearing date the twenty-fifth day of January, in the year of our Lord one thousand eight hundred and twenty-one, and recorded in book M. 2 of deeds in the clerk's office of the county of Burlington, at Mount Holly, and in the said deed is described, as by reference thereto will fully appear; and to execute and deliver to the purchaser thereof a good and sufficient deed for the same, under the hands and seals of the trustees of said corporation, or a majority of them, by which such purchaser, his heirs and assigns, shall hold the same, so conveyed, to his or 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 purchaser, when received by the trustees of the said corporation, shall be appropriated towards defraying the expenses incurred in building the said new church, and shall be absolutely vested in, and belong to the said Methodist Episcopal Society at Bethel, their successors and assigns, for ever.

Approved February 27, 1850.

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

1. BE IT ENACTED *by the Senate and General Assembly* ^{Names of corporators.} *of the State of New Jersey*, That Matthew Miller, jun., Samuel Andrews, Enoch J. Mathis, John R. Andrews, William N. Brown, Seth H. Browning, Samuel D. Elfreth, John R. Graham, Joshua J. Benson, Joseph French, Benjamin D. Cooley, Reuben Hickman, John Y. Hoagland, Isaac W. Mickle, Edward Morgan, Ebenezer Nichols, Lloyd Vandever, Samuel H. Jenkins, John N. Fetter, Jehu B. Wilson, their successors, and all persons who now are or hereafter may be associated with them, be, and they are hereby incorporated and made a body politic and corporate, in fact and in law, by the name, style, and title of "the Odd Fellows Hall Association of Camden, New Jersey;" and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity, or elsewhere; and shall be able and capable, in law or equity, to take and hold, to them and their successors, either by grant, gift, devise, or lease, any lands or real estate, for the purpose of erecting thereon a suitable building or buildings, in the city of Camden, and for the transaction of such business as may be connected with the erecting, building, conducting, leasing, or otherwise disposing of such building or buildings; and they shall have power to raise by subscription a capital, not exceeding thirty thousand dollars, divided into shares of five dollars each; 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 whatsoever capable of making the same, and to grant, bargain, sell, or 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.

May have a
common seal

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

Election of
officers.

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 February 27, 1850.

AN ACT to authorize the business of banking.

Treasurer
to have notes
engraved
and printed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be, and he is hereby authorized and required to cause to be engraved and printed, in the best manner to guard against counterfeiting, such quantity of notes for circulation, in the similtude of bank notes, in blank, and of different denominations, not less than one dollar, as he may from time to time deem necessary to carry into effect the provisions of this act, and of such form as he may prescribe; which blank notes for circulation shall be countersigned, numbered, and registered in proper books, to be provided and kept for that purpose in the office of said treasurer, under

his direction, either by himself or by such clerk or register as he shall, with the advice and consent of the governor and attorney general, appoint for that purpose, so that each denomination of such notes for circulation shall bear the uniform signature of such treasurer or register, or one of them; and that before any clerk or register, appointed under the authority of this act, shall enter upon the discharge of the duties of his office, he shall give bond to this state, with sufficient sureties, to be approved of by the governor and chief justice of this state, and in such sum as they shall direct, with condition for the faithful discharge of the duties of his office, which bond, being first endorsed as approved by the governor and chief justice, shall be filed in the office of the secretary of state; and if the treasurer shall, at any time, employ any clerk or register, under the provisions of this act, without his having first given bond, as aforesaid, he shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine or by fine and imprisonment, the fine not to exceed five thousand dollars, nor the imprisonment five years.

Register to give bond.

2. *And be it enacted*, That whenever any association of persons, resident in this state, formed for the purpose of banking under the provisions of this act, shall legally transfer to the treasurer any portion of the public stocks now created, or hereafter to be created by this state or by the United States, or by the state of Massachusetts, such association shall be entitled to receive from the treasurer an equal amount of such notes for circulation, of different denominations, registered and countersigned as aforesaid; *provided*, such public stocks shall in all cases be, or be made to be, equal to a stock producing six per cent. interest per annum; and it shall not be lawful for the treasurer to take any such stock at a rate above its par value, or which shall not be worth upon a sale made for gold or silver, one hundred cents on the dollar; and no association of persons shall commence the business of banking under the provisions of this act, until such association shall have deposited with the treasurer the required securities; and the treasurer, before he shall enter upon the discharge of any of the trusts or duties imposed upon him by this act, shall enter into bond to this state, and annually thereafter, with sufficient sureties, to be approved of by the governor and chief justice of this state, in such sum as they shall direct, with condition for the faithful performance of the trusts and duties imposed upon him by this act; which bond, being first endorsed with the approval of the governor and chief justice, shall be filed in the office of the secretary of state; *pro-*

Securities to be deposited with treasurer.

Treasurer to give bond.

vided also, that the amount of notes for circulation issued under the provisions of this act, and remaining outstanding, shall at no time exceed three millions of dollars.

Notes to be made payable at office of association.

3. *And be it enacted*, That every such association shall be authorized, after having executed and signed such notes for circulation in the manner required by law, so as to make them obligatory promissory notes, payable on demand, without interest, at the place of business within this state of such association, and not elsewhere, to loan and circulate the same as money, according to the ordinary course of banking business, as regulated by the laws and usages of this state; and it shall not be lawful for any association formed under the provisions of this act, to make any of its bills or notes, to be put in circulation as money, payable at any other place than at the office of such association, located where the said association shall have declared and certified their banking business is to be carried on; and any violation of this section, by any officer or member of any banking association, shall be deemed and adjudged a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court having cognizance thereof.

Dividends and interest on stock and securities deposited.

4. *And be it enacted*, That the treasurer may give to any association of persons in this state transferring stock to him in pursuance of the provisions of this act, powers of attorney to receive the interest or dividends thereon, which such association may receive and apply to their own use; but such powers may be revoked upon such association failing to redeem the circulating notes so issued, or whenever, in the judgment of the treasurer, the principal of such stock shall become an insufficient security; in which case he may receive the dividends on all stocks, as well as the interest on all bonds and mortgages deposited by such association, and deposit the same in some safe bank or banking association in this state, in his name, in trust for the association to which the same may belong; the deposit to be made on such terms and at such rate of interest, not beyond the legal rate, as the treasurer may deem most conducive to the interest of such association, and to be withdrawn and paid over whenever, in the judgment of the treasurer, the securities of such association shall be sufficient to warrant it; and the treasurer, on the application of the owners of such transferred stock in trust, may, in his discretion, change or transfer the same for other stocks of equal value of the kinds before specified in this act, or may retransfer the said stocks, or any part thereof, or the mortgages, or any of them, herein after mentioned and provided for, upon receiving and cancelling an equal amount of such circulating

notes delivered by him to such association, in such manner that the circulating notes shall always be secured in full, either by stocks or by stocks and mortgages, as is in this act provided.

5. *And be it enacted*, That the bills or notes so to be countersigned, and the payment of which shall be so secured by the transfer of public stocks, shall be stamped on their face, "Secured by pledge of securities in the state treasury." Notes secured by public stocks.

6. *And be it enacted*, That instead of transferring public stocks as aforesaid, to secure the whole amount of such bills or notes, it shall be lawful for any such association, in case they shall so elect, before receiving any such bills or notes for circulation, to secure the payment of not more than one-third of the whole amount so to be issued, by making and executing directly to the treasurer, or by transferring to him, bonds and mortgages upon real estate, payable at a period not exceeding one year, bearing at least six per cent. interest, payable annually or semi-annually; in which case all such bills or notes issued by such association shall be stamped on their face, "Secured by pledge of securities in the state treasury;" *provided*, that no bonds and mortgages shall be received, unless accompanied by a proper deduction of title and certificates of the proper officers, in whose offices encumbrances might exist upon the property mortgaged, touching encumbrances thereon, nor until the said bond and mortgage shall be examined by the attorney general of this state, and his opinion in writing given that the same are in proper and legal form, that the title of the mortgagor to the mortgaged premises in fee simple is good, and that the said premises are clear of encumbrances. Notes secured by bonds and mortgages.

7. *And be it enacted*, That such mortgages shall be only upon improved, productive, unencumbered lands within this state, worth, independently of any buildings thereon, at least triple the amount for which they shall be so mortgaged; and no mortgage shall be for a greater amount than five thousand dollars; and the treasurer shall, in addition to the provisions in that respect heretofore required, prescribe such other regulations for ascertaining the title and value of such lands, as he may deem necessary; and he may (if it shall become necessary for the purposes contemplated in this act) use all proper means to collect such bonds and mortgages, or may (for like purposes) transfer the same, for the amount of principal and interest due thereon. What mortgages may be received.

8. *And be it enacted*, That the treasurer may, in his dis-

Treasurer
may reassign
bonds, &c.,
and take oth-
ers.

cretion, reassign such bonds and mortgages, or any of them, to the association which transferred them, on receiving other approved bonds and mortgages of equal amount; and when any sum of the principal of the bonds and mortgages, or of the public stocks which have been transferred to the treasurer, shall be paid to him, he shall notify the association which transferred the same of such payment, and may pay the same to such association, on receiving other approved bonds and mortgages or public stocks of an equal amount, or on returning to him to be cancelled an equal amount of the bills or notes delivered by him to such association for circulation; and all bonds and mortgages received by the treasurer under the provisions of this section, shall be subject to the regulations prescribed by the sixth and seventh sections of this act.

Treasurer to
notify associ-
ation when
security be-
comes insuf-
ficient.

9. *And be it enacted*, That the association assigning bonds and mortgages to the treasurer, may receive the interest to accrue thereon, unless default shall be made in paying the bills or notes to be countersigned as aforesaid, or unless the bonds and mortgages, or stocks so pledged, shall become an insufficient security for the payment of such bills or notes; and whenever, in the opinion of the treasurer, governor, and attorney general, or a majority of them, the securities deposited according to the provisions of this act shall become, from any cause, insufficient for the redemption of the notes issued by the treasurer to such association, he shall thereupon immediately notify the president thereof, and require such association, within five days, to place in his hands such an amount of securities of the description named in the second and sixth sections of this act, as will, in the opinion of the governor, attorney general, and treasurer, or a majority of them, secure in full the notes issued as aforesaid; and if, upon notice as aforesaid, such association shall neglect to comply with the requirements made by the treasurer, he shall, without delay, proceed and take the measures to redeem the notes of such association prescribed in the tenth section of this act, in case any association fail or neglect to pay their notes on demand.

Proceedings
in case of re-
fusal to re-
deem notes.

10. *And be it enacted*, That in case the makers of any such circulating note or notes, countersigned and registered as aforesaid, shall at any time, on lawful demand, between the hours of ten and three o'clock, at the place where such note or notes is or are made payable, fail or refuse to redeem such note or notes in the lawful money of the United States, the holder of such note or notes making such demand may cause the same to be protested for nonpayment

by a notary public, under his seal of office, in the usual manner; and the treasurer, on receiving and filing in his office such protest, shall forthwith give notice in writing to the makers of such note or notes to pay the same; and if they shall omit so to do, for three days after such notice, the treasurer shall thereupon (unless he shall be satisfied that there is good and legal defence against the payment of such note or notes) give notice, in three or more newspapers published in this state, that all the circulating notes issued by such association will be redeemed out of the trust funds in his hands for that purpose; and the treasurer shall apply the trust funds belonging to the makers of such protested notes to the payment, pro rata, of all such circulating notes, whether protested or not, put in circulation by the makers of such protested notes pursuant to the provisions of this act; and the treasurer, after the expiration of ten days, may, by and with the advice of the governor and attorney general, proceed to sell at public auction the stocks or bonds and mortgages, or any of them, pledged by the makers of such protested notes; and out of the proceeds of such sale pay off, as aforesaid, all the notes issued to the makers of such protested notes, or, with the advice aforesaid, may postpone such sale for a period not exceeding six months, after which he shall sell and proceed as aforesaid; all costs for protesting the circulating notes issued by any banking association under the provisions of this act, shall be paid by the person or persons procuring the services to be performed, for which such association shall be liable to him or them; but no part of the securities deposited by such association (unless an overplus shall remain in the hands of the treasurer) shall be applied to the payment of such costs, nor shall any thing in this act contained be considered as implying any pledge on the part of the state for any payment beyond the proper application of the securities pledged to the treasurer.

11. *And be it enacted,* That the stocks and bonds and mortgages deposited with the treasurer, by any association under the provisions of this act, shall be held by him exclusively for the redemption of the bills or notes delivered to such association to be put in circulation as money, until the same are paid off and cancelled.

Stocks, &c.,
to be held for
redemption
of bills.

12. *And be it enacted,* That the plates, dies, and materials, to be procured by the treasurer for the printing and making of such notes for circulation, shall remain in his custody and under his direction; and the expenses necessarily incurred in executing the provisions of this act shall be audited by the secretary of state and settled by the trea-

Expenses
incurred,
how to be
paid.

surer, and paid out of any money in the treasury not otherwise appropriated, upon the written order or warrant of the governor; and, for the purpose of reimbursing the same, the treasurer is hereby authorized and required to charge against, and receive from each association applying for such notes for circulation, such rate per centum thereon as will repay the expenses necessarily incurred as above mentioned; and the treasurer shall, at the close of each year, assess on all the banking associations constituted under this act, a ratable and equitable amount, in proportion to their respective capitals, of all other expenses incident to, or necessarily incurred in carrying into effect the several provisions of this act, which sums shall be paid by said associations, respectively, to the treasurer.

Amount of bills to be signed for each association.

13. *And be it enacted,* That it shall not be lawful for the treasurer, or other officer, to countersign bills or notes for any association, to an amount in the aggregate exceeding the public stocks, or public stocks and bonds and mortgages, at their value, as provided in the former sections of this act, deposited with the treasurer by such association; but the treasurer may receive notes issued by him for circulation under the provisions of this act, which have become mutilated and unfit for circulation, and may deliver, in lieu thereof, other notes for circulation to the same amount; and any treasurer or other officer who shall intentionally violate the provisions of this section, shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by a fine of not less than five thousand dollars, or by imprisonment for a term of not less than five years, or both.

Penalty for issuing bills not countersigned.

14. *And be it enacted,* That it shall not be lawful for any association under the provisions of this act to issue or put in circulation any bills or notes which shall not have first been countersigned and registered as is herein before provided; and any violation of the provisions of this section shall be deemed a misdemeanor, and, on conviction thereof, the person or persons offending shall be punished by fine or imprisonment, or both, the fine not to exceed one thousand dollars, or the imprisonment three years.

Amount of capital stock of associations.

15. *And be it enacted,* That any number of persons, not less than seven, citizens of this state, may associate to establish offices of discount, deposit, and circulation, on the terms and conditions, and subject to the liabilities prescribed in this act; but the aggregate amount of the capital stock of any such association shall not be less than fifty thousand dollars nor more than five hundred thousand dollars.

16. *And be it enacted*, That the persons so associating shall, under their hands and seals, make a certificate, by the terms of which such association shall be bound, which shall specify the name assumed to distinguish such association, and to be used in its dealings; the place where the banking business of such association is to be carried on, designating the particular county, township, and city, town, or village in this state; the amount of the capital stock of such association, and the number of shares into which the same shall be divided; the names and places of residence of the shareholders, and the number of shares held by each of them, respectively, and the period at which such association shall commence and terminate, which shall not be for a longer term than twenty years; which certificate shall be proved or acknowledged, in the same manner as deeds are by law required to be proved or acknowledged, and recorded in the office of the secretary of state and in the clerk's office of the county where any office of such association shall be established; but it shall not be lawful for any association to locate their office or place of business in any other than one of the county towns or incorporated cities, boroughs, towns, or villages of this state, unless such association shall have first procured the certificate in writing of the governor and attorney general, setting forth that some other place proposed by said association, as the location of their office or place of business, is a fit and proper place for the location of such office or place of business; which certificate shall be filed with the certificate to be made by said association, as herein before mentioned.

Certificate of
association
to be made
and recorded

17. *And be it enacted*, That the certificate required by the last preceding section to be recorded in the offices of the secretary of state and the clerk of the county, or copies thereof, duly certified by either of those officers, may be used as evidence in all courts and places, for and against any such association; and upon making said certificate, and causing the same to be recorded as aforesaid, the said persons so associating, their successors and assigns, shall be, from the time of commencement fixed in said certificate, and until the time limited therein for the termination thereof, a body corporate and politic, by the name mentioned in said certificate; *provided*, that the legislature may at pleasure dissolve any company created by virtue of this act.

Associates
incorporated

18. *And be it enacted*, That every such association shall have power to choose a board of directors, and, under the direction of such board, to carry on the business of banking, (at the place specified in their certificate, and not elsewhere,) by discounting bills, notes, and other evidences of

General
powers.

debt, receiving deposits, buying and selling gold and silver bullion, foreign coins, and bills of exchange; may loan money on real and personal security; also, may choose one of their own number to be president, appoint a cashier and such other officers and agents as their business may require; may remove such president, cashier, officers, and agents at pleasure, and appoint others in their places; may establish by-laws for their government, and exercise such other incidental powers as shall be necessary to carry on such banking business.

Shares transferable.

19. *And be it enacted*, That the shares of every such association shall be deemed to be personal property, and shall be transferable, on the books of the association, in such manner as may be specified in their articles of association; and every person becoming a shareholder by such transfer, shall, in proportion to his shares, succeed to all the rights and liabilities of prior shareholders; and no change shall be made in the articles of association, by which the rights, remedies, or security of its existing creditors shall be weakened or impaired.

Capital stock may be increased.

20. *And be it enacted*, That it shall be lawful for any association of persons organized under this act, by their articles of association, to provide for an increase of their capital, not to exceed five hundred thousand dollars in the whole, and of the number of the associates, from time to time, as they may judge to be proper, and also, for the election of directors to manage the affairs and business of such association; and in case of any such increase of capital, it shall be the duty of any such association to file a certificate thereof, as required by the sixteenth section of this act, within ten days after such increase shall have been determined upon.

Notes, &c., to be signed by president and cashier.

21. *And be it enacted*, That all contracts made by any such association, and all notes and bills by them issued and put in circulation as money, shall be signed by the president or vice president and cashier thereof.

Stockholders responsible.

22. *And be it enacted*, That whenever default shall be made in the payment of any debt or liability of any association under this act, the stockholders of such association shall be individually responsible, equally and ratably; such responsibility to be enforced as herein after provided for the amount of such debt or liability, with interest, to the extent of the amount of their respective shares of stock in any such association.

Actions against stockholders.

23. *And be it enacted*, That when the stockholders of any such association shall be liable, by the provisions of

this act, to pay the debts or liabilities of such association, or any part thereof, any person to whom they shall be so liable may have an action on the case against any one or more of said stockholders; and the declaration in such action shall state the claim against the association, and the ground on which the plaintiff expects to charge the defendants personally; and such action may be brought, notwithstanding the pendency of an action against the association for the recovery of the same claim or demand; and both said actions may be prosecuted until the plaintiff shall obtain payment of his debt, and he shall also recover the costs of suit in both actions.

24. *And be it enacted*, That when the stockholders of any association under this act are liable, as mentioned in this act, for the debts or liabilities of the association, or any part thereof, any person to whom they are so liable may have his remedy against said stockholders, jointly and severally, by a bill in chancery or action at law. Remedy against stockholders.

25. *And be it enacted*, That any stockholder who shall, whether voluntarily or by compulsion, pay any debt of the association, for which he is made liable by the provisions of this act, may recover the amount so paid in an action on the case against the association, in which action the property of the association only shall be liable to be taken, and not the property of any stockholder of the association; or the stockholder who shall have paid such debt of the association may have an action at law, or file a bill in the court of chancery for contribution, against any one or more of the stockholders who were originally liable with him for the payment of the said debts, and may recover against each one of them, their just and equitable proportion thereof, according to the number of their shares. Stockholders may recover amt. paid for association.

26. *And be it enacted*, That no person holding stock in any association, as executors, administrators, or guardians, and no person holding such stock as collateral security, shall be personally subject to any liabilities as stockholders of such association, but the person pledging such stock shall be liable in the same manner as if he had continued to hold said stock; and the estates and funds in the hands of such executors, administrators, and guardians shall be liable, in their hands, in like manner and to the same extent as the deceased testator or intestate, or the ward or person interested in such trust fund would have been, if they had respectively been living and competent to act, and had held the same stocks in their own names. Stock of executors, guardians, &c., not liable.

27. *And be it enacted*, That every such executor, ad-

Guardians,
&c., may
vote.

ministrator, and guardian shall represent the share or stock in his hands at all meetings of the association, and may vote, accordingly, as a stockholder; and every person who shall pledge his stock as aforesaid, may, nevertheless, represent the same at all such meetings, and may vote, accordingly, as a stockholder.

What real
estate may
be held.

28. *And be it enacted*, That it shall be lawful for such association to purchase, hold, and convey such real estate as shall be necessary for its immediate accommodation in the convenient transaction of its business, or as shall be mortgaged to it in good faith, by way of security for loans made by, or moneys due to such association, or as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or such as it shall purchase at sales under judgments, decrees, or mortgages held by such association; and that the said association shall not purchase, hold, or convey real estate in any other case or for any other purpose.

Chancellor
may order
investigation
of affairs.

29. *And be it enacted*, That, upon the application of creditors or shareholders of any such association, whose debts or shares shall amount to one thousand dollars, and stating facts, verified by affidavit, the chancellor may, in his discretion, order a strict examination to be made by one of the masters of his court, or by any other person or persons, not exceeding three, appointed by him for that purpose, of all the affairs of such association, for the purpose of ascertaining the safety of its investments and the prudence of its management; and the result of every such examination, together with the opinion of the master; or of such other person or persons to be appointed by the chancellor as aforesaid, and of the chancellor thereon, shall be published in such manner as the chancellor shall direct, who shall make such order in respect to the expenses of such examination and publication as he may deem proper; and may also make such other order or orders, and direct such further and other proceedings, as he may deem necessary and proper for the due protection of the interest of the note holders and other creditors of said association, and of the stockholders thereof.

Annual state-
ment of af-
fairs to be
made.

30. *And be it enacted*, That every such association shall, on the first day of January in every year, after having commenced the business of banking under the provisions of this act, make out and transmit to the treasurer, in the form to be provided by him, a full statement of the affairs of the association, up to and including the last day of December in every year, verified by the oaths or affirmations of the

president and cashier; which statement shall be filed by the treasurer in his office, and, as soon as possible thereafter, shall be laid before the legislature, and shall contain—

I. The amount of the capital stock of such association subscribed and paid in, the amount invested by said association, and in what manner, and the amount of such stock as is then possessed by such association.

II. The value of the real estate of the association, specifying what portion is occupied by such association for the transaction of its business.

III. The shares of stock held by such association, whether absolutely or as collateral security, specifying each kind of stock, and the number and value of the shares of each.

IV. The debts owing to the association, specifying such as are due from moneyed or other corporations or associations, the names of such corporations or associations, and the amount due from each, and also specifying the amount secured by bond and mortgage or judgment, the amount which ought to be included in the computation of losses, and the total amount of such debts then collectable.

V. The amount of debts owing by the association, specifying such as are payable on demand and such as are due to moneyed or other corporations or associations, the names of such corporations or associations, and the amount due to each.

VI. The amount of claims against such association, not acknowledged by it as debts.

VII. The amount for which such association is bound as surety, or for which it may become liable on the happening of contingent events.

VIII. The amount of the notes or bills of such association then in circulation, also the amount of loans and discounts and of specie on hand.

IX. The amount of losses of such association (if any), specifying whether on its capital or profits, since the last preceding statement, and of the dividends declared and made during the same period.

X. The amount of real estate, mortgages, and of stocks, together with a description of the stocks deposited by such association with the treasurer, as security for notes for circulation issued by him to such association; the market value of such stocks, as near as the same can be ascertained, and the date to which payment of interest has been made upon such mortgages or stocks, and whether such interest has been paid to such banking association, or passed to its credit on the books of the treasurer.

Penalty for neglect to make statement.

31. *And be it enacted*, That if any such association shall neglect to make out and transmit the statement required in the last preceding section, for one month beyond the period when the same is required to be made, or shall violate any of the provisions of this act, such association may be proceeded against and dissolved by the court of chancery, in the same manner as any other moneyed corporation may be proceeded against and dissolved.

Committee to examine securities deposited with treasurer.

32. *And be it enacted*, That it shall be the duty of the committee of the legislature, annually appointed to examine the treasurer's accounts, to examine also the securities deposited by banking associations, together with the books and papers relating to the business of banking under the provisions of this act; also, to count all circulating bills which have been returned to the treasurer by any banking association, to cancel and destroy the same, and to give a certificate thereof to the treasurer, and generally to make such investigations as they may deem proper to enable them to report the true state and condition of all the banking associations in this state to the legislature.

No part of capital to be withdrawn until debts are discharged.

33. *And be it enacted*, That if any portion of the original capital of any such association shall be withdrawn, for any purpose whatever, whilst any debts of the association remain unsatisfied, no dividends or profits on the shares of the capital stock of the association shall thereafter be made, until the deficit of capital shall have been made good, either by subscription of the shareholders or out of the subsequently accruing profits of the association; and if it shall appear that any such dividends have been made, it shall be the duty of the chancellor to make the necessary orders and decrees for closing the affairs of the association, and distributing its property and effects among its creditors and shareholders.

Damages in case of non-payment of notes.

34. *And be it enacted*, That any such association shall be liable to pay the holder of every bill or note put in circulation by it as money, the payment of which shall have been demanded and refused, damages for nonpayment thereof, in lieu of interest, at and after the rate of twelve per cent. per annum from the time of such refusal until the payment of such bill or note.

Annual statement of names of stockholders to be filed

35. *And be it enacted*, That the president and cashier of every association formed pursuant to the provisions of this act, shall at all times keep a true and correct list of the names and residences of all the shareholders of such association, and of the number of shares owned by them respectively, and shall file a copy of such list in the office of the clerk of

the county where the office of such association may be located, and also in the office of the treasurer, on the first Mondays of January and July in every year; and such list shall at all times be open, at the place of business of such association, for public inspection during the usual hours of transacting business, under the penalty of one hundred dollars for every day's neglect.

36. *And be it enacted*, That when any banking association, under the provisions of this act, shall be desirous of relinquishing the banking business, and shall have redeemed at least eighty per cent. of their circulating notes, shall have returned the same to the treasurer, and shall have delivered to him a certificate of deposit to his credit, in such bank as he shall approve, to an equal amount with the circulating notes of such association still unredeemed, it shall be lawful for the treasurer to receive the same, and to give up all the securities deposited by such association for the redemption of notes issued to such association.

Associations
may relin-
quish busi-
ness.

37. *And be it enacted*, That any association, after having complied with the provisions of the preceding section, shall give notice for two years in a newspaper published in Trenton, and in at least one newspaper published in the county where such association shall have been located, if any paper be published in said county, and if not, then in a newspaper of one of the adjoining counties, that all the circulating notes issued by such association must be presented to the treasurer for payment within two years from the date of such notice, or that the funds deposited for the redemption of such notes will be given up to such association; and on receiving satisfactory proof of such notice for the time aforesaid, the treasurer shall surrender to the order of such association any securities which he may hold for the payment of any unredeemed notes of the said association.

Notice to be
given of in-
tention to re-
linquish.

38. *And be it enacted*, That it shall be lawful for the treasurer of this state, at the expiration of two years from and after the termination of any such association, to resign and deliver up all the public stocks and bonds and mortgages assigned to and deposited with him by any such association, notwithstanding all the bills and notes issued and delivered by him to such association shall not have been cancelled; *provided always*, that the said treasurer shall have caused previous notice of his intention so to do to be published for six calendar months in three newspapers printed in this state.

Treasurer
may deliver
securities.

39. *And be it enacted*, That every association under the

Associations
subject to
provisions,
&c., of incor-
porated
banks.

provisions of this act, and the president, cashier, directors, book keepers, and other officers thereof, shall be subject to all the provisions, duties, liabilities, taxes, and penalties to which the incorporated banks of this state, and the presidents, cashiers, directors, book keepers, and other officers thereof, are or may be subject, or which may be provided, prescribed, or imposed by the laws of this state.

Powers and
restrictions.

40. *And be it enacted*, That this act shall be deemed and taken to be a public act; and every such association shall possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved February fourththteenth, eighteen hundred and forty-six, so far as the same are applicable.

Approved February 27, 1850.

AN ACT to incorporate the Elizabethtown Savings Institution.

Names of
corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Richard T. Haines, Benjamin Williamson, Moses M. Woodruff, Reuben Van Pelt, Garret Green, George R. Chetwood, Charles Davis, Elias Winans, Joseph Cleaveland, Stephen P. Brittan, James Earl, and David Mosqueron, and their successors, shall be, and are hereby constituted a body corporate and politic, by the name of "the Elizabethtown Savings Institution."

Election of
officers.

2. *And be it enacted*, That the institution shall be conducted by twelve managers, seven of whom shall constitute a quorum to do business; and when the seat of any manager shall become vacated, by death, resignation, or otherwise, then the board of managers shall have power to fill such vacancy by a vote of a majority of the managers; the persons named in the first section of this act shall be the first managers of the institution; and the managers shall hereafter meet annually, on the second Monday of May, and choose one of their number as president; and they shall have power to appoint a secretary, treasurer, and such other officers as to them shall appear necessary, which officers, so chosen and appointed, shall continue in office one year and until others are chosen; and all officers so cho-

sen shall take an oath, before some justice of the peace of the county of Essex, faithfully to perform the duties of their office, respectively.

3. *And be it enacted*, That the said corporation may receive as deposits all sums of money which may be offered for the purpose of being invested, in such sums and at such times, and on such terms, as the by-laws shall prescribe, which shall be invested accordingly, and shall be repaid to such depositor, at such times and with such interest, and under such regulations, as the board of managers shall from time to time prescribe; and the said corporation may accept and execute all such trusts, of any description, as may be committed to such corporation by any person or persons whatsoever, by will or otherwise, or transferred to the same by order of any court; *provided*, the said corporation shall not be required to receive on deposit a less sum than one dollar, nor to allow interest on any deposit until it amounts to the sum of five dollars, nor to pay interest on the fractional part of five dollars; and to avoid the calculation of days on small sums, they shall not be required to allow interest for the fractional parts of a month; and months shall be computed, as calendar months.

Corporation may receive deposits.

4. *And be it enacted*, That the said corporation shall invest no money in any other public stocks than such as are created under the laws of the United States or of this state, New York, or Massachusetts, nor on bonds and mortgages, except on unencumbered real estate worth at least double the amount of the sum invested, nor in the stocks or loans of any incorporated company whatever.

How money to be invested.

5. *And be it enacted*, That no emolument whatever shall directly or indirectly be received by the president or managers for their services.

President and managers not to receive compensation.

6. *And be it enacted*, That it shall be lawful for the said corporation, at their discretion, to pay any depositor being a minor such sums as may be due to such depositor, notwithstanding that no guardian shall have been appointed on his behalf; and that the acquittance or receipt of such minor shall be as valid as if the same were executed by a guardian of such minor duly appointed; *provided*, such deposit shall have been made personally by such minor, and not by any other person, for his or her benefit.

Deposits by minors.

7. *And be it enacted*, That it shall be the duty of the corporation to make an annual report to the legislature of this state of the state of its funds, which statement shall be verified under the oath of the president or treasurer.

Annual report to be made.

Place of business.

8. *And be it enacted*, That the office of business of the said corporation shall be in the township of Elizabeth, in the county of Essex.

9. *And be it enacted*, That this act is hereby declared to be a public act.

Approved March 1, 1850.

AN ACT to confirm the last will and testament of Joseph Titus, deceased.

Preamble.

WHEREAS Joseph Titus, late of the township of Hopewell, in the county of Mercer, and state of New Jersey, deceased, did, in his lifetime, make and execute his last will and testament in writing, under his hand and seal, bearing date on the twenty-sixth day of July, in the year of our Lord one thousand eight hundred and forty-nine, and therein and thereby did, among other things, give and devise to his wife, Eliza Titus, and to his four children, Uriel B. Titus, Margaret A. Titus, Hannah J. Welling, wife of John Welling, and Elizabeth Titus, wife of Benjamin W. Titus, respectively, large and valuable portions of real estate; and whereas the said will, although duly published by the said testator, and attested by three subscribing witnesses, was not actually signed by him in their presence, as required by law, in consequence whereof some doubts are entertained in regard to the validity and effect of the said will, and the title of the said devisees to their respective portions of the real estate of the said Joseph Titus, deceased, is rendered insecure; and whereas the widow and all the children and heirs at law of the said Joseph Titus, deceased, have petitioned the legislature to pass an act ratifying and confirming the said will, as valid and effectual in law for the passing of real estate—therefore,

Will of J. Titus confirmed.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the last will and testament of the said Joseph Titus, deceased, bearing date on the twenty-sixth day of July, in the year of our Lord one thousand eight hundred and forty-nine, so far as the same relates to and disposes of his real estate, be, and the same

is hereby in all things confirmed; and that the said will, and the devises and orders therein contained, be as valid and effectual in law, and have the same force and effect, as though the same had been duly executed in all things as required by law for the passing of real estate.

Approved March 1, 1850.

A further supplement to an act entitled, "An act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane," approved February twenty-third, eighteen hundred and forty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the seventeenth section of the act, to which this is a further supplement, as prohibits the admission of patients not sent upon an order of some court or judge, without a certificate under oath of two physicians as to his insanity, be, and the same is hereby repealed; and that hereafter the certificate of one respectable physician shall be sufficient to authorize the admission of private or pay patients, if accompanied by the request and description mentioned in said seventeenth section. Certificate of admission.

-2. *And be it enacted*, That so much of the act above referred to, and the several supplements thereto, as authorize the counties or the treasurer of the asylum to recover from townships or cities the expenses of maintaining patients sent to the asylum by virtue of the order of any judge or court, be, and the same is hereby repealed. Parts of former acts repealed.

Approved March 1, 1850.

Supplement to an act entitled, "An act to incorporate societies for the promotion of learning," approved April sixteenth, eighteen hundred and forty-six.

Annual conference authorized to found institutions for promotion of learning.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the members of the New Jersey Annual Conference of the Methodist Episcopal Church are hereby authorized and empowered, when in conference assembled, to found any institution or institutions in this state, whose object shall be the promotion of learning, and for that purpose, when assembled as aforesaid, they are hereby further authorized and empowered from time to time to elect, from their own body or otherwise, (with power at any time to fill vacancies) any number of persons, not exceeding eighteen, nor less than nine, as trustees of such institution or institutions, who shall be divided into three classes, of which the first shall remain in office one year, the second two years, and the third three years, so that one class may be elected every year; which said trustees and their successors are hereby constituted a body politic and corporate, in fact, name, and law, to all intents and purposes for ever, by whatever name the trustees elected as aforesaid shall take and assume in the manner specified in the second section of the act to which this is a supplement, and by that name they shall have perpetual succession.

Trustees to make annual report.

2. *And be it enacted*, That it shall be the duty of the aforesaid trustees and their successors to lay before the New Jersey Annual Conference of the Methodist Episcopal Church, at each and every annual meeting thereof, the state of the institution, the situation of the funds, and the accounts and transactions of the preceding year, previous to the election of trustees.

Subject to provisions of former act.

3. *And be it enacted*, That the New Jersey Annual Conference of the Methodist Episcopal Church aforesaid, and the said trustees and their successors, shall be subject to the provisions of the act to which this is a supplement, so far as the same may be applicable and not inconsistent herewith.

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

Approved March 1, 1850.

AN ACT for the relief of Simeon Faurot.

BE IT ENACTED *by the Senate and General Assembly* S. Faurot re-
stored to cit-
izenship. of the *State of New Jersey*, That Simeon Faurot, of the township of Woodbridge, in the county of Middlesex, in this state, be, and he is hereby restored to all the rights, privileges, and immunities of a citizen of the state of New Jersey.

Approved March 1, 1850.

AN ACT to prevent swine from running at large in the village of Lumberton, in the county of Burlington.

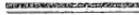
WHEREAS serious inconvenience is felt by the inhabitants Preamble. of the village of Lumberton, in the county of Burlington, in consequence of the owners of swine permitting them to run at large; and whereas no adequate remedy is provided by law—therefore,

1. BE IT ENACTED *by the Senate and General Assembly* Swine may
be impound-
ed and sold. of the *State of New Jersey*, That it shall be lawful for any person who may reside within that part of the townships of Southampton and Medford that lies within the circuit of half a mile from Lumberton bridge, in the village of Lumberton, to drive or convey to any public pound, which may be in either township aforesaid, any swine found running at large in the public streets, highways, or otherwise, within the bounds aforesaid, and impound the same; and the keeper or keepers of the public pounds, in both said townships, is or are hereby required and authorized to receive such swine; and the party (or the pound keeper, if the duty is performed by him,) shall have twenty-five cents per head for impounding each swine; and the keeper shall also have twenty-five cents for letting in and out of the pound for each and every one, and for feeding and attending five cents per head for every twenty-four hours they shall continue in said pound; and if the owner or owners of said swine so impounded, shall not pay the charges of impounding and keeping within four days after such swine shall be impounded, and take the same away, it shall then be the duty of the pound keeper to set up advertisements in three

of the most public places in said village, describing such swine, and giving at least ten days' notice of an intended day and place of sale; and if the owner or owners of such swine do not appear and redeem the said swine before the time so notified, the said pound keeper shall sell the same accordingly, and out of the moneys arising from such sale, shall pay the charges of conveying to the pound, and retain in his hands his fees for pounding, keeping, and feeding said swine, and twenty-five cents for advertising, sale, and collecting the money for each swine, and return the overplus to the owner of the swine, if they shall appear to claim the same; and if no owner shall appear and claim such surplus within six months after such sale, the same shall be paid to the overseer of the poor of the township wherein such swine were found running at large as aforesaid.

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

Approved March 1, 1850.



Supplement to the act entitled, "An act for facilitating the communication from Elizabethtown, in the county of Essex, through Morristown, in the county of Morris, and from thence into the county of Sussex," passed March ninth, eighteen hundred and one.

Commissioners to open books of subscription for additional stock.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the directors of the Morris Turnpike Company, for the time being, shall and may receive subscriptions for a sum not exceeding one hundred thousand dollars additional capital stock of the said company; and they, or a majority of them, are hereby authorized to open books of subscription for such additional stock, at such times and places as they shall appoint, giving twenty days' notice of such times and places, by publishing the same in a newspaper published in Elizabethtown and a newspaper published in Morristown; and at such times and places the said directors, or a majority of them, shall attend and receive subscriptions to the said capital stock; and at the time of subscribing, five dollars on each share shall be

paid-in specie or in the bills of banks which redeem their bills with specie; and if more shall be subscribed than by this act is authorized, the said directors, or a majority of them, shall apportion the same in a fair, just, and equitable manner; and the said directors, or a majority of them, shall have power to call in the remainder of the said additional stock, by instalments not exceeding five dollars on each share, by giving thirty days' notice of such required instalments in one or more newspapers published in each of the counties of Essex and Morris; and if any stockholder shall refuse or neglect, for ten days after such instalment is due, to pay the same, he, she, or they so refusing or neglecting shall forfeit their stock, and the payments thereon, for the use of the company.

2. *And be it enacted*, That the districts of the road of the said company shall be and remain as heretofore established by the said company, that is to say: from Elizabethtown to Morristown to be the first district; from Morristown to Stanhope the second district; and all the road of said company in the county of Sussex to be the third district; and the said additional stock shall be applied, and the dividends arising therefrom be paid to the owners of the stock in said districts, as heretofore. Districts of the road.

3. *And be it enacted*, That it shall and may be lawful for the said company to lay down and construct a plank road on their present turnpike road, of substantial plank or timber, in a good and workmanlike manner, and the same to be kept at all times in good repair, with a firm and even surface; *provided*, that no tolls, at the rate specified in this act, shall be received until six miles of the said plank road is completed. Company may construct plank road.

4. *And be it enacted*, That the said company may erect gates and turnpikes across the said road, and demand and receive toll for each mile of said road, not exceeding the following rates: for every carriage, wagon, sleigh, sled, or other vehicle, drawn by one beast, two cents; for every additional beast, two cents; for every horse and rider, or led horse or mule, one cent; for every dozen calves, sheep, or hogs, two cents, and the same in proportion for any greater or less number; for every dozen horses, mules, or cattle, five cents, and the same in proportion for a greater or less number. Rate of toll.

5. *And be it enacted*, That it shall and may be lawful for the said company to surrender and give up any portion of their road for public use, upon obtaining the assent in writing of a majority of the township committee of the Company may give up portions of road.

township or townships in which the part or parts of the said road so surrendered may lie; and upon filing such assent in the clerk's office of the county, the part or parts of the road so surrendered and given up shall become and remain a public road or highway of the township, and used, maintained, and repaired as the other roads or highways of this state; *provided*, that tolls shall not be received for any part of the road so given up and surrendered.

Half toll to be charged in certain cases.

6. *And be it enacted*, That all vehicles passing on said road, and loaded exclusively with fertilizing materials, to be used upon the soils in this state, shall pass at one half the rate of tolls specified in this act.

Part of former act repealed.

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

Approved March 1, 1850.

A supplement to the act entitled, "An act concerning roads."

Surveyors to make assessment.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That hereafter, whenever any public road or highway shall be laid out or altered, the six surveyors, or a majority of them, mentioned and referred to in the act to which this is a supplement, shall, immediately after laying out or altering any public road or highway, make an assessment of the damages the owner of any land or real estate which may be taken for that purpose will sustain by the laying out or altering said public road or highway.

Assessment to be evidence of amount.

2. *And be it enacted*, That said surveyors, or a majority of them, shall, with their return of the laying out or altering of any public road or highway, return their said assessment, certified by them in writing under their hands, particularly specifying the amount assessed in favour of the respective owners; which said assessment shall be evidence of the several amounts to which the owner or owners of said land shall be entitled.

Inhabitants of township liable for assessment.

3. *And be it enacted*, That the inhabitants of any township in which any public road or highway shall be laid out

or altered, in their corporate capacity, shall be liable to pay, to the parties entitled to receive the same, the sum assessed as damages; and it shall be the duty of the township committee to cause all such sums as shall be necessary to pay the damages aforesaid, to be assessed and collected in the same manner that all other moneys for township purposes are now assessed and collected.

4. *And be it enacted*, That in case any public road or highway, laid out or altered as aforesaid, shall lie in two or more townships, it shall be the duty of the surveyors laying out or altering the same, to state and certify the proportion of the assessment by them made, which shall be paid by the inhabitants of the several townships in which said public road or highway is laid out or altered; and it shall be the duty of the township committees of said townships to provide for the payment thereof, in manner aforesaid.

Roads in two townships.

5. *And be it enacted*, That if any township committee, or any owner of any land or real estate so taken as aforesaid, shall be dissatisfied with the assessments of said surveyors, they may, within twenty days after the return of said surveyors shall be filed in the clerk's office of the court by which they were appointed, apply to one of the justices of the supreme court of this state, or any judge of the court of common pleas of the county where the land so taken as aforesaid is situated, which said justice or judge shall appoint three competent and disinterested freeholders to review the assessment made by the said surveyors, and lessen or increase the same, as to them, in their judgment under the circumstances of the case, shall seem fit and just; and the report of the said three freeholders, or a majority of them, made in writing under their hands, shall be filed in the office of the clerk of the county in which the lands taken lie, and shall be final and conclusive to the parties interested.

Parties aggrieved may appeal.

6. *And be it enacted*, That no assessment shall be made in favour of any person who shall be an applicant for the laying out and altering any such public road or highway.

No assessment to be made in favour of applicants for road.

7. *And be it enacted*, That it shall not be lawful for the overseers of the highways, in any township, to open for public use any public road or highway laid out or altered as aforesaid, until the amount of the assessment shall be paid to the party entitled to receive the same; but in case any party, so entitled, shall refuse to receive such payment, or be out of the state, or under any legal disability, then payment of the amount to which said party is entitled, to

Roads not to be opened for use until assessment is paid.

the clerk of the court of common pleas in the county in which said lands shall lie, shall be deemed legal payment; such money to remain in the hands of said clerk until called for by the party entitled to receive the same, his, her, or their legal representative.

Notice of application to be given.

8. *And be it enacted*, That the party intending to make the application mentioned in the fifth section of this act, shall give ten days' notice in writing to the other party, stating the object of the said application, and the time and place of making the same; and the freeholders appointed shall meet upon a like notice, and shall be duly sworn faithfully and impartially to execute the duties imposed upon them by this act, before they enter upon the discharge thereof.

Act not to prevent laying out public road as heretofore.

9. *And be it enacted*, That nothing herein contained shall be held to prevent the review by chosen freeholders or the laying out or altering of any public road or highway, as heretofore.

Owner of land may recover assessment.

10. *And be it enacted*, That the owner of any land or real estate, taken as aforesaid, shall be entitled to recover the amount of the assessment made in his or her favour, with costs, in any court of competent jurisdiction; against the inhabitants of the township who, by this act, are made liable for such assessment.

Fees.

11. *And be it enacted*, That the said justice or judge shall be allowed, for making the appointment of freeholders, the sum of one dollar; and one dollar per day shall be allowed to said freeholders, for their services, to be paid by such party as said judge shall direct.

Approved March 1, 1850.

AN ACT to incorporate the Mount Holly Summer House Association, in the county of Burlington.

Names of incorporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas R. Lacey, George Haywood, Robert D. Spencer, Joseph F. Burr, Abraham Gaskill, Charles H. Hollinshead, and Isaac V. Brown, and their associates and successors, be, and they are hereby in-

corporated and made a body corporate and politic, in fact and in law, by the name of "the Mount Holly Summer House Association," and are authorized to erect a summer house, for public resort, on the side or summit of the mount at the town of Mount Holly, in Northampton township, and county aforesaid, and to transact all such business as may necessarily appertain to the erecting, conducting, leasing; or otherwise disposing of such building; and they shall have power to raise by subscription a capital not exceeding twenty thousand dollars, in shares of twenty dollars each.

2. *And be it enacted*, That the said corporation shall not go into operation until three thousand dollars of the capital stock of said corporation shall be paid in, and an oath or affirmation thereof shall be made by some one of the associates named in the first section of this act, and filed in the office of the clerk of the county of Burlington.

When to commence business.

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

Stock transferable.

4. *And be it enacted*, That Thomas R. Lacey, George Haywood, Robert D. Spencer, Joseph F. Burr, Abraham Gaskill, Charles H. Hollinshead, and Isaac V. Brown, or a majority of them, may open books and take subscriptions for the capital stock, in such manner as they may deem expedient; and whenever such subscriptions amount to five thousand dollars, the stockholders having had two weeks' notice in writing, or in a newspaper published in the town of Mount Holly, in which said notice shall be specified the time, place, and object of the meeting, shall proceed to elect such directors and officers, and make such by-laws as they may deem necessary for conducting the affairs of the said corporation; *provided*, such by-laws shall not conflict with the laws of this state or of the United States; and such directors shall hold office until their successors shall be elected; and the remainder of the stock, if any, shall be disposed of by the direction of said corporation, as shall be provided for by the by-laws of said corporation.

Commissioners to open books of subscription.

5. *And be it enacted*, That in the month of May, annually, the directors of the said corporation shall submit to

Annual statement to be made.

fire companies in said village, shall be, and are hereby made the property of said corporation.

5. *And be it enacted*, That the members of this corporation shall assemble at the Cochran house, in said village, on the second Tuesday of April next, at the hour of one o'clock in the afternoon, and at the same hour of the day on the first Tuesday after the second Monday in April of each succeeding year, at such place as the board of managers shall determine; and the said members, so assembled, shall, at the first and at each succeeding annual meeting, elect, by ballot by plurality of votes, and not otherwise, a president, a secretary, a treasurer, and two managers, who shall together constitute a board of managers, also one person as assessor, who shall hold their offices for one year and until their successors are elected; and the said members, then and there assembled, shall also determine, by ballot by plurality of votes, what amount of money shall be raised by assessment for the use of the corporation during the ensuing year; *provided*, that the board of managers shall not appropriate any of the funds of the corporation to the payment of the salary of any officer of the corporation, or as a remuneration for services by such officer, unless the by-law or resolution under which such appropriation is made be first presented and approved by the members of the corporation, at their annual meeting.

Annual election of officers.

6. *And be it enacted*, That the active power of this corporation shall be vested in the said board of managers, and they shall take charge of and keep in repair the property of said corporation; they shall also constitute a board of appeals, before and by whom all complaints with reference to assessments made by virtue of this act shall be heard and determined; and the said board of managers shall have power to fill all vacancies in their own body, or in any office under this corporation, until the next annual meeting; and they shall give notice of each annual meeting, except the one in April next ensuing, also of the sum which they deem it expedient to raise in the ensuing year, and of the purposes to which said sum is to be applied, not less than five, or more than fourteen days before said meeting, in the newspapers published in said village and by handbills posted up in five of the most public places within the limits aforesaid.

Powers and duties of managers.

7. *And be it enacted*, That within thirty days after the annual meeting, the assessor shall make and return to the board of managers a correct list of all buildings and stores of goods, wares, or merchandise, as aforesaid, within said

Assessor to make return of assessment.

limits, with the value thereof, and the names of both the owners and occupants of the buildings and owners of goods, wares, and merchandise, together with an assessment upon each building or store, as aforesaid, of its equitable proportion of the sum voted to be raised by the corporation, making just allowances for the various degrees of hazard and liability to injury by fire to which said buildings and stores may be exposed.

Notice to be given of amount of tax.

8. *And be it enacted*, That, within ten days after the return of said list and assessment to the board of managers, the treasurer shall give to every resident member, whether an individual, or a body politic or corporate, or in case of nonresident members, to the tenant in possession, a printed or written ticket, containing the amount of tax assessed upon the property owned or occupied by said member or tenant, together with the time and place of meeting of the board of appeals.

Meetings of board of appeals.

9. *And be it enacted*, That within twenty days after the return of said assessment, as aforesaid, the board of appeals shall sit at such place in the village of Newton as they may determine, to hear and determine, as they shall deem equitable and just, the complaints of all persons who may feel aggrieved by the assessment so made as aforesaid.

Notice to be given of time for payment of taxes.

10. *And be it enacted*, That after the appeals to the board shall have been determined, the treasurer shall give public notice in the newspapers of the village, or by handbills posted up in five of the most public places within said limits, that if the taxes so assessed are not paid within sixty days from the date thereof, that the names of the delinquents will be returned to a justice of the peace for collection; and in case of nonresident members, the tenants in possession shall, in the same manner as the owners, be liable for, and they are hereby required to pay the taxes so assessed upon the property occupied by them, and they are hereby authorized to deduct such payment from the rent which they may have contracted to pay to the owners of said property; and in case of the nonoccupancy of any building, the assessment shall remain as a lien upon it, and the future occupiers shall be liable for all arrearages of assessment upon said building.

List of delinquents to be made out.

11. *And be it enacted*, That in cases of nonpayment of taxes within the time specified in said notice, the treasurer shall make out a list of the delinquents, whether individuals or corporations, members of this corporation or tenants in possession, with the sums payable by them, respectively,

thereto annexed, and shall deliver the same to some justice of the peace of the township in which said corporation is situated, accompanied by his oath or affirmation, that he has given the public notice required by the preceding section.

12. *And be it enacted*, That the justice of the peace, within five days after the reception of said list of delinquents, shall deliver to some constable or constables of the county a warrant or warrants to levy the tax so in arrears, with costs; and the said justice and constable, or constables, shall proceed in like manner, and under like penalties and liabilities, to levy the tax so in arrears, as is directed in an act entitled, "An act concerning taxes," approved April fourteenth, eighteen hundred and forty-six; and they shall be entitled to like fees as for like services under said act; *provided always*, that the taxes so levied and collected shall be paid to the treasurer of said corporation.

Taxes of delinquents, how collected.

13. *And be it enacted*, That no person shall be qualified to vote or hold any office by virtue of this act, who is not a member of the corporation hereby created.

Qualification of voters.

14. *And be it enacted*, That if any person shall vote at the said annual meeting who is not qualified as aforesaid, he shall be subject to a fine of five dollars, to be recovered, with costs, before any justice of the peace of the county, in the name and for the use of the corporation; *provided*, that any body corporate or politic, being a member of the corporation, may vote through its presiding officer, whether he be a member of the corporation or not.

Penalty for illegal voting.

15. *And be it enacted*, That the said corporation shall have power to raise and organize, from among its members and from other persons residing within said limits, one company of firemen, not exceeding thirty men, for each and every fire engine that is or may be within its limits; and such firemen shall be exempt from jury duty so long as they shall belong to such company.

Corporation may organize fire companies.

16. *And be it enacted*, That the said company or companies of firemen shall have power to make such by-laws for their regulation and government, not inconsistent with the constitution and laws of this state, as they may deem proper, and to enforce the same by fines collectable by law, in an action of debt, with costs, before any justice of the peace of the county, in the name of this corporation, and for the use of said company or companies, respectively; *provided*, that such by-laws shall not be in force until approved of by the said board of managers.

Companies may make by-laws.

Penalty for
false alarm
of fire.

17. *And be it enacted*, That any person who shall create, or knowingly continue any false alarm of fire within said limits, shall, on due proof thereof before any justice of the peace of the county of Sussex, be subject to be punished by fine, in any sum not exceeding ten dollars, or by imprisonment in the county jail, not exceeding five days; and all fines, arising under this and the preceding section, shall go one half to the informant, and one half to the treasurer of the corporation.

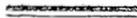
Restrictions
and liabilities.

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

Public act.

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

Approved March 1, 1850.



A supplement to the act entitled, "An act to establish and regulate pilots for the ports of Jersey City, Newark, and Perth Amboy, by the way of Sandy Hook.

Fees of com-
missioners.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the fees of the commissioners on pilotage, mentioned in the twenty-fourth section of the act to which this is a supplement, shall hereafter be three per cent. on the fees received by the pilots for pilotage; *provided*, that said commissioners shall not be entitled to receive said commissions on extra pilotage for boarding off shore, or for fees received for what is called transportation or harbour pilotage.

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

Approved March 5, 1850.

AN ACT to authorize the executors of Elizabeth B. Hazlehurst, deceased, to sell and convey certain real estate.

WHEREAS Elizabeth B. Hazlehurst, late of the city of Philadelphia, and state of Pennsylvania, deceased, did, in and by her last will and testament, bearing date on the eighteenth day of July, in the year of our Lord one thousand eight hundred and forty, devise and bequeath all her estate, both real and personal, to her executors, Isaac Hazlehurst, Samuel Hazlehurst, and Lewis R. Ashhurst, in trust for the use of her husband, Samuel Hazlehurst, during his life, and from and after his death, in trust for the use of all her children (except her son Abraham) who should be living at the time of her death, and of the lawful issue of such of her children as should then be deceased; and did order and direct that all her estate, at the determination of the life estate of her said husband, should be divided by five competent persons, to be appointed by any court of civil jurisdiction in the county of Philadelphia, into as many equal shares as the number of her children, either living at her decease or who should have died before her, leaving issue then surviving (her son Abraham and his issue excepted); and did give the shares which should thereupon appertain to her daughters to her sons in law, Lewis R. Ashhurst, Caleb I. Good, and John E. Bispham, in trust for her daughters, respectively, subject to their control and disposition by will, deed, or otherwise; and did also give the share which should appertain to her son John to her said sons in law, in trust for her said son; and did authorize and empower her executors to make sale of any part or parts of her real estate during the lifetime of her husband, by and with his consent; and did also authorize her said sons in law, and the survivors of them, to make sale of the share of her real estate appertaining to her son John, by and with his consent; the proceeds of said sales, respectively, to be held in trust in the same manner as the real estate so sold was held at the time of sale; and whereas the said Elizabeth B. Hazlehurst, at the time of her death, in addition to her real and personal estate in the city of Philadelphia, was seized of or entitled to several tracts or parcels of real estate situate in the county of Burlington and state of New Jersey, a part of which only was sold by her executors during the lifetime of her husband, Samuel Hazlehurst, now deceased; and whereas a division or partition of that part of the real estate of the said Elizabeth B. Hazlehurst situ-

ate in the state of New Jersey, remaining unsold, cannot be made in the manner directed in and by the said will, and until such division be made, the legal title remains in the executors and trustees, who, since the death of the said Samuel Hazlehurst, have no authority to sell the same; and whereas Samuel Hazlehurst, one of the executors in said will named, hath renounced and refused to act, and the other executors have duly proved the said will, and taken upon themselves the execution thereof; and whereas all the children and devisees of the said Elizabeth B. Hazlehurst, and all the parties interested in the said real estate, are of full age, and have all united in a petition representing that they are desirous that the said lands should be sold, and the proceeds of said sale divided among said children and devisees, according to the provisions of said will, and praying the legislature to pass an act authorizing the acting executors of the said Elizabeth B. Hazlehurst, deceased, to make sale of all her real estate in the state of New Jersey remaining unsold—therefore,

Executors
authorized
to sell real
estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Isaac Hazlehurst and Lewis R. Ashhurst, acting executors of the last will and testament of Elizabeth B. Hazlehurst, late of the city of Philadelphia and state of Pennsylvania, deceased, be, and they are hereby authorized and empowered to sell and dispose of all and singular the real estate to which the said Elizabeth B. Hazlehurst was entitled at the time of her death, situate in the state of New Jersey, and not sold by the said executors during the lifetime of the said Samuel Hazlehurst, deceased, and also to make, execute, and deliver good and sufficient deed or deeds of conveyance for the same, to the purchaser or purchasers thereof; which said deed or deeds shall convey to and vest in the purchaser or purchasers of the said real estate all the right, title, and interest of the said Elizabeth B. Hazlehurst therein, at the time of her death.

Proceeds of
sale, how
disposed of.

2. *And be it enacted*, That the proceeds arising from the sale of the said real estate shall be held subject to the same trusts, and to and for the same uses, and be disposed of in the same manner, as the same would have been held and disposed of in case the said real estate had been sold by the said executors, pursuant to the directions of the said will, in the lifetime of the said Samuel Hazlehurst, deceased.

Approved March 5, 1850.

AN ACT to incorporate the Gloucester 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 Gloucester Turnpike Company shall be opened by Thomas S. Ridgway, Benjamin T. McMurtrie, Cooper P. Browning, Joshua P. Browning, and William S. Doughten, or any three of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state.

Commissioners to open books of subscription.

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

Amount of capital stock.

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

Instalments, how paid.

Act void if
shares are
not subscri-
ed for in cer-
tain time.

4. *And be it enacted*, That if the number of shares herein before made necessary for the incorporation of the said company, be not subscribed for within two years from the time of opening the said subscription books, this act, and all the subscriptions under it, shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return the residue of the money paid in 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 two hundred shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as herein before directed with regard to the opening of said books; at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot five 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 that at the expiration of that term, and annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect by ballot the same number of directors, a majority of whom shall be citizens of this state as aforesaid; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share, by the holder or holders thereof, either in person or by proxy.

Election 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 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 meeting of said directors, and shall have the casting vote when they shall be equally divided; he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of the stockholders, or in case of his death, absence, or inability so to do, the said directors shall appoint some other suitable person, who, for the time being, shall possess the same power and authority, and perform all the duties herein prescribed.

Appoint-
ment of
treasurer.

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 direc-

tor, and may appoint a treasurer, who shall be a citizen of this state, and resident in the county of Camden, and all other officers, agents, superintendents, and servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls, and have the superintendence and direction of all the receipts and disbursements, and all other affairs of the company; and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfers of 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.

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. Annual statement to be made.

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

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

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road, which turnpike road shall be constructed and made on or near the present highway leading from Woodbury, in the county of Gloucester, by way of Westville, to its Company authorized to construct road.

junction with Jersey Avenue; and thence to the town of Gloucester, in the county of Camden, on the highway commonly called Jersey Avenue; 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, they shall pay to the respective owners of the lands over which said highway now passes all damages which the said owners will sustain by reason of the construction of said turnpike road; and in case the said company and any of such owners cannot agree upon the amount of said damages, then the said damages shall be ascertained and determined, as nearly as may be, in the manner herein after provided for for ascertaining the damage which any land owner or owners shall sustain by the taking of stone, gravel, or other material from his 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 nearly as may be, of the said highway, and shall be sufficiently arched and drained to make and keep the same dry; and at least sixteen feet six inches thereof shall be sufficiently bedded and faced with stone or gravel to make a solid, firm, and even road at all seasons of the year; and it shall be so graded, that in its progress no part of said road shall rise above an angle of four degrees with the plane of the horizon; and the said company shall make and maintain good and sufficient bridges, where necessary, along the line of said road, not less than twenty-two 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 owners
of land
and company
cannot
agree.

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

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

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

Rates of toll.

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 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 horse, 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
or posts to
be erected.

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

Penalty for
injuring
works.

16. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile stones or posts so erected on the said road, 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 le-

gal toll at such gates or turnpikes, such person shall forfeit and pay the sum of twenty dollars, beside being subject to an action of damages for the same, to be recovered by the said company, by action of debt or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person, with his carriage, team, and horse, turn out of the said road to pass a gate or gates, on private ground 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 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 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
illegal tolls
or delaying
travellers.

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

Travellers to
keep on right
hand of said
road.

19. *And be it enacted*, That if the said company shall not keep the said road and bridges, which are now or may hereafter be erected thereon, in repair, and complaint thereof shall be made to any justice of the peace of the counties of Camden or Gloucester, who may be disinterested, the said justice shall immediately appoint, by writing under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships; which three persons, being disinterested in the said road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice may appoint, and, having taken an oath or affirmation to act impartially, shall proceed to view

Commissioners to examine road in cases of complaint.

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

When act to
take effect.

20. *And be it enacted*, That this act shall not take effect until the public highways, upon which the said turnpike is authorized to be located and made, are vacated as public highways according to law; and in the event of such vacations as aforesaid, the boards of chosen freeholders of the said counties of Camden and Gloucester shall determine upon what terms and conditions the bridges upon said roads, now belonging to said counties, respectively, shall be disposed of to the said company hereby incorporated; and in case the said company and the said boards of chosen freeholders, respectively, cannot agree upon the amount proper to be paid for said bridges, then in that case the damages shall be assessed in like manner, and subject to the same exactions and restrictions, as is provided for in the thirteenth

section of this act, in relation to other damages therein specified.

21. *And be it enacted*, That it shall and may be lawful for said company, if, in the opinion of those holding a majority of the stock it is deemed advisable, to construct a plank road in lieu of said stone or gravel road; and such plank road shall consist of one track of sixteen feet in width, or two tracks of eight feet in width, or one track of eight feet in width provided with turnouts of sufficient number to allow of the uninterrupted passage of vehicles by each other. Plank road may be constructed.

22. *And be it enacted*, That as much of the act entitled, "An act to incorporate the Woodbury and Camden Turnpike Company," approved February twenty-eighth, eighteen hundred and forty-nine, as may conflict with this act, be, and the same is hereby repealed. Part of former act repealed.

Approved March 5, 1850.

AN ACT to authorize the inhabitants of school districts numbers one, two, and three, in the township of Rahway, in the county of Essex, to raise money for school purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters residing within the limits of school districts numbers one, two, and three, in the township of Rahway, in the county of Essex, in this state, shall annually meet, collectively, on the day prescribed by law for the election of trustees, at some proper place within said limits, to be designated by the town superintendent of public schools of said township, in the manner herein after provided for, and shall then and there decide, by a plurality of votes, how much money shall be raised by taxation within said limits for school purposes; *provided*, that such amount shall not in any one year exceed two thousand dollars; and it shall be the duty of the trustees of said school districts to certify to the assessor of the said township, within thirty days after such meeting, in writing under their hands, or the hands of a majority of them, the sum so voted; and the said assessor shall assess Mode of assessing and collecting money for school purposes.

such sum on the inhabitants resident within said limits, in the same manner as township taxes are now assessed, keeping the same separate and distinct from all other assessments made therein; which said assessments shall in all other respects be levied and collected in the manner that township taxes are levied and collected.

Notice of meeting to be given.

2. *And be it enacted*, That notice of the time and place of the meeting authorized by the foregoing section, shall be given by the said town superintendent, by advertisements signed by him and put up in five of the most public places within the limits aforesaid, at least ten days previous to the day of meeting.

Money collected to be paid to superintendent.

3. *And be it enacted*, That it shall be the duty of the township collector of Rahway to pay the tax money which he shall collect under the provisions of this act to the town superintendent of public schools of the said township, on or before the first day of February, annually; and in case of failure so to do, he shall be liable to prosecution in all respects as is provided in the twenty-fifth section of the act entitled, "An act concerning taxes," except that the suit shall be brought in the name of "the inhabitants of the township of Rahway, in the county of Essex," for the use of the trustees of said school districts numbers one, two, and three; and for the money so paid, the said superintendent shall give a receipt to the said collector, which shall be a sufficient voucher to exonerate and discharge the said collector to the amount therein named.

Order to be drawn for money.

4. *And be it enacted*, That the said superintendent shall pay over no money received by him under the provisions of this act, except upon the written order of the trustees of said school districts, or a majority of them; which order shall state the purpose for which it is given, and shall be made payable to the order of the person entitled to receive the money.

Bonds of collector and superintendent.

5. *And be it enacted*, That it shall be the duty of the township committee of Rahway, when taking bonds of the said collector and superintendent, as is now by law required, to increase the sums named in said bonds to an amount sufficient to secure the due performance of the additional duties by this act assigned to the said collector and superintendent.

Compensation of assessor and collector.

6. *And be it enacted*, That, for the additional duties by this act imposed upon the said assessor and collector, they shall severally be entitled to additional compensation, at the same rates as are by law provided for assessing and collecting township taxes.

7. *And be it enacted*, That the money so raised as afore-^{Money raised, how to be used.} said shall be used and applied in the payment of teachers and furnishing school books necessary to be used in the public schools within the limits aforesaid, and for no other purpose whatever.

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

Approved March 5, 1850.

A supplement to an act entitled, "An act relative to insurance companies," approved April fifteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several provisions of the act, to which this is a supplement, shall be deemed and held to extend to and include all and every person and persons who shall, within this state, make or cause to be made, procure or cause to be procured, or who shall, directly or indirectly, act in the making or causing to be made, or in the procuring or causing to be procured, any agreement, contract, or policy of insurance upon property or lives in this state, by any insurance company not incorporated by the laws of this state, or by any individual residing out of this state, notwithstanding such person or persons shall not be the agent or agents of such insurance company or individual or individuals, or shall not act for or in behalf of such company or individual or individuals, or that such agreement, contract, or policy of insurance shall appear to have been made or entered into out of this state. ^{Provisions of former act extended.}

2. *And be it enacted*, That the collector of the county of Essex shall, from time to time, and as often as once in every six months, account with the treasurer for the time being of the fire department of the city of Newark for all sums of money received by him under the provisions of this act, and of the act to which this is a supplement, from persons residing within the city of Newark, and pay over the same to such treasurer, to be applied and appropriated for the use of the charitable fund of said fire department, under the direction of such fire department, or the proper ^{Collector of Essex to pay over money received to treasurer of fire department.}

officers thereof; and the receipt of such treasurer shall be a good and sufficient voucher for said county collector.

Collector of Passaic to pay over moneys received.

3. *And be it enacted*, That the collector of the county of Passaic shall, from time to time, and as often as once in every six months, account with the treasurer for the time being of the Paterson Fire Association, in said county, for all sums of money received by him under the provisions of this act, and of the act to which this is a supplement, from persons residing within the townships of Paterson and Manchester, in said county, and pay over the same to such treasurer, to be applied and appropriated for the use of the charitable fund of said association, under the direction of such association, or the proper officers thereof; and the receipt of such treasurer shall be a good and sufficient voucher for said county collector.

Provisions of this act applicable to all cities, &c. in the state.

4. *And be it enacted*, That the provisions of the two preceding sections of this act shall be applicable to and include all the cities, boroughs, townships, and districts in this state, wherein a fire department, fire association, or fire company now is, or hereafter shall be organized.

Amount of tax.

5. *And be it enacted*, That the tax payable under the act to which this is a supplement, shall be two per cent., instead of two and one half per cent., and that the three preceding sections of this act shall not extend to moneys raised on policies or contracts for insurance on lives.

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

Approved March 5, 1850.

AN ACT to incorporate the town of Beverly, in the county of Burlington.

Preamble.

WHEREAS the citizens of Beverly having petitioned the legislature for the passage of an act incorporating the said town, as conducive to the prosperity of the same, and the preservation of order therein—

Boundaries of borough.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Willingborough lying between the Delaware

river and the Camden and Amboy railroad, and extending the distance of half a mile eastwardly from the centre of Broad-street, in said town of Beverly, and half a mile westwardly from the centre of the said Broad-street, shall be, and the same is hereby incorporated into a borough, to be called "the Borough of Beverly."

2. *And be it enacted*, That, for the better ordering and governing of the said borough of Beverly, and the inhabitants thereof, there shall henceforth be in the said borough one mayor, who shall be a resident within said borough, and who shall be keeper of the borough seal, a recorder or borough clerk, and seven common councilmen; which mayor, recorder, and common councilmen shall be one body politic and corporate, in deed, fact, name, and law, by the name, style, and title of "the Mayor, Recorder, and Common Council of the borough of Beverly."

Officers of
borough.

3. *And be it enacted*, That the mayor and common council of the said borough shall constitute and be called the common council of said borough; and the said common council shall be summoned and held at such times and places in said borough as they may appoint; the mayor shall preside at the meetings of the common council, and have a casting vote only, and if he be absent, one of the common councilmen may be appointed by the members present chairman pro tempore; and a majority of the whole members of the common council shall be a quorum to transact business; and it shall be the duty of the said mayor to call special meetings of the said common council; and in case of his neglect or refusal to call such meetings, then it shall be lawful for any four members of the said common council to call any meeting or meetings of the said common council, at such time and place as they shall designate or appoint in writing, giving two days' public notice of all such meetings in three of the most public places in said borough.

Common
council.

4. *And be it enacted*, That an election by ballot shall be held on the second Monday in April next, and on the second Monday in April in every year thereafter, at the town hall in said borough, or at such other place as the common council shall appoint, of which place the recorder or borough clerk shall cause public notice in writing to be set up in five of the most public places in said borough, and also in a public newspaper, if one be published therein, for at least ten days previous to the day of such election; at which election one mayor, seven common councilmen, one recorder or borough clerk, one treasurer, one collector, one marshal,

Time and
mode of an-
nual election

one assessor, one or more constables, not exceeding three, one judge of election, three commissioners of appeal in cases of taxation, one harbour master, and one pound keeper, shall be annually chosen and elected in said borough, from among the citizens residing therein and entitled to vote at such elections; but no person shall be elected, or serve as mayor or common councilman of said borough, unless he or they shall have resided therein for one year immediately preceding said election, at which election the judge, collector, and assessor shall be judges or inspectors; the poll of such election shall be opened at eight o'clock in the forenoon, and closed at seven o'clock in the evening; and that all persons who by law are or may be qualified to vote at the elections in this state shall be entitled to vote at such election; and the name of each elector voting at such election shall be written in a poll list by the recorder or borough clerk; and that after the poll shall be closed, the said judges or inspectors shall count the votes given for the several candidates, and certify the result under their hands and seals, and deliver such certificate to the recorder or borough clerk of said borough, who shall file and preserve the same in his office; and the persons having the greatest number of votes shall be deemed to be elected to the offices for which they shall be voted for, respectively, who shall, respectively, hold their offices for one year, until others are elected in their stead and sworn into office; and the first election which shall be held under this act shall be conducted by three judges or inspectors, and a clerk chosen by a majority of the citizens assembled in town meeting, convened after six days' public notice being first given of such meeting; and said election shall in all respects be governed by the requirements herein before prescribed.

Vacancies,
how suppli-
ed.

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

Officers to
take oath or
affirmation.

6. *And be it enacted*, That before any of the said officers shall take upon themselves their respective duties, they shall take and subscribe an oath or affirmation, for the due execution of their respective offices, before one of the justices of the peace of the county of Burlington, who are hereby authorized and required to administer the same; and the

treasurer, collector, constable or constables, and harbour master, so elected, shall each also give bond to the said borough, in such sum and with such sureties as the common council shall approve, for the faithful execution of their respective offices.

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

Powers and duties of mayor.

8. *And be it enacted*, That it shall and may be lawful for the common council of said borough, or a majority of the whole number of them, in common council convened, to pass all ordinances for regulating, levelling, grading, paving, flagging, gravelling, improving, cleaning, and repairing the streets, sidewalks, and alleys therein; for preventing the encumbering or obstructing of the same; for preventing persons from riding, driving, or passing over or upon the sidewalks with horses, wagons, carts, or carriages of any description; for ascertaining and establishing the boundaries of all streets and alleys in said borough, by appointing a city surveyor or otherwise, and preventing and removing all encroachments in or upon said streets or alleys; for preventing the running at large of cattle, horses, goats, geese, dogs, and swine; for imposing a reasonable tax on the owners or possessors of dogs; for preventing the immoderate riding or driving through or in any street or alley of said borough; for abating or removing any nuisance in any street or wharf, or on any lot or lots or enclosure, or other place or places in said borough; for causing

Common council may pass ordinances for government of borough.

common sewers or drains to be made, and granting permission to construct vaults in any part thereof; for lighting the streets of the same; for preventing and restraining riots, routs, disturbances, or disorderly assemblages, in any street, alley, house, or place in said borough; for regulating, protecting, improving, and reclaiming the public grounds or walks in said borough, and sinking and regulating pumps, wells, and cisterns in the streets thereof; for the prevention or suppression of fires; for compelling the cleaning of chimneys; for appointing watchmen and an additional police, and prescribing their powers and duties; for regulating the vending of meats and vegetables; for establishing and regulating a public ground; for regulating butchers, hawkers, pedlers, and petty chapmen within said borough; for restraining vagrants, mendicants, and street beggars; for regulating the police of said borough; for erecting, maintaining, and regulating a public market therein; for erecting and maintaining a borough hall or town house, borough prison, and school house or houses, with such other public buildings as may be necessary and convenient in said borough; for regulating all wharves, docks, and piers belonging to or about said borough, and the rates of wharfage; for the more effectual suppression of vice and immorality; for preserving peace and good order; for suppressing and restraining disorderly and gaming houses; for prescribing and defining the duties of the several officers elected in said borough, and such other by-laws and ordinances for the peace, good order, and prosperity of said borough as they may deem expedient, not repugnant to the constitution and laws of this state or the United States; and to enforce the observance of all such laws, by enacting penalties for the violation thereof, either by imprisonment in the borough jail not exceeding seven days, or by fine not exceeding fifty dollars, recoverable, with costs, in an action of debt, and in the name of the treasurer of said borough, before any justice of the peace or the mayor of said borough, for the use of the corporation of said borough; and further, it shall be lawful for any justice of the peace, or the mayor of said borough, before whom judgment of imprisonment shall be given, to carry such judgment into effect by warrant of commitment, under their hand and seal, directed to the keeper of the borough prison; *provided always*, that each and every ordinance so passed shall be published by printed handbills in five of the most public places in said borough, by the mayor thereof, for ten days before said ordinance shall go into effect; *and provided also*, that no ordinance or by-law shall be enacted or passed by said common council, unless the same shall

have been introduced before the said common council at a previous meeting.

9. *And be it enacted*, That the said common council, or a majority of them, in council assembled, shall have the sole, only, and exclusive right and power of granting licenses, annually, under the common seal of said borough, to all and every innkeeper and retailer of spirituous liquors residing within the said borough, subject to the same provisions, and in like manner as the same may be lawfully done by the courts of common pleas of this state; and they shall also lawfully have the sole, only, and exclusive right and power of licensing such and so many keepers of oyster cellars within said borough, upon such terms and conditions, and under such regulations, as may be deemed most conducive to the good of the inhabitants of said borough; and the amount assessed and paid upon granting such licenses shall be paid to the borough treasurer, for the use of said borough.

10. *And be it enacted*, That it shall be lawful for the common council of the said borough to raise by tax, from year to year, such sum or sums of money as they may deem expedient for defraying the necessary and contingent expenses of said borough, to be assessed by the assessor upon the actual value of property, and collected by the collector of the said borough; which taxes, when collected, shall be paid into the hands of the borough treasurer, to be subject to the order of the common council; and it shall be lawful for said common council to borrow money, from time to time, for all such purposes for which they are authorized to pass ordinances by this act, and to secure the payment thereof by bond or other instrument under their common seal and the signature of the mayor, and to provide by tax for the payment thereof.

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

12. *And be it enacted*, That the assessor of said borough shall assess upon the persons and property of the residents and the property of nonresidents within the said borough, and the collector of said borough shall collect the taxes by the laws of said borough directed or required to be assessed or collected within the said borough, in the same manner and within the same time as the assessors and

collectors of townships are or may be by law required to assess and collect the state and county taxes within their respective townships; and the commissioners of appeal in cases of taxation shall meet upon the same day, and upon like notice given, as now is or hereafter shall be by law fixed and required for the meeting of the like officers of the townships of this state; and, when so met, shall have full power and authority to hear and determine all complaints of unjust taxation, in the same manner as the like officers of the townships of this state are authorized and required to do.

Vacancies,
how suppli-
ed.

13. *And be it enacted,* That the judge of election, and the inspectors and clerk thereof, shall take the like oaths or affirmations, and conduct all elections held in the said borough in the like manner as township officers of elections are or may be by law required to do, and shall be vested with the same powers and authority, entitled to the same compensation, and perform the like duties and be subject to the same penalties as the like officers of this state are or may be by law invested with, allowed, or subject to; and in case of the absence, death, incompetency, or refusal to serve of any of the said officers of election, at any election provided for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the townships in this state; and the recorder or borough clerk of the said borough shall procure ballot boxes for the use of said borough, in such manner and of such descriptions as are required to be procured by the township clerks of this state; and be subject to the like penalties as township clerks are now subject to for neglecting to procure said boxes, and keep the same in repair.

Duties of
marshal.

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

Duties of
constables.

15. *And be it enacted,* That the constable or constables of said borough, hereafter elected by virtue of this act, shall have the same power and authority, and be authorized to perform the same duties, in all respects, in civil as well as in criminal cases, and be entitled to receive the same fees and compensation for his or their services, as if he or they had been lawfully elected to the office of con-

stable at an annual town meeting of the inhabitants of the township of Willingborough, in the county of Burlington, and had taken the oath or affirmation, and given the security required by law; *provided always*, that before any such constable or constables shall proceed to exercise the powers conferred upon him or them by this act, he or they shall take and subscribe such oath or affirmation for the due execution of his or their office, and enter into such bond, with sureties, to be approved by the common council of said borough; as he or they would be by law required to take and enter into, if he or they had been elected to the office of constable at an annual town meeting of the inhabitants of the township of Willingborough, before he or they proceeded to the execution of the duties of his or their office.

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

Bonds may be prosecuted.

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

Constables to arrest and imprison offenders.

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

Duties of borough clerk.

Duties of
treasurer.

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

Tax may be
raised for
lighting sts.

20. *And be it enacted*, That it shall be lawful for the voters of said borough, at the annual election aforesaid, and by ballot, to direct to be raised by tax, from year to year, such sum or sums of money (in addition to that herein before directed and authorized to be raised by the common council of said borough) as they may deem expedient for defraying the expenses of lighting the streets of said borough, supporting a night watch or police therein, supplying the said borough with water for the extinguishment of fires and other purposes; for the repairing of the streets of said borough, for improving the public grounds, for erecting and maintaining a public market house, town house, borough prison, and school houses, and for all other purposes and objects authorized by this act, said sums to be assessed by the assessor of said borough upon the actual value of property, and collected by the collector of said borough.

Collector
to make out
list of delin-
quents.

21. *And be it enacted*, That in case of the nonpayment of taxes at the time appointed, the collector of the borough shall make out a list of the names of the delinquents, with the sums due from them, respectively, annexed thereto, and deliver the same to some justice of the peace in the borough, or to the mayor thereof, in case no justice of the peace be resident therein, on the twentieth day of December in every year, except when the said day shall happen on a Sunday, and then on the next day following.

Collection of
taxes from
delinquents.

22. *And be it enacted*, That it shall be the duty of the said justice of the peace or mayor, on receiving a list of the names of such delinquents, to administer an oath or affirmation to the said collector, that the moneys in said list had been duly demanded, on due notice given or left at the usual place of residence of each delinquent who can be found or who may then reside in the said borough, and

thereupon to give to the said collector a receipt for such list, certifying therein the names of the delinquents, and the sums at which they were respectively assessed; and that it shall be the duty of the said justice or mayor, within five days after the receipt of the list of the names of the delinquents, to make out and deliver to the constable or constables of said borough a warrant or warrants, requiring him or them to levy the tax so in arrear in the manner prescribed by the laws of the state of New Jersey relative to the collection of state, county, or township taxes; and the said constable or constables shall, in the collection of said taxes, and in the payment thereof, be governed by the laws of this state regulating the same in the several townships.

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

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

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

Approved March 5, 1850.

Supplement to the act entitled, "An act concerning promissory notes, inland bills of exchange, and notaries public," approved April sixteenth, eighteen hundred and forty-six.

Fees on protest.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for every notary public and justice of the peace to take, for his whole services in protesting any inland bill of exchange or promissory note, the following fees, to wit: for any such bill or note for one hundred dollars and over, the sum of one dollar and fifty cents, and for every such bill or note for less than one hundred dollars, the sum of one dollar and thirty cents.

Penalty for illegal fees.

2. *And be it enacted*, That if any notary or justice shall charge any greater fees for the services mentioned in the foregoing section, than are therein allowed, he shall forfeit and pay to the party from whom he shall have so unjustly taken the same, the sum of twenty-five dollars, to be recovered in an action of debt, with costs of suit, before any court of competent jurisdiction.

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

Approved March 5, 1850.

AN ACT to incorporate the New York Bay Cemetery Association.

Names of incorporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob Vreeland, Jacob Marselles, George Wood, James T. Leete, William Leavenworth, Joseph Belknap Smith, Benjamin H. Broomhead, Cheyney H. Housekeeper, Samuel B. Cawley, John S. Wood, Joseph H. Hedges, and their associates, be, and they are hereby made a body politic and corporate in law, under the name and title of "the New York Bay Cemetery Company."

What real estate may be held.

2. *And be it enacted*, That the said corporation shall be composed only of persons who are and shall be owners of lots in the said cemetery; and that the said corporation

shall have power to take and hold in fee the tract of land situated upon the bay of New York, in the township of Bergen, and county of Hudson, now designed and laid out by the parties aforesaid for such cemetery, a plot of which shall be recorded in the office of the clerk of the county of Hudson, on or before the first day of July next; together with any and such other tract or tracts of land the said corporation may hereafter add thereto for the purpose aforesaid, not to exceed in the aggregate one hundred acres; the plot of such additional lands, and the deeds of conveyance therefor, when made, shall be also recorded in the said office; and the said corporation shall hold such tract or tracts of land for the uses herein after mentioned, to wit :

I. The said Jacob Vreeland, Jacob Marselles, George Wood, James T. Leete, William Leavenworth, Joseph Belknap Smith, Benjamin H. Broomhead, Cheyney H. Housekeeper, Samuel B. Cawley, John S. Wood, Joseph H. Hedges, and their successors or assigns, may sell or otherwise dispose of the sub-lots in the said cemetery, and take the proceeds of sale to their only proper use and behoof, and may erect on the said tract or tracts of land such buildings and accommodations as they may deem suitable for the establishment. Corporators may sell sub-lots.

II. The sub-lots shall be conveyed to the respective purchasers thereof, when paid for in full, in fee, by deed under the corporate seal of the said corporation, and signed by the secretary thereof, to be occupied only as burial places for deceased human beings, with the uses and privileges of the several avenues, walks, and chapels in said cemetery, subject to such regulations as have been or may be established by the said association in relation to the same. Objects of incorporation.

III. The care and management of the said cemetery shall be confided to the said Jacob Vreeland, Jacob Marselles, George Wood, James T. Leete, William Leavenworth, Joseph Belknap Smith, Benjamin H. Broomhead, Cheyney H. Housekeeper, Samuel B. Cawley, John S. Wood, Joseph H. Hedges, and their successors, who shall be chosen as provided in the following section, and be owners of lots in the same; shall have the exclusive superintendence thereof, with power to appoint and employ such officers and agents as they may deem expedient; to fix their compensation; to cause the grounds, graves, walks, and improvements to be kept in good order, and generally to do all such other things for the interest of the said corporation and lot holders as may be proper in the premises. Managers.

3. *And be it enacted*, That there shall be an election of eleven trustees held on the second Tuesday of January, Election of trustees.

eighteen hundred and fifty-one, and in each year thereafter; previous notice of the time and place of which election shall be given for two weeks in a newspaper published in Hudson county, at which election each lot owner shall be entitled to one vote for each lot he owns.

Ground to
be enclosed.

4. *And be it enacted,* That no public streets or roads shall hereafter be opened through the said cemetery grounds.

5. *And be it enacted,* That it shall be the duty of said company to cause the said cemetery to be enclosed by a good, substantial, and neat enclosure, and at all times to keep such enclosure in good order and repair, and to keep and maintain the grounds in a cleanly and neat condition, under the penalty of one hundred dollars for every thirty days said company shall fail to comply with either of the requirements of this section, to be sued for, and recovered and applied, as mentioned in the succeeding section.

What persons may be buried in cemetery.

6. *And be it enacted,* That it shall not be lawful at any time to permit any part of said cemetery to be used or appropriated for the purpose of burying any persons who at the time of their death were chargeable as paupers upon any city or other municipal corporation or community out of this state, or that may die in any hospital out of this state, or who may be buried at the expense or under the direction of any city or other municipal corporation or community out of this state, or any agent or officer thereof, without the consent, in writing, of the mayor or two of the aldermen of Jersey City; nor shall it be lawful to use or appropriate said cemetery, or any part thereof, to the uses which commonly characterize a burial place as a potters field; and for any and every breach of any provision of this section by the said company, their agents or servants, or any other person or persons, the said company shall forfeit and pay the sum of one hundred dollars, to be sued for and recovered by any person who will sue for the same, the one half thereof for the use of the prosecutor, and the other half for the use of the overseer of the poor of the township where said cemetery is situated.

No tax to be levied.

7. *And be it enacted,* That all burying lots heretofore sold and conveyed in said cemetery, and used for burials, or in any way improved, or which may hereafter be sold and conveyed and used for burials, or in any way improved, shall be and remain free from taxation and from sale under any civil process.

8. *And be it enacted,* That the legislature may, any

time hereafter, make and prescribe such regulations and rules touching the use of the grounds of said cemetery as the public good may, in the opinion of the legislature, require.

Legislature
may make
regulations.

Approved March 5, 1850.

AN ACT to authorize the inhabitants of the townships of North Bergen, Hoboken, Bergen, and Van Vorst, in the county of Hudson, to raise money by tax, or otherwise, for the support of free schools, and for building, repairing, and furnishing school houses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful for the inhabitants of the townships of North Bergen, Hoboken, Bergen, and Van Vorst, in the county of Hudson, at their annual town meetings, by a vote of a majority of the inhabitants so assembled, to raise by tax, or otherwise, in addition to the amount received from the state, and apportioned to their use for school purposes, such sum or sums of money as they may deem proper for the support of public schools, and building, furnishing, and maintaining public school houses; *provided*, that not more than two thousand dollars be so raised in any one year in any one of said townships.

Inhabitants
of township
authorized to
raise money.

2. *And be it enacted*, That the money so raised in the township of North Bergen shall, in every year, be distributed to the school districts in the said township, as follows, viz: to the New Durham district, nine-fortieths of the amount raised, or four hundred and fifty dollars; to the North Bergen district, one-fifth of the amount raised, or four hundred dollars; to the West Hoboken district, three-twentieths of the amount raised, or three hundred dollars; to the Weaver town district, eleven-eightieths of the amount raised, or two hundred and seventy-five dollars; to the Bull's ferry district, three-twentieths of the amount raised, or three hundred dollars; to the Seacaucus district, eleven-eightieths of the amount raised, or two hundred and seventy-five dollars; and in the same proportion, if a smaller amount than two thousand dollars should be raised in any year in said township.

Money, how
distributed.

Part of former act repealed.

3. *And be it enacted*, That the fourth section of an act entitled, "An act to establish public schools," passed the seventeenth of April, eighteen hundred and forty-six, so far as relates to the said townships of North Bergen, Hoboken, Bergen, and Van Vorst, in the county of Hudson, is hereby repealed.

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

Approved March 5, 1850.

AN ACT to annex part of the township of Northampton, in the county of Burlington, to the township of Pemberton, in said county.

Boundaries of part of township annexed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Northampton, in the county of Burlington, included in the following boundaries, to wit: beginning at a stake in the middle of the north branch of the Rancocus creek, where the present line between the townships of Pemberton and Northampton intersect the same; thence down the middle of said creek, to where the public road from Jacksonville crosses the same near Shreveville; thence northwardly along the middle of said public road, to where it intersects the line of the township of Springfield; thence along the line of the township of Springfield, as far as the township of Northampton now extends; thence, following the present division line between the townships of Northampton and Pemberton, the several courses thereof, to the place of beginning, shall be, and is hereby set off and annexed to the township of Pemberton, in said county.

Town committees to divide property.

2. *And be it enacted*, That the town committees of the townships of Northampton and Pemberton shall meet, on the second Monday after the next annual town meeting in said townships, at the inn of Furman Gaskill, at Pemberton, in the township of Pemberton, at ten o'clock in the forenoon, and then and there, by writing signed by a majority of those present, allot and divide between the townships of Northampton and Pemberton all property and moneys on hand or due, in proportion to the taxable property

and ratables, as valued and assessed by the assessor of the township of Northampton at the last annual assessment; and the inhabitants of the township of Pemberton shall be liable to pay their just proportion of debts, if any there be; and said township committees shall have power to adjourn from time to time, and to such place as they shall think proper; and their decision, or the decision of a majority of them, shall be final and conclusive.

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

Approved March 5, 1850.



Supplement to an act entitled, "An act to incorporate the Newark Savings Institution," passed February twenty-fifth, eighteen hundred and forty-seven.

1. *BE IT ENACTED by the Senate and General Assembly* Officers, how chosen. *of the State of New Jersey*, That nine of the managers of said corporation shall be a quorum to do business; and that all the officers, clerks, agents, and servants of said corporation shall hereafter be chosen and appointed by the managers thereof.

2. *And be it enacted*, That the said corporation, in addition to the power of investing money in public stocks, given in the seventh section of the act to which this is a supplement, may invest money in the public stocks of the states of New York, Ohio, Kentucky, and Massachusetts, authorized by the respective laws of said states, 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 said states, respectively.

3. *And be it enacted*, That the new appointments of New appointments of officers. officers, in case of vacancy, and the removals mentioned in the thirteenth section of the act to which this is a supplement, may be made by a vote of the majority of the members.

4. *And be it enacted*, That the annual report, required to Annual report. be made to the legislature of this state by the fourteenth section of the act to which this is a supplement, shall be

verified by the oaths of the treasurer, and a committee appointed for that purpose by the managers of said corporation, of three or more of their number.

Approved March 5, 1850.

A further supplement to the act entitled, "An act to incorporate Jersey City," passed February twenty-second, eighteen hundred and thirty-eight.

Election of
city officers.

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, shall be so amended that the annual election for the city officers, in said section named, shall hereafter be held on the second Wednesday of April, in each and every year; and that the poll of such election shall hereafter be opened at eight o'clock in the morning, and shall be closed at seven o'clock in the evening.

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

Approved March 5, 1850.

A supplement to the act entitled, "An act relative to the borough of Princeton."

Common
council au-
thorized to
open 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 borough of Princeton to lay out or open any street, road, highway, or alley, in any part of the said borough, and to cause any street, road, highway, or alley, already laid out in any part of the said borough, to be located, opened, altered, or widened, whenever and so often as they shall judge the public good requires the same

to be done, making such compensation 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 when the said common council cannot agree with the owner or owners of such required lands, or other real estate, for the same, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, it shall be lawful for the mayor of said borough, and he is hereby required, upon the application in writing of the said common council, which application shall specify 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 consent of a majority of the common council, under his hand and seal, five disinterested freeholders of the said borough commissioners to make an estimate and assessment of the damages that any such owner or owners 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*, no street, road, highway, or alley shall be altered or widened as aforesaid, except on the application in writing to the said common council or three-fourths of all the owners of lands lying on said street, road, highway, or alley.

2. *And be it enacted*, That the said mayor, on making such appointment, shall designate therein a time and place for the meeting of the said commissioners, not less than twenty days from the date of the said appointment, of which time and place such notice shall be given to the persons interested as the said mayor shall direct; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before the mayor, recorder, or one of the aldermen of the said borough, fairly and impartially to examine the matter submitted to them, and to make a just and true report, according to the best of their skill and judgment, to meet at the time and place appointed, and proceed to view the said lands or other real estate, with the appurtenances, and to make a just and equitable estimate or appraisal of the value of the same, and assessment of damages; and for this purpose the said commissioners shall have power to swear and examine wit-

Commissioners to make assessments.

nesses; and after taking into view the value of the said land or other real estate, with the appurtenances, and the injury or benefit to the owners thereof, shall report what sum, if any, shall be paid by the said common council for such land or other real estate, with the appurtenances, and damages aforesaid; which report shall be made in writing, under the hands and seals of the said commissioners, or any three of them, and filed within ten days thereafter, together with the said application and appointment, and oaths or affirmations of the said commissioners, with the clerk of the said borough, there to remain of record; which report, or a copy thereof, certified by the said clerk, shall at all times be considered as plenary evidence of the right of said common council to enter upon, take, and use the said land or other real estate, with the appurtenances, first tendering to the owner or owners thereof the amount of said valuation, and of the said owner or owners to recover the amount of the said valuation, with interest and costs, in an action of debt, in any court having competent jurisdiction, in a suit to be instituted against "the inhabitants of the borough of Princeton," if the said common council shall neglect or refuse to pay the same for twenty days after demand thereof made of the treasurer of the said borough; and the common council of the borough shall tax and allow such fees to the mayor, commissioners, and other persons performing any of the duties prescribed in this section of this act, as they may think reasonable and just, to be paid by the treasurer of said borough.

Proceedings
in case of
appeal.

3. *And be it enacted*, That in case the said common council, or owner or owners of the said land or other real estate 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 filing the said report, the court shall have the power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order, at the instance of either party, 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 county of Mercer, 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 other real estate, with the appurtenances, and damages sustained, having regard to the benefits aforesaid; and if they shall find a greater sum than the said commissioners shall have awarded in favour of the said owner or owners, then judgment thereon, with

costs, shall be entered against the inhabitants of said borough, 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 common council have offered, or the said commissioners awarded, then the said costs to be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; *provided*, such application shall not prevent the said common council from entering upon and using the said land or other real estate, with the appurtenances, upon filing the aforesaid report, and tendering the amount of the valuation therein specified.

4. *And be it enacted*, That no street, road, highway, or alley, hereafter to be laid out or opened in the said borough, shall be recognized, considered, or treated as a public street or road, highway or alley, unless the same be laid out and opened under the direction of the said common council in manner aforesaid.

Road not recognized unless laid out as directed by this act.

Approved March 5, 1850.



AN ACT to provide for keeping in repair the division bank between the Repaupo Meadow Company and the meadows of Lower Clonmell, in the township of Greenwich, in the county of Gloucester, and to change the location of said bank, under certain contingencies.

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 managers of the said Repaupo Meadow Company, at any time hereafter, to apply to any three of the chosen freeholders of the county of Gloucester, disinterested and impartial in the premises, to view and examine the said division bank from time to time, and to say, by their report in writing under their hands and seals, to be filed with the clerk of the county of Gloucester, and to be by him recorded, where and in what manner the said division bank shall be repaired, or may order circular banks to be thrown up around any of the breaches that may occur from time to time in the said division bank, or may locate the said divi-

Chosen freeholders to direct repairs to bank.

sion bank upon the side of the road leading from Gibbstown to Thompson's point, in such manner as not to obstruct the travel on said road, or upon any other place between the said road and the present division bank between the meadows of the Repaupo Meadow Company and the meadows in Lower Clonmell, and may order the same extended, at each end thereof, a sufficient distance on the fast land, so as to prevent the tide water from flowing around the said bank; and shall, in case of a change of location as aforesaid, connect the ends of said new division bank with the nearest point thereto of the present exterior limits of the said Repaupo Meadow Company; and all the meadow that may be thrown out of said Repaupo Meadow Company by the new location (if any) of said bank shall thereafter be without the control of the said company, and entirely exempt from its levies, assessments, or taxes; and should any marsh or other land be included within the bounds of said bank, by reason of its removal or extension as aforesaid, it shall, in like manner, be exempt from all tax and assessments whatever by the said company; and all damages which may accrue to any meadow holder or owner of land adjacent to said bank, by the removal of any mud, earth, or other material for the erection or repair of the same from time to time, shall be ascertained and recovered in like manner as is provided for in the act entitled, "A further supplement to the act entitled, an act to enable the owners of tide swamps and marshes to improve the same, and the owners of meadows, already banked in and held by different persons, to keep the same in repair," passed March fifth, eighteen hundred and thirty-nine, so far as the same is applicable.

Damages for
injury done
meadow,
how recover-
ed.

2. *And be it enacted*, That it shall be the duty of the owners of meadow in Lower Clonmell, whenever they permit the same to be overflowed by the tide, to keep up and maintain the aforesaid division bank at their own expense, in such condition as to prevent the water from breaking through or over the same into the meadow of the said Repaupo Meadow Company; and in case they neglect or refuse so to do, and the water shall break through or over said bank, and the meadows of said Repaupo Meadow Company shall be injured thereby, it shall and may be lawful for the said Repaupo Meadow Company, in an action on the case, in their corporate name, against the owners of meadow in Lower Clonmell, jointly, to recover damages, with costs of suit, for the injury which the meadow of any member or members of said company shall have sustained by reason thereof, and to make the same by execution and sale of the meadow, grass, and herbage, or other

property, of any one or more of the said owners of meadow in Lower Clonmell; which damages, when recovered, shall be distributed equitably among the owners of meadow, in proportion to the injury sustained by them; and whenever the Repaupo Meadow Company shall suffer their meadow to be overflowed by the tide, it shall be the duty of said company to keep up and maintain, at the proper expense of said company, the division bank aforesaid, in such condition as to prevent the water from breaking through or over the same into the meadows of Lower Clonmell; and in case the said company shall neglect or refuse so to do, and the water shall break through or over said bank, and the meadows in Lower Clonmell shall be injured thereby, it shall and may be lawful for the owners of meadows in Lower Clonmell, in an action on the case, in their joint names, against the said Repaupo Meadow Company, to recover all damages, with costs of suit, for the injury which the meadows of any of said owners shall have sustained by reason thereof, and to make the same by execution and sale of the meadow, or grass and herbage, within the limits of said company, of any member or members thereof; which damages, when recovered, shall be distributed equitably among the owners of meadow, in proportion to the injury sustained by them; and whenever the meadows of both the above named parties shall be overflowed by the tide, or both securely embanked from the same, that then the expense of keeping up and maintaining said bank shall be equally borne by both the said parties.

3. *And be it enacted*, That whenever the said division bank shall become dilapidated, from any cause, and in the opinion of either party require repairing, and the party whose duty it is made, by the preceding section of this act, to keep up and maintain the same, shall neglect or refuse so to do, and the meadows of the other party are liable to be injured by the water breaking through or over the same, it shall and may be lawful for the party whose meadows are thus liable to be injured to apply to any three of the chosen freeholders, as aforesaid, to view and examine the same, who, after such view and examination, shall make out their order, and report, as in the first section of this act directed, if in their opinion the said bank does at that time require repairs, a certified copy whereof, served upon any of the meadow holders or owners of the adverse party three days, shall be deemed sufficient notice to such party; and if, after the expiration of the said three days' notice, such delinquent party shall not proceed to repair the same, as in such order directed and required, it shall and may be lawful for the

Proceedings
in case parties refuse
to repair
bank.

party liable to be injured to repair said bank, and recover the expense thereof from the party whose duty it is to keep up and maintain the same; and if the party whose duty it shall be, by this act, to keep up and maintain the said bank, shall refuse to pay the said expense, for the space of twenty days after demand thereof made upon any of the managers of said company, if it shall be the duty of said company to keep up and maintain said bank, or upon any one of the principal owners of meadow in Lower Clonmell, if it shall be their duty to keep up and maintain said bank, the party making such repair shall be entitled to recover the expense thereof, with costs of suit, from the party so refusing, in the name and in the manner mentioned in the preceding section for the recovery of damages occasioned by the water breaking through or over said bank.

Parts of former acts repealed.

4. *And be it enacted*, That so much of the act first above mentioned, passed February third, eighteen hundred and seventeen, as requires the Repaupo Creek Company to keep up said bank, and so much of the act passed November twenty-eighth, eighteen hundred and thirty-one, as above referred to, as comes within the purview of this act, be, and the same is hereby repealed.

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

Approved March 5, 1850.

AN ACT concerning public schools in the township of Vernon, in the county of Sussex.

Township authorized to raise money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Vernon, in the county of Sussex, are hereby authorized and empowered, at their annual town meetings, to raise, by tax or otherwise, in addition to the amount annually appropriated to them out of the state school fund, such further sum or sums of money as they may deem necessary for the support of public schools in said township, not to exceed four times the amount received from the state for such purposes.

2. *And be it enacted*, That whenever it shall be necessary, in any school district in said township of Vernon, to build or repair a school house, or purchase a lot of ground on which to erect a school house, or a stove for the use of such school, it shall be the duty of the trustees of such school district to give notice in writing, to be put up in four of the most public places in such school district, calling a meeting of the taxable inhabitants thereof, and stating the time, place, and object of such meeting; and the taxable inhabitants of such district, when assembled pursuant to such notice, are hereby authorized, by a majority of the votes of those thus assembled, to determine what sum of money shall be raised by tax, to be assessed on the taxable inhabitants and property in such district, for any one or more of the purposes aforesaid; whereupon it shall be the duty of the trustees of such school district to certify to the assessor of the said township of Vernon, in writing under their hands, the sum so voted to be raised, accompanied with the list of the names of the taxable inhabitants of such district; and the said assessor shall assess on the inhabitants of said school district, in the same manner as township taxes are assessed, all moneys so voted to be raised, keeping the sums assessed by virtue of this act distinct from all assessments by him therein made for other purposes, which said assessments shall in all other respects be levied and collected in the same manner that other township taxes are levied and collected.

Mode of assessing and collecting money to be raised.

3. *And be it enacted*, That the meeting provided for in the foregoing section of this act shall be held on the second Wednesday in April annually, at such place within said school district in said township of Vernon, and at such hour as the trustees of said school district shall select.

Time of annual meeting.

4. *And be it enacted*, That it shall be the duty of the collector of the said township of Vernon to pay the tax money, which he shall collect under the provisions of this act, to the town superintendent of public schools for said township by the first day of February annually; and in case of failure so to do, he shall be liable to prosecution in all respects as is provided in the twenty-fifth section of an act entitled, "An act concerning taxes," except that the suit or suits shall be brought in the name of the inhabitants of the township of Vernon, for the use of the trustees of any one or more of the school districts in which said tax shall have been collected; and for the money so paid, the superintendent shall give a receipt to the said township collector, which shall be a sufficient voucher to exonerate and discharge the said collector to the amount therein named.

Collector to pay over moneys received to town superintendent.

Order to be given for payment of money.

5. *And be it enacted*, That the said township superintendent shall pay over no money by this act authorized to be raised, except upon the written order of a majority, at least, of the trustees of any school district in said township, which order shall state the purpose for which it is given, and shall be made payable to the order of the person entitled to receive the money, and endorsed by him.

Bonds of collector and superintendent.

6. *And be it enacted*, That it shall be the duty of the township committee of the said township of Vernon, when taking bonds of the said township collector and town superintendent of public schools, as is now by law required, to increase the sums named in said bonds to an amount sufficient to secure the due performance of the additional duties by this act assigned to the said collector and superintendent.

Compensation to assessor and collector.

7. *And be it enacted*, That, for the additional duties by this act imposed upon the said township assessor and collector, they shall be entitled to additional compensation, at the same rates as are by law provided for assessing and collecting other taxes.

Money, how appropriated

8. *And be it enacted*, That the money so raised as aforesaid shall be used and applied to the purposes for which it was raised.

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

Approved March 5, 1845.

AN ACT to incorporate the city of Camden.

Boundaries of city.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all that part of the county of Camden lying and contained within the following bounds, that is to say: beginning at a point in the river Delaware as far westerly as the jurisdiction of the state of New Jersey extends, opposite the mouth of a small run of water below Kaighnton, which run is the line between land late of Isaac Mickle, deceased, and land late of Joseph Kaighn, deceased, and running thence east to the mouth of said run; and thence up the same, the several courses thereof,

crossing the public road leading to Woodbury from the Camden Academy; thence northerly along the east side of said road to the road leading from Kaighnton to Coopers creek bridge; thence along the eastwardly side of said last mentioned road, and the southwardly side of the causeway and bridge, to the middle of Coopers creek; thence down the middle thereof, to the river Delaware; thence due north to the middle of the channel between Petty's island and the Jersey fast land or shore; thence due west to a point as far west as the jurisdiction of the state of New Jersey extends; thence down the said river, on a line as far westward as the jurisdiction of the state of New Jersey extends, to the place of beginning; and all the freemen, citizens of this state, and residing within the limits aforesaid, be, and they are hereby ordained, constituted, and declared to be, from time to time and for ever hereafter, one body corporate and politic, in fact and in name, by the name of "the City of Camden;" and by that name they and their successors for ever shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever; and may have a common seal, and alter the same at their pleasure; and also, by their corporate name aforesaid, shall be in law capable of purchasing, holding, and conveying any estate, real or personal, for the public use of the said corporation; and that the said city of Camden, and their successors, shall, by virtue of this act, become and be absolutely and completely vested with, possess, and enjoy all the estate and property whatsoever, both real and personal, which at the time of the passing of this act are vested in or belong to the said city of Camden, as now incorporated, by the name of "the Mayor, Aldermen, and Common Council of the City of Camden," according to such estate and interest as the said the Mayor, Aldermen, and Common Council of the City of Camden, at the time of the passage of this act have, or of right ought to have, in the same.

2. *And be it enacted*, That the said city shall be divided into three wards, as follows, to wit: the first line or division shall commence at the western line of the said city in the river Delaware, at a point opposite the middle or centre of Plum-street; thence in an easterly direction to the middle or centre of Plum-street; thence along the middle or centre of Plum-street, in an easterly direction, until it strikes the middle or centre of the road that leads over Coopers creek

bridge and towards Moorestown, the said point being the termination of Plum-street and Federal-street; thence, still in an easterly direction, along the middle or centre of said road, and crossing the Camden and Amboy railroad, to the eastern line of said city, in the middle of Coopers creek: the second line or division shall commence at the western line of said city in the river Delaware, at a point opposite the middle or centre of Line-street; thence north, eighty-eight degrees and forty minutes east, to the middle or centre of Line-street; thence along the middle or centre of said street, north eighty-eight degrees and forty minutes east, to the middle or centre of Broadway-street; thence along the middle or centre of Broadway, or Woodbury road, in a southerly direction, about twenty feet, to the point or middle of what is called Franklin-street, being the intersection of said street with Broadway; thence along the middle or centre of Franklin-street, south eighty-four degrees and three-quarters of a degree east, to the line or boundary of the said city, in the road leading from Kaighnton to Coopers creek bridge: all that part of the said city lying and being above or on the north side of the first line or division above mentioned, shall constitute one ward of said city, to be called "the North Ward of Camden;" all that part of said city lying and being above, or on the north side of the second line or division, above mentioned, which is not contained or comprised in the north ward of said city, above mentioned, shall constitute another ward of said city, to be called "the Middle Ward of Camden;" and all that part of said city lying and being below, or on the south side of the said second line or division, above mentioned, shall constitute the other ward of said city, to be called "the South Ward of Camden."

Officers of
city.

3. *And be it enacted*, That there be, and for ever hereafter shall be, in and for the said city, one mayor, who shall be the keeper of the seal of the city, one recorder, who, besides his duties as recorder, shall in case of death, absence, or disability of the mayor, have, hold, use, and execute the several duties annexed to the mayoralty; and every of them, during such absence or other disability, six aldermen, six councilmen, one clerk, one treasurer, and one marshal.

Meetings of
city council.

4. *And be it enacted*, That the mayor, aldermen, and councilmen of the said city, or a majority of them, shall constitute the city council of the city of Camden, and shall hold an annual meeting in said city on the Friday following the second Tuesday of March, yearly and every year, and such adjourned and special meetings as they shall see pro-

per, or shall by ordinance direct and appoint, and shall meet at such place and at such times as they themselves shall agree upon, or by ordinance appoint and fix; the mayor shall preside at the meetings of the city council, and shall have a casting vote only in cases where there shall be a tie; and if the mayor be absent at any meeting, then one of the aldermen may be appointed by the members present to preside pro tempore; and, when met, shall have power to make and adopt such rules, regulations, and by-laws, for their own government and the despatch of business, as they shall think proper, and pass all such by-laws, ordinances, regulations, and rules as are herein after provided, and make all such appointments, and in general to do and perform all such other acts and things as are provided for and warranted by this act; *provided*, that no by-laws or ordinances shall be passed, amended, revoked, or repealed, without the concurrence of at least seven votes, which number shall be a majority, and constitute a quorum of the said council.

5. *And be it enacted*, That an election by ballot shall be held annually, on the second Tuesday of March, in each of the wards of the said city, at such place as the city council shall appoint, of which place the said city council shall cause public notice, either printed or written, to be set up in five public places in each ward of the city, and to be published in one or more of the newspapers printed therein, at least one week previous to the day of such election; and in default of such notice, the election shall be held at the place where the last annual ward election was held; at which election two councilmen, one assessor, one collector, one ward clerk, one reputable freeholder, judge of election, three judicious freeholders of good character, to hear and finally determine all appeals relative to unjust assessments in case of taxation in such wards, one constable, and one overseer of the poor, shall be annually chosen in each of said wards, from among the citizens residing therein and entitled to vote at such election; which said several officers shall hold their respective offices for one year and until others shall be chosen and legally qualified in their stead; the poll of such election shall be opened at eight o'clock in the forenoon, and close at seven o'clock in the evening; the judge of election, assessor, and collector shall be the judges of said election; and in case of the absence, death, or refusal to serve of either of the judges or of the ward clerk, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancy or vacancies at an election for state and county officers; the name of

Time and
mode of annual
election.

each elector voting at such elections shall be written in a poll list, to be kept at such election by the ward clerk; the officers of election shall take the same qualifications, be entitled to the like compensation, and the said election in all things conducted, continued, and concluded, as nearly as may be, according to the same rules and regulations, and under the same restrictions and penalties, as are prescribed by the laws regulating the elections of members of the Senate and General Assembly of this state; and after the polls shall be closed, the said judges shall count the votes given for the several candidates, and make out two certificates of the result under their hands, and deliver one to the clerk of the ward, to be by him filed and preserved, and deliver the other to the clerk of the city for the time being, to be by him filed and preserved in his office; and the persons having the greatest number of votes shall be declared elected to the offices for which they shall have been voted for, respectively.

Election of
mayor and
chosen free-
holders.

6. *And be it enacted*, That at the ward election, to be annually held as aforesaid, there shall be chosen by the electors of the said city, from among the citizens residing therein, and entitled to vote at such election, one person to be mayor, and two freeholders, commonly called chosen freeholders; and that the officers conducting such election shall, in manner aforesaid, proceed to count the votes received for the different candidates, and make out and certify, under their hands, two certificates of the result, with the number of votes given for every person who shall be voted for, one of which said certificates shall be filed and preserved by the clerk of the ward, and the other enclosed, sealed, and directed to the city council of Camden, and within three days thereafter, to be delivered, sealed as aforesaid, to the city clerk, who shall lay the same before the city council at their first annual meeting; and the city council, at their first annual meeting as aforesaid, when assembled, shall in a public manner proceed to open the same, and count the number of votes given in the several wards, and shall ascertain and declare who shall be elected by the greatest number of votes to the office of mayor and chosen freeholders, as aforesaid; and the number of votes each candidate received shall be entered upon the minutes of the said city council, and a certificate thereof shall be made and filed in the office of the city clerk.

Vacancies.
how suppli-
ed.

7. *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 two last 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; 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 as 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 thirty 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.

8. *And be it enacted*, That the recorder and aldermen of said city shall hold their offices, respectively, for the term of three years, and be elected at the annual ward elections to be held in the said city as often and whenever their offices shall expire or vacancies shall occur; the recorder shall be voted for and elected at large, in the same manner as the mayor of the city is elected, and the returns of the election of the said recorder to be made out and laid before the city council, and the result ascertained in the same manner in every particular as is provided in the case of the election of the mayor of the said city; and the aldermen shall be elected in the wards, two for each ward of said city, from among the electors residing in said ward; at the first annual ward election held in the Middle Ward of Camden, there shall be one alderman elected for said ward; and as often and whenever hereafter a vacancy shall occur in the office of any of the said aldermen now holding office, or in the office of any who may be hereafter elected in any of the said wards, the vacancy or vacancies, as the case may be, shall be filled at the next annual ward election to be held in any such ward after such vacancy or vacancies shall occur; *provided always*, that after the expiration of the terms of office for the three aldermen who now reside in the North Ward of said city, or if a vacancy shall occur in the office of any one of the said aldermen now residing in said ward, then there shall be an alderman elected in the Middle Ward, in the place of the one so made vacant in the North Ward.

9. *And be it enacted*, That at the first annual election to be held in the wards of said city, on the second Tuesday of March next, there shall be elected in each of the said wards, from among the electors residing therein, three persons trustees of common schools, one of whom shall hold his office for the term of one year, another for the term of two years, and the other for the term of three years, the term of office

to be determined among themselves by lot, as soon as conveniently can be after their election; and at every subsequent annual ward election that shall be afterwards held in said city, there shall be one person elected in each of the said wards as school trustee, who shall hold his office for the term of three years; and in case a vacancy shall occur in the office of any such school trustees, so elected, it shall be filled, at the next annual ward election after such vacancy shall occur, for the unexpired term.

City council
to appoint
clerk.

10. *And be it enacted*, That the city council shall appoint some fit person, at their annual meeting each year, to be clerk of said city, who shall hold his office for the term of one year and until his successor shall be appointed; and the said city clerk, so appointed, shall be ex officio clerk of the city council; also a treasurer and a marshal of the said city; and in case a vacancy shall occur in either of the said offices, the city council shall have power to fill the same for the unexpired term; also, that the said city council shall have power, when assembled, from time to time to elect and appoint and prescribe their duties, and under such regulations, conditions, and restrictions as they shall think proper, such other and all other subordinate officers of the said city, as well such as are in this act named, and whose appointments or elections are not provided for, as those who are not named herein, and who may, in the opinion of the city council, be necessary for the better ordering and governing the said city, for the preservation of its health, or for the convenience, safety, and advantage of commerce and trade; *provided*, nothing herein contained shall be construed to prevent the city council from conferring the power on the mayor of the city to appoint the police officers and watchmen of the city; *and provided also*, that the city council shall not appoint any person to fill any office provided for in this act, the compensation for which is paid out of the treasury of the city, from among themselves.

Powers and
duties of offi-
cers.

11. *And be it enacted*, That the assessor, collector, judge of election, ward clerk, the commissioners of appeal in all cases of taxation, the constables and the overseer of the poor of each of the wards of the said city, and the chosen freeholders elected in the said city, as aforesaid, shall respectively possess the powers and perform the duties, and be entitled to receive the same fees and emoluments, and be liable to the same penalties of the like officer of any township of the county of Camden, to the same extent and in the same manner in all respects as if each of the wards of said city was constituted a separate township

of the said county of Camden, as far as such powers and duties should be consistent with the provisions of this act; and the said school trustees elected under this act shall have charge of the public schools of the said city, and shall possess all the power and perform all the duties that are imposed upon the trustees of the public schools of the township of Camden by the act entitled, "An act to provide for the establishment of public schools in the township of Camden, in the county of Gloucester," passed March fourth, eighteen hundred and forty-four; and shall have power to contract for and purchase suitable lots in said city for the purpose of erecting school houses, and to build and erect school houses, the cost and expense of which shall be paid by the said trustees out of the moneys by them received for school purposes; but all deeds and conveyance for any lot or lots so purchased for the erection of school houses, shall be executed to and held by the corporation of the said city, in its corporate name; and that the members of the city council of the said city, collectively and individually, shall possess the powers and perform the duties which by law belong to, or are imposed upon members of the township committee of any township in this state, collectively or individually, so far as such powers and duties are consistent with the provisions of this act.

12. *And be it enacted*, That all the officers appointed under the authority of this act shall, before they severally take upon themselves the execution of their respective offices, take and subscribe an oath or affirmation, before the mayor, recorder, or one of the aldermen of said city, who are hereby authorized to administer the same, faithfully and impartially to execute the trust reposed in them, according to the best of their abilities and understanding; which said oath or affirmation, when so taken and subscribed, shall be filed and preserved by the clerk of the said city in his office.

Officers to
take oath or
affirmation.

13. *And be it enacted*, That the assessor of the several wards of the said city shall assess upon the persons and property within the said city, and the collectors of the several wards of the city shall collect the state and county taxes by law directed or required to be assessed and collected within the said city, and also the taxes required to be assessed and collected for the use of the city, and for the support of the schools of the city, in the same manner and within the same time as the assessor and collectors of the townships of the county of Camden are or may be required to assess and collect the state and county taxes in their respective townships; and the commissioners of ap-

Assessment
and collec-
tion of taxes.

peal in cases of taxation shall meet at such places in their respective wards in the said city as the city council shall appoint; and in case the city council shall neglect to appoint a place, then they shall meet at the place where the last annual election for said ward was held, and on the same day, and upon the like notice given as now is or hereafter shall be by law prescribed for the meeting of the like officers of any township of this state, and, when so met, shall have full power and authority to hear and determine all complaints of unjust taxation in said ward, whether the same be assessed for the use of the state, county, city, or schools, in the same manner as the like officers of the townships of this state are authorized and required to do.

Election of
state and
county offi-
cers.

14. *And be it enacted*, That all elections hereafter to be held in the said city for state and county officers, members of the House of Representatives of the United States, and the electors of the president and vice president of the United States, shall be held in the several wards of the said city, at the place therein appointed by the city council for holding the ward elections, on the day which now is or hereafter may be designated for holding such elections, the polls to be opened and closed at the hours prescribed by the laws of the state; and the judge, assessor, and collector, before mentioned, shall preside at and conduct all such elections; and the clerks of the said wards shall be clerks of such election in their respective wards; and the said judges and clerks of said elections shall take the same qualifications, and in all things conduct the said election according to the laws which now are or hereafter may be in force regulating and prescribing the mode of holding and conducting such elections; every person in said city entitled to vote at any election held in the said city, shall give his vote in the ward where he actually resides at the time of such elections, and not elsewhere.

Notice of
election to
be given.

15. *And be it enacted*, That the same notice in matters of election that the clerk of the county of Camden is required to give to the clerks of the townships, shall be given to each of the clerks of the wards of said city.

Clerk, asses-
sor, &c., to
take oath.

16. *And be it enacted*, That the clerk of the ward, assessor of the poor, and constable, hereafter elected or appointed as aforesaid in any ward of said city, shall, before they enter upon the execution of their respective offices, severally take and subscribe, before one of the justices of the peace, or the mayor, or the recorder, or one of the aldermen of the city, an oath or affirmation, in the form pre-

scribed for the like officer or officers in any township of the county of Camden, in the nineteenth section of the act entitled, "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," approved April fourteenth, eighteen hundred and forty-six, using the word "city," instead of the word "township," and introducing into said oath or affirmation the name of the ward for which the said officer shall have been elected as aforesaid; which oath or affirmation, so taken and subscribed, shall be delivered forthwith to the clerk of the city, to be by him filed and preserved in his office; and in case any of the officers aforesaid shall fail to take such oath or affirmation within the time prescribed by law for taking the same, or shall neglect to file the said oath or affirmation with the clerk of the said city, his office for which he shall have been elected shall be deemed vacant.

17. *And be it enacted*, That the treasurer of the city, and each of the collectors and constables, elected or appointed as aforesaid, before they enter upon the execution or duties of their respective offices, or be qualified to serve, shall repair to the city council, and shall severally execute their respective bonds to the city of Camden, in such sums and with such freeholders as security as the city council shall prescribe, direct, and approve, conditioned for the true and faithful performance of all the duties of their offices, respectively; the bonds of the constables shall be made to conform to the form prescribed by the first section of the act entitled, "An act respecting constables," approved April sixteenth, eighteen hundred and forty-six, for constables' bonds of the townships of this state, as near as may be, making such alterations as may be necessary to make it conform to the wards of the city of Camden; which said bonds, after the same shall be approved by the city council, shall be delivered to the clerk of the city, who is hereby directed and required to record and file the same in his office, and may be sued and prosecuted in the same manner as the bonds of the like officers of this state are or may be sued and prosecuted.

Treasurer,
collector,
and constables to give
bond.

18. *And be it enacted*, That it shall and may be lawful for the city council, or a majority of them, in city council assembled, to pass such ordinances as they shall judge proper for regulating, cleaning, and keeping in repair the streets, highways, and alleys of said city; for preventing the encumbering or obstructing the highways, streets, alleys, and sidewalks in said city, and preventing and removing all encroachments in or upon the same; and for preventing persons from riding, driving, or passing over or upon the

City council
to pass ordi-
nances for
government
of city.

sidewalks with beasts, wagons, carts, barrows, or carriages of any description; for preventing the immoderate driving or riding through or in any street, highway, or alley of said city; for preventing or regulating the running at large of cattle, horses, dogs, swine, sheep, goats, or geese, or imposing a reasonable tax on the owners or possessors of dogs; for abating or removing any nuisance in any street, alley, or any lot or lots or enclosures, or other place or places, in said city; and for causing common sewers and drains to be made, and granting permission to construct and regulate the construction of vaults in any part thereof; for grading, paving, flagging, curbing, gravelling, or Macadamizing the highways, streets, and alleys of said city and the sidewalks thereof, or any of them, and for protecting shade and ornamental trees in said city; for protecting public or private property and property belonging to the corporation; for providing for a supply of water for said city, and for lighting the same; for preventing or restraining riots, routs, disturbances, or disorderly assemblages, noisy, disorderly, or indecent conduct and drunkenness, in any street, house, or place in said city; and for regulating, protecting, and improving the public grounds in said city; preserving aqueducts in said city, and sinking and regulating wells, pumps, and cisterns in the streets thereof; for regulating the use of lights in stables; for the prevention or suppression of fires; for regulating or preventing the carrying on of manufactures dangerous in causing or promoting fires; for regulating the keeping and transporting of gunpowder or other combustible material; for authorizing the erection and building of partitions or party walls and fences, and to regulate and govern the same: and it shall be lawful for the said city council, when assembled as aforesaid, for the better security of said city against fire, to prohibit the building or erection of any dwelling house, store, stable, or other building, of wood or other combustible material, within such parts of the city as they shall by ordinance or by-law designate; and to appoint and remove fire wardens, and by ordinance to prescribe the powers and duties of such fire wardens, and of the fire engineers and firemen; to pass ordinances for protecting goods from being purloined at fires, for compelling the cleaning of chimneys and licensing chimney sweeps, for regulating the dimensions of chimneys hereafter to be built; for appointing watchmen and police officers, and prescribing their powers and duties; for regulating weights and measures, and the gauging of all casks of liquors and liquids; for regulating petty grocers, keepers of ordinaries, victualing houses, and the vending of meats and vegetables; for establishing and regulating public

pounds; for regulating kawkers, pedlers, petty chapmen, and showmen within the said city; for restraining vagrants, mendicants, and street beggars; for regulating cartmen and cartage; for regulating the speed of locomotives and railroad cars within the limits of said city; for erecting, maintaining, and regulating one or more public markets in said city, and a city hall, a town house, city prison or jail, together with such other public buildings as may be necessary for said city: and the 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, for the prevention of forestalling and regrating, for suppressing and restraining disorderly and gambling houses and grogeries, and such other by-laws and ordinances, not repugnant to the laws of this state or of the United States, as they may consider calculated to promote the welfare, good order, government, health, and prosperity of the said city and the inhabitants thereof, 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 in no case to exceed two hundred dollars, and the imprisonment thirty days; which laws and ordinances shall be published for the space of three weeks, in at least two of the newspapers of the said city, at least once a week.

19. *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 offenders against the laws and ordinances of the said city, or any person or persons disturbing the peace or quiet of said city, and to carry such offenders immediately before the mayor, recorder, or one of the aldermen of said city, who are hereby empowered and authorized to hold courts and take cognizance of such offences, which said courts so held shall be courts of record; or in case the said arrest shall be made during the night or on the sabbath day, or when the mayor, recorder, or aldermen, or either of them, cannot hear the same, or hold such courts, to confine such offender or offenders in the jail, or in some other safe and convenient place in said city, until the day following or until such time as the same can be heard, and then, without unnecessary delay, carry such offender or offenders before the mayor, recorder, or one of the aldermen as aforesaid; or the mayor, recorder, or either of the aldermen of the said city, may arrest and apprehend any such offenders for offences committed in their presence; or, upon complaint made in writing under oath or affirmation, may issue a warrant, directed

Marshal and
police officers
authorized to ar-
rest offend-
ers.

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

Jailors to keep
prisoners.

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

Records of
ordinances
to be received
as evidence.

21. *And be it enacted*, That the book of records of the ordinances and by-laws of the said city council shall be taken and received as evidence of the due passage, by the city council, of all ordinances and by-laws recorded therein;

and further, that the publication, by authority of the city council, of their ordinances and by-laws, in a volume or pamphlet-form, shall in like manner be taken and received as evidence of the due passage thereof; and that the publication of the said ordinances and by-laws in at least two of the public newspapers of the said city, according to law, shall in all cases be presumed to have been made, until the contrary shall be made to appear.

22. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact, to which issue the city of Camden shall be a party, or in which the said city is interested, no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant, freeholder, or freeman of the said city.

23. *And be it enacted*, That it shall be lawful for the city council of the said city, by ordinance, to order the raising, and cause to be raised by tax, from year to year, such sum or sums of money as they shall deem expedient for defraying the expenses of lighting the streets of said city; supporting a night watch therein; supplying the said city with water; for supporting the fire engine department; maintaining and supporting the poor; purchasing a lot or lots in said city, for the purpose of erecting market houses, city hall, jail, and such other public buildings as may be necessary and convenient for the said city, and for opening, regulating, paving, flagging, and gravelling the streets of said city; for defraying the contingent expenses of the said city, and for all other objects and purposes whatever authorized by this act; which said ordinance shall specify the amount to be raised for each purpose, whether for general expenditure or for the local expenditure of each ward; so much of the said taxes, nevertheless, as shall be raised for lighting the streets of said city, supporting the police therein, supplying the city with water for the extinguishment of fires, regulating, paving, flagging, curbing, gravelling the streets, improving the public grounds as aforesaid, be assessed and collected upon and from all persons residing and lands located within the lamp or watch district of said city, to be by said city council hereafter, from time to time, by ordinance established, which tax, when raised and collected, shall be immediately paid over unto the treasurer of the city, to be subject to the order of the city council: and it shall be lawful for the city council to borrow money, from time to time, in the corporate name of the said city, for all purposes for which they are by this act authorized to raise money by tax, and to secure the payment thereof by bond, note, or other instrument of writing, under the common

Witnesses
in trials
where city is
a party.

City council
may raise
money by tax
for city pur-
poses.

seal of the city and signature of the mayor, and to provide by tax for the payment thereof; *provided*, that no loan shall be made without the concurrence of at least a majority of all the members of the city council; and there shall not be a greater sum than ten thousand dollars raised by loan in any one year; and that the said city shall not owe over fifty thousand dollars at any one time.

Tax for support of common schools.

24. *And be it enacted*, That the city council of said city shall determine by ordinance, in the same manner as is provided in the section last aforesaid, the amount of tax to be raised each year in said city for school purposes, and shall order and direct the assessors of the said city to assess and raise such sum or sums of money, not exceeding in any one year two mills in the dollar, as they shall think necessary and expedient to support and maintain the common schools and for erecting school houses in the said city, which tax, when raised and collected, shall be paid immediately over unto the treasurer of the school trustees for the time being, and his receipt, and it alone, shall be a discharge for the same to the officer receiving the said tax; *provided*, that nothing in this section contained shall be construed to prevent any constable, collector, or other officer, from being sued, or the bond that any such officer shall have given, from being prosecuted on account of any such tax, in the name of the city of Camden, for the use of said trustees.

Assessors to furnish abstracts of assessments.

25. *And be it enacted*, That it shall be the duty of the assessors of the different wards of said city, created by this act, when any money is ordered to be raised by virtue of this act for the city or for school purposes, to meet at the court house in said city, or at such other place in said city as the city council shall appoint, at ten o'clock in the forenoon on the Tuesday following the day by law fixed for the meeting of the board of assessors of the county of Camden each year, and at such meeting to furnish full, true, and accurate abstracts, under oath or affirmation, from their respective tax books, of all lands, tenements, and real estate by them assessed, and all chattels, effects, estates, and certainties so by them respectively made, as are required by law to be made and rated, and to estimate and rate the personal property and certainties so by them made and furnished, and to fix the amount or proportion of tax to be levied and collected thereon, and to adjust and fix the rate per dollar for city purposes, and the rate per dollar for school purposes, to be levied and collected on the lands, tenements, and real estate as aforesaid, and to ascertain the proportion or quota of tax for city and school purposes to

be levied and collected in each ward of said city; *provided always*, that the moneys ordered to be raised for lighting, opening, cleansing, regulating, paving, flagging, and gravelling, and improving the streets of said city, shall be assessed upon and collected from the persons residing in, and lands located within the ward in which said moneys may be required to be expended; and the assessors of said city shall, within thirty days after such meeting as aforesaid, deliver to the clerk of the city the tax book or assessment by them so made, respectively, or a true transcript or duplicate thereof, which shall be preserved by said clerk in his office, as a matter of reference for those who desire to examine the same.

26. *And be it enacted*, That the collectors of the said city, in making the demand of the tax or sum assessed, and giving the notice required to be made and given by the laws of this state, shall at the same time also state the amount of tax assessed and levied on the real estate, and the amount of tax assessed and levied on the personal estate and certainties, for state purposes, for county purposes, for city purposes, and for school purposes, respectively.

Collector to state amount of tax for different purposes.

27. *And be it enacted*, That from and after the passage of this act, it shall be the duty of the assessor of the city of Camden, in assessing and raising the state, county, city, and school tax, which may be from time to time ordered to be assessed and raised in the said city, to estimate and rate all the lands, tenements, and real estate, lying and being in the said city, according to its value at the time of making the assessment, when the land is laid out in lots, valuing it and rating it at so much per lot; but when the land has not been run out into lots, valuing and rating it by the piece or acre, as it then lies; and, for the purpose of ascertaining what may be the true and real value of the different lots, tracts, and pieces of land and tenements, lying and being in the said city as aforesaid, the city council may appoint, from time to time and as often as they shall think proper, one or more fit and judicious freeholders, residing in the said city and acquainted with the value of real estate therein, to accompany each of the assessors of the different wards, to assist them to value and estimate the real estate as aforesaid; which said person or persons, so as aforesaid appointed, before he or they proceed to execute the duties of his or their appointment, shall repair to either the mayor, recorder, or one of the aldermen of said city, who are hereby fully empowered to administer the same, and take and subscribe an oath or affirmation truly, fairly, and impartially,

Manner of making assessment.

and according to the best of his or their judgment and belief, to value and estimate the same.

Lands may
be sold for
taxes.]

28. *And be it enacted*, That it shall be the duty of the assessors and collectors of the said city to keep the amount of tax assessed against each lot or tract of land belonging to any individual separate and distinct from the other tax which may be assessed against his person or other property, and to make out and return the amount due on each lot or tract of land and premises, and the street or streets, alley or alleys, whereon the said lot, tract, or piece of land and premises is situated, with a short description of the same, and the owner or owners' names; and the taxes and assessments which shall be made upon any such real estate in said city by virtue of this act, whether the same be state, county, city, or school tax, shall be and remain a lien thereon for the space of two years from and after the time when the same shall be assessed, notwithstanding any subsequent descent, devise, alienation, mortgage, or other encumbrances thereon; and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed for the payment thereof, it shall and may be lawful for the city council to cause the lands, tenements, and real estate, or such part thereof as they may think proper, to be sold at public auction for the shortest time for which any person or persons will agree to take the same and pay such tax or assessment, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges, and expenses, including justices and constables' fees, costs of advertising, selling, and executing the deeds, and to make and execute, under the seal of the said city, a declaration of such sale, and deliver the same to the purchaser or purchasers; and such purchaser or purchasers, his, her, or their executors, administrators, or assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements, or real estate, for his, her, or their own use, against the owner or owners thereof, and all persons claiming under him, her, or them, until his, her, or their said term shall be completed and ended; and shall be at liberty, at or before the end of his, her, or their term, to remove the buildings and materials erected and placed by him, her, or them thereon, taking care to leave the same in as good order and condition as the said premises were when they came into his, her, or their possession.

Notice of
sale to be
given.

29. *And be it enacted*, That the said city council, before they shall proceed to sell any lands, tenements, or real estate for the payment of taxes as aforesaid, shall cause such sale to be advertised at least once a week, for eight weeks

successively, in at least two public newspapers printed and published in said city, and also by advertisements put up in at least ten public places in said city, which advertisements shall mention the street or streets on which the said property is situate, the amount of tax due, and the owner or reputed owner's name; and the said lands, tenements, or real estate so sold may be redeemed by the owner or owners thereof, or by the mortgagee or mortgagees thereof, within two years from the day of sale, on the payment of the purchase money, with interest at the rate of twelve per cent. per annum, to be computed from the day of sale, and all the expenses and charges necessarily incurred thereon by the purchaser or purchasers as aforesaid; and in case the same shall be redeemed, as herein before provided, by the mortgagee or mortgagees, or if the said mortgagee or mortgagees shall have paid the said tax or assessment, with the interest and cost thereon, to prevent the said premises from being sold to pay the same, then and in that case the whole amount of the payment shall be recovered under and by virtue of the mortgage which the said mortgagee or mortgagees may hold upon the said real estate, in the same manner, in all respects, as if the same were included in and intended to be secured by the said mortgage; and any mistake in the name or names of the owner or owners, or omission to name the real owner of any lands, tenements, or real estate, in assessing the taxes thereon, shall not invalidate the said assessment or the sale of said real estate as aforesaid.

30. *And be it enacted*, That whenever, within said city, any tax shall remain unpaid, and be returned by the collector for want of payment, the same shall bear an interest at the rate of twelve per cent. per annum from the day on which the same shall be so returned until paid; and it shall be the duty of the constable, or persons authorized to collect and receive such tax, to charge, receive, and collect, in addition to the amount of tax, the interest thereon as aforesaid; and such interest shall be paid over and accounted for by the officer, or person receiving the same, to the said city, as a part of the tax collected by him.

31. *And be it enacted*, That it shall be lawful for the city council of the said city to pay unto the mayor of the city, for his services as mayor, any sum not exceeding five hundred dollars per year; and to the treasurer, clerk, and all the other officers and agents of the said city, such compensation for their services as the city council shall deem reasonable and proper, and to allow the assessors and collectors of said city such extra compensation for their ser-

Interest to
be charged
on taxes.

Officers to
receive com-
pensation.

vices, in assessing and collecting the taxes, as they shall think reasonable and just.

City council
may cause
streets to be
paved, &c.

32. *And be it enacted*, That the city council shall have exclusive control over all the highways, roads, streets, and alleys of said city, and shall have power to compel the owners of real estate in said city, or in such parts thereof as they by ordinance shall direct, to grade, pave, gravel, flag, and curb the sidewalks thereof along and opposite to such owner or owner's property; and whenever a majority in value of the land holders along any said street or alley, or of any part of such street or alley, shall desire the same, or any part thereof, to be paved, gravelled, or otherwise permanently improved, the city council, on the petition of the said owners, may order and direct the same to be done, and may appoint one or more discreet and skilful persons to superintend the said work, and prescribe the manner in which the same shall be performed, and to enforce such ordinances and regulations concerning the same, by enacting fines or penalties for not complying therewith.

Proceedings
in case own-
ers refuse to
pave, &c.

33. *And be it enacted*, That in case any owner or owners of any real estate in said city, as aforesaid, shall refuse and neglect to comply with the ordinances in the last section above mentioned, and not grade, pave, gravel, flag, or curb the street, alley, or sidewalks thereof, or grade the same, as may be by said ordinance directed, and in the manner prescribed, for the space of thirty days from the time when the same is required to be done, it shall be lawful for the city council to cause the same to be done, and paid for out of any moneys in the hands of the treasurer of the city; and when so done they shall cause a particular statement and account of the costs or expense of doing said work to be filed with the clerk of said city; and the costs or expenses of performing the said work, as aforesaid, shall remain a lien upon the real estate as aforesaid, from the time of performing the said work until paid and satisfied; and the said city council may, at their option, sue for and recover the amount so paid as aforesaid from the owner or owners of such real estate, or his or their legal representatives, with interest and costs of suit, in any court of this state having cognizance thereof, in an action on the case, in the name of "the treasurer of the city of Camden," without specifying the individual name of the treasurer for the time being; for so much money by them paid, laid out, and expended to and for the use of such owner or owners, or his or their legal representatives; and in every such action the said statement or account, filed as aforesaid, with the proof of the amount paid, shall be conclusive evidence

for the plaintiff, or cause the said real estate, or such part thereof as they think proper, to be advertised and sold for the shortest period of time that any person or persons will purchase the same and pay the said amount, with interest and all the costs and expenses of publishing notice, advertising, selling, and making a deed; and when sold, to execute, under the seal of the city, a declaration of such sale to the purchaser or purchasers as aforesaid, in the same manner and under the same regulations and restrictions, and with the like effect in all particulars, and with the same privileges to the owner or owners, the mortgagee or mortgagees, to redeem, as is enacted and provided for selling land and real estate for the payment of the taxes due thereon by this act; *provided*, that if any owner or owners of lots or real estate shall not reside in the city at the time when the said work is required to be done, then it shall be the duty of the city council, before they shall proceed to do or have the same done, to cause a notice to be inserted in at least two of the newspapers of said city, and published for four weeks therein, at least once a week, setting forth the name or names of the owner or owners, or reputed owners thereof, the street whereon the property is situate, and that unless the said owner or owners shall comply with such ordinance, and perform the said work within four weeks from the date of said notice, the city council will cause the same to be done at his, her, or their expense, as the case shall be; *provided also*, that nothing in this section contained shall be construed to affect any fines or penalties enacted for violating any such ordinance in the last section above provided.

34. *And be it enacted*, That if the tenant of any lot or house, or real estate whatever, within the said city, shall cause the street, alley, or sidewalks thereon in front of such property to be graded, paved, flagged, curbed, or gravelled, in obedience to such ordinance or regulation, at his or her individual expense, or shall pay the amount thereof, with the interest and costs that shall have accrued thereon, to the treasurer of the said city, when the city council shall have performed the work as aforesaid, it shall and may be lawful for him or her to deduct the same out of the rent, or to sue for and recover the same from the landlord or owner, or his or her legal representatives, with interest and costs, in an action on the case, in any court in this state having cognizance thereof, for so much money by him or her paid, laid out, and expended, to and for his, her, or their use, as the case is; *provided*, that nothing in this section shall affect any contract or agreement made, or to be made, between landlord and tenant respecting such charges or expenses.

Tenants may recover from landlords amount paid for paving, &c.

City council
may open
streets.

35. *And be it enacted*, That it shall be lawful for the said city council to lay out and open any street, road, or highway in any part of the said city, and to cause any street, road, highway, or alley, already laid out in any part of the said city, to be vacated, opened, altered, widened, whenever and so often as they shall judge the public good requires the same to be done; and the said city council shall give notice to the owner or owners of any lands or real estate, with the appurtenances, necessary to be taken for either of said purposes, or to his, her, or their agent or legal representatives, of their intentions to take such land or other real estate and appurtenances, and appropriate it for such street, road, highway, or alley, and shall treat with such person or persons for the same; and if any such person or persons shall refuse to treat for any such land or other real estate, with the appurtenances, or the city council cannot agree with such person or persons for the same, then it shall be lawful for the city council to appoint five disinterested freeholders of the said city, at least one from each ward, commissioners to make an estimate and assessment of the damage that any such owner or owners will sustain by laying out, altering, or widening any such street, road, highway, or alley; and in estimating and assessing such damages, the said commissioners shall have due regard, as well to the value of the land or other real estate, with the appurtenances, as to the injury or benefit of the owner or owners thereof, by laying out, altering, or widening any such street, road, highway, or alley; *provided always*, that nothing in this act shall be construed to authorize the said city council to take and appropriate any grave yard, burying ground, or place used for burying the dead, for streets, roads, highways, or alleys, without the consent of all the owners or proprietors thereof.

Publication
to be made
in case of
nonresident
owners.

36. *And be it enacted*, That in case the owner or owners of any lands or real estate necessary to be taken for the laying out, opening, altering, or widening any street, road, highway, or alley in the said city, shall be non compos mentis or out of the state, or cannot be ascertained on reasonable inquiry, and no agent or legal representative of such owner can, on like inquiry, be found in this state, then it shall be lawful for the city council of the said city to proceed to the appointment of the commissioners mentioned and provided for in the last preceding section of this act, after publishing in at least two of the newspapers published in said city, for the space of four weeks, at least once in each week, a notice of the intention of the city council to take such land or real estate, and appropriate it for such street, road, highway, or alley.

37. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required of them, shall be sworn or affirmed, before the mayor, recorder, or one of the aldermen of said city, to make the estimate and assessment submitted to them fairly and impartially, according to the best of their skill and judgment.

Commissioners to take oath.

38. *And be it enacted*, That the city council shall appoint a time and place, within the said city, for the said commissioners to meet, notice whereof shall be given by putting up an advertisement in five public places in said city, one whereof shall be in each of the wards of said city, at least twenty days before the time of meeting; which advertisements shall specify the street, road, highway, or alley proposed to be laid out, altered, or widened; the alterations proposed to be made, and the lands or other real estate, with the appurtenances, intended to be taken for such purposes; and also cause a written notice to be served upon each of the owners who reside in said city, or whose place of residence is known; and if the place of residence of any such owner that is known be not in the city of Camden, then a notice placed in the post office, directed to him or her, at his or her place of residence, shall be a sufficient notice; and the said commissioners, or a majority of them, when met, shall have power to swear and examine witnesses, and shall view the premises, if necessary, and make a just and true estimate and assessment as aforesaid, and make and sign a certificate of such estimates and assessments, and file the same with the clerk of the said city, and the same, being ratified by the city council, shall be binding and conclusive upon the owner or owners of any such lands or other real estate, with the appurtenances, subject only to the appeal hereafter given; and upon payment of the damages so awarded, or a tender and refusal thereof, it shall be lawful for the commissioners to cause the same land or other real estate, with the appurtenances, to be converted and used for the purpose aforesaid; *provided however*, that any person or persons conceiving himself, herself, or themselves aggrieved by the proceedings of the city council or of the said commissioners, may appeal therefrom to the supreme court of this state, within thirty days from the time of making the final order of the city council; and the said supreme court shall order a trial by jury to assess the damages sustained by the party aggrieved, the trial whereof to be conducted as in other cases of trial by jury.

Notice to be given of meeting of commissioners.

39. *And be it enacted*, That in case of nonpayment on demand of any damages assessed as aforesaid, with interest from the date of the assessment, in case of no appeal to the

Damages assessed may be sued for.

supreme court as aforesaid, the person or persons entitled thereto may sue for and recover the same from the city of Camden, in an action of debt, with costs, in any court having cognizance thereof; and the said proceedings of the commissioners and city council, or a ward of said jury, shall be conclusive evidence against the defendants.

City council
may cause
city to be
surveyed.

40. *And be it enacted,* That the said city council shall have power, and may from time to time cause the said city, or such parts thereof as they may think proper, to be surveyed and mapped, and may survey and make maps of all such roads, streets, alleys, and public passage ways as have been dedicated to the public, as they shall think proper; and all such streets, roads, alleys, ways, when surveyed, and such surveys approved by the city council and filed, shall be deemed and taken to be public streets or highways, and be treated as such in all respects; also, to cause to be made, within said city, surveys and maps of the said city, or any part thereof, which has not yet been laid off or run out into streets, and to determine where the streets and thoroughfares shall run, and to mark the lines and establish the grades thereof; which said lines and grades, so established; and the surveys and maps made thereof, and approved by the city council, shall be binding upon the owner or owners of the said land or real estate so surveyed and mapped as aforesaid; and whenever the owner or owners thereof see proper to open streets, and lay out his or their property in lots, he, she, or they shall open the streets and thoroughfares as they shall have been laid out, surveyed, and marked, and according to the lines and grades established as aforesaid; and the said streets and thoroughfares, when so opened by the owner or owners thereof, shall be public streets and highways, and shall be treated as such in all respects.

Treasurer
to make an-
nual state-
ment.

41. *And be it enacted,* That it shall be the duty of the city treasurer, once in each year, to make out a statement of all moneys received and paid out during the year, showing the source from whence received and to what applied, the amount of indebtedness of the city, and the balance of funds, if any, in his hands; which statement shall be filed in the office of the clerk of the city, at least twenty days before the next annual election for ward and city officers; and the city council shall cause the same to be published in at least two of the newspapers published in the said city, at least two weeks previous to such election.

Jurisdiction
and powers
of mayor.

42. *And be it enacted,* That the mayor, recorder, and aldermen of the said city, and each and every of them,

shall have jurisdiction in all matters of a criminal nature, and in all matters of a civil nature that the justices of the peace, or any of them, of the county of Camden now have, or hereafter may have, such jurisdiction to be limited within the bounds of the city of Camden, with full power to issue process, and to hear, try, and determine all suits at law of a civil nature, within the said bounds, that are cognizable before any of the justices of the peace of the county of Camden, including cases in attachment, in the same manner and with the like effect in every particular, and under the same rules and regulations, as are now provided and enacted in cases before justices of the peace, or which may be hereafter provided and enacted.

43. *And be it enacted*, That the mayor, recorder, and aldermen of the said city, or any three of them, of whom the mayor or recorder shall be one, shall constitute a court of general quarter sessions in and for said city of Camden, with all the powers, authority, and jurisdiction, within said city, with which the several courts of general quarter sessions of the peace in the several counties of this state are or may be vested; which court shall be known by and under the style and title of "the court of general quarter sessions of the peace of the city of Camden," and be a court of record, and hold four stated sessions within said city in each year, one on the fourth Tuesday of January, one on the fourth Tuesday of April, one on the fourth Tuesday of July, and one on the fourth Tuesday of October, with power to adjourn from day to day, and to hold special sessions, when deemed by the said mayor, recorder, and aldermen to be necessary; that the said court shall have a seal, and all writs and precepts issuing thereout shall be under the said seal, and tested in the name of the mayor or recorder, and directed to the marshal or one of the constables of the said city, who are hereby authorized and required to serve and execute the same, and to attend all the said courts, and perform the same duties, and be entitled to the same fees and emoluments, and be subject to the same penalties and forfeitures, as the sheriff and constables of the several counties of the state; and said court shall have power, in cases pending before them, to compel the attendance of witnesses from any part of this state, by process of subpoena ad testificandum.

Court of general quarter sessions.

44. *And be it enacted*, That the clerk of said court shall be elected at the annual ward election, from among the legal voters residing in the city, as nearly as may be, and the result ascertained in the same manner as is provided in this act for the election of the recorder of the city, and be com-

Clerk of court.

missioned by the governor, and shall hold his office for the term of five years, and perform the like duties, be entitled to receive the same fees and emoluments, and be subject to the same penalties and forfeitures, as the clerks of the courts of general quarter sessions of the peace of the several counties of this state.

Appropriation of school fund.

45. *And be it enacted*, That each ward of said city shall be entitled to its just proportion of the annual appropriation of the school fund of this state, and to its just proportion and quota of the interest on the surplus revenue apportioned to and received, or to be received, by the state of New Jersey, to be ascertained in the same manner as the proportion or quota of the townships of this state now are or hereafter shall be ascertained; which said moneys shall be paid immediately over to the treasurer of the trustees of the common schools for the time being, and be applied to school purposes in the wards of said city.

Former acts repealed.

46. *And be it enacted*, That the act entitled, "An act to incorporate a part of the township of Newton, in the county of Gloucester," passed thirteenth of February, eighteen hundred and twenty-eight, and the act entitled, "A supplement to the act entitled, an act to incorporate a part of the township of Newton, in the county of Gloucester, passed February thirteenth, one thousand eight hundred and twenty-eight," passed first of March, eighteen hundred and twenty-eight, and the act entitled, "A further supplement to the act entitled, an act to incorporate a part of the township of Newton, in the county of Gloucester, passed February thirteenth, one thousand eight hundred and twenty-eight," passed the ninth day of February, eighteen hundred and thirty-one, and the act entitled, "A further supplement to the act entitled, an act to incorporate a part of the township of Newton, in the county of Gloucester, passed February thirteenth, one thousand eight hundred and twenty-eight," passed the twenty-sixth day of February, eighteen hundred and thirty-three, and the act entitled, "A supplement to an act entitled, an act to incorporate a part of the township of Newton, in the county of Gloucester, passed February thirteenth, eighteen hundred and twenty-eight," passed March ninth, eighteen hundred and forty-four, and the act entitled, "A further supplement to the act entitled, an act to incorporate a part of the township of Newton, in the county of Gloucester, passed the thirteenth of February, eighteen hundred and twenty-eight," approved February the twenty-fifth, eighteen hundred and forty-eight, and the act entitled, "A further supplement to an act to incorporate a part of the township of

Newton, in the county of Gloucester, passed the thirteenth day of February, in the year of our Lord one thousand eight hundred and twenty-eight," approved March ninth, eighteen hundred and forty-eight, and the act entitled, "An act to establish a new township in the county of Gloucester, to be called the township of Camden," passed the twenty-eighth day of November, eighteen hundred and thirty-one, and all other acts and parts of acts not consistent herewith, be, and the same are hereby repealed; *provided always*, that this repealing clause shall in no wise be construed to repeal any ordinance, by-law, or resolution, or any other legal act heretofore passed, made, or done by the city council of the city of Camden, and not repugnant to this act, or to defeat, avoid, or discontinue any writ, precept, process, indictment, order, judgment, recognizance, or other proceeding of the present court of the city, but the same shall continue and be in force and executed under this act, or to vacate and determine the office of the mayor, recorder, aldermen, councilmen, or clerk of the court of quarter sessions, or any other officer or officers holding office under or by virtue of any of the said acts so repealed, but the same may continue in and hold their respective offices for the term for which they were respectively appointed, the same as if this act had not been passed; *provided also*, that nothing contained in this act shall affect any bond or other security given by any constable, collector, treasurer, or other officer of said city, but the same may be sued in the same manner, with the like effect, as if this act had not been passed.

47. *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 on the eleventh day of March next. Act may be amended.

Approved March 5, 1850.

AN ACT respecting public schools in the township of Howell, in the county of Monmouth.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Howell, in the county of Monmouth, are hereby Township authorized to raise money.

authorized and empowered, at their annual town meetings, to raise, by tax or otherwise, in addition to the amount annually apportioned to them out of the state school fund, such further sum or sums of money as they may deem necessary for the support of public schools in said township, not to exceed in the whole four times the amount received from the state for such purposes.

Moneys raised, how to be applied.

2. *And be it enacted*, That the trustees of any school district in the township of Howell, aforesaid, are hereby authorized and empowered to apply the moneys apportioned to said district, from time to time, to paying for tuition, renting a room for the use of their school, or purchasing a site and erecting and maintaining a school house, as well as purchasing a stove for said school house, by an order in writing drawn on the town superintendent, signed by a majority of the trustees, stating the purpose for which it is given, and made payable to the order of the person entitled to receive it, and endorsed by him.

Part of former act repealed.

3. *And be it enacted*, That so much of the act entitled, "An act to establish public schools," passed April seventeenth, eighteen hundred and forty-six, as relates to the township of Howell, in the county of Monmouth, and conflicts with this act, be, and the same is hereby repealed.

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

Approved March 6, 1850.

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

Compensation to assessor and collector.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the assessors and collectors of the several townships, cities, wards, and boroughs of this state, shall each be entitled to receive two cents, and no more, for each and every dog or bitch assessed according to the provisions of the said act.

Part of act not to extend to Pahaquarry.

2. *And be it enacted*, That the first, second, third, fifth, seventh, and eighth sections of the act entitled, "An act for

the preservation of sheep," approved April fourteenth, eighteen hundred and forty-six, shall not extend to or be in force in the township of Pahaquarry, in the county of Warren.

3. *And be it enacted*, That so much of the act, to which this is a further supplement, as comes within the purview of this act, be, and the same is hereby repealed. Part of former act repealed.

Approved March 6, 1850.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter every constable shall be allowed the sum of one dollar per day for every day he shall attend at the supreme court, circuit court, court of oyer and terminer and general jail delivery, court of common pleas and general quarter sessions of the peace, in his county, to be ascertained and paid in manner, and subject to the like restrictions as are now provided by law. Fees of constables.

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

Approved March 6, 1850.

AN ACT to provide for the support of the State Lunatic Asylum.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby directed to pay to the managers of the State Lunatic Asylum, on the warrant of the governor, such sum as may be required to pay the debts heretofore incurred by the managers aforesaid; and also to meet the anticipated deficiency in the steward's account for the present year, not to exceed in the whole the sum of eight thou- Treasurer to pay amount of appropriation.

sand seven hundred dollars; and the secretary of state shall audit the accounts of said managers.

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

Approved March 6, 1850.

AN ACT to prevent the destruction of small and harmless birds.

Certain birds
not to be
killed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful in this state for any person to shoot, or in any other manner to kill or destroy, except upon his own premises, any of the following description of birds: the night or musquito hawk, chimney swallow, barn swallow, martin or swift, whippowil, cuckoo, king bird or bee martin, woodpecker, claipe or high hole, cat bird, wren, blue bird, meadow lark, brown thrasher, dove, fire bird or summer red bird, hanging bird, ground robin or chewink, hoblink or rice bird, robin, snow or chipping bird, sparrow, Carolina lit, warbler, bat, black bird, blue jay, and the small owl.

Penalty for
killing birds.

2. *And be it enacted*, That every person offending in the premises shall forfeit and pay, for each offence, the sum of five dollars, to be sued for and recovered in an action of debt, by any person who will sue for the same, with cost.

Penalty for
destroying
eggs.

3. *And be it enacted*, That any person wilfully destroying the eggs of any of the above described birds, shall be liable to the penalty prescribed in the second section of this act, to be sued for and recovered as therein prescribed.

Mode of
bringing ac-
tion.

4. *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.

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

Approved March 6, 1850.

AN ACT to authorize the administrators of David Kimsey, deceased, to convey certain real estate in the county of Cumberland.

WHEREAS David Kimsey, now deceased, late of the town-^{Preamble.}ship of Maurice River, in the county of Cumberland, in his lifetime entered into an agreement in writing with Lehman Blew and George Corson, in consideration of the sum of five hundred dollars, to convey to the said Lehman Blew and George Corson the ship yard at Dorchester, and the house and lot adjoining, where Edward Shropshire now lives, running from low water mark on High-street up to the corner of said lot where the said Shropshire lives; thence southwardly along the line of said lot to the corner, as it is now in fence; thence running a straight line to low water mark at the upper corner of said Kimsey's wood wharf; thence up the river to the beginning; and also all the right and interest of the said Kimsey to the slip and ferry at Dorchester; and whereas the said agreement in writing was attested by only one witness, in consequence of which the administrators of the said David Kimsey, deceased, cannot without legislative aid make a good and sufficient deed for the said land and premises, according to the terms of the said contract; and whereas the said Lehman Blew and George Corson have already performed part of the labour required of them by the terms of the said agreement, and are now ready and desirous to pay to James L. Smith and Reuben Willets, administrators of David Kimsey, deceased, the said sum of five hundred dollars, and receive a deed for the said land and premises—therefore,

1. BE IT ENACTED *by the Senate and General Assembly* ^{Administrators authorized to make deed.} *of the State of New Jersey,* That James L. Smith and Reuben Willets, administrators of David Kimsey, deceased, are hereby authorized to make, execute, and deliver to the said Lehman Blew and George Corson, or to their assigns, a good and sufficient deed of conveyance of all the estate and interest of David Kimsey, deceased, at the time of his death, of, in, and to the said ship yard at Dorchester, and the house and lot adjoining where Edward Shropshire now lives, running from low water mark on High-street up to the corner of said lot where the said Shropshire now lives; thence southwardly along the line of said lot to the corner, as it is now in fence; thence to run a straight line to low water mark at the upper corner of the said Kimsey's wood wharf; thence up the river to the beginning; and also the right and interest of the said David Kimsey, deceased, to the slip and

ferry at Dorchester, whenever the said Lehman Blew and George Corson, according to the terms of the said agreement, shall perform the labour, and shall pay to the said administrators the sum of five hundred dollars; which said deed shall be as valid and effectual as if the same had been duly executed by the said David Kimsey in his lifetime.

Money, how
to be dispos-
ed of.

2. *And be it enacted*, That the money paid to the said James L. Smith and Reuben Willets, administrators of David Kimsey, deceased, on executing said conveyance, shall be applied and accounted for by the said administrators according to law, as part of the personal estate of the said David Kimsey, deceased.

Approved March 6, 1850.

A supplement to an act entitled, "An act to authorize the inhabitants of the township of Bloomfield, in the county of Essex, to raise money for the establishment of free schools," approved March first, one thousand eight hundred and forty-nine.

Amount of
money to be
raised.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That hereafter the amount which the legal voters of the township of Bloomfield, in the county of Essex, shall be authorized to raise by tax at their annual town meetings, pursuant to the provisions of the act to which this is a supplement, shall not exceed twenty-five hundred dollars in any one year; which money shall not be applied to the building of a school house or school houses.

Amount not
to exceed a
certain sum.

2. *And be it enacted*, That the amount authorized to be raised by tax by the fifth section of the act to which this is a supplement, for the purpose therein mentioned, in any school district in said township, shall not in any one year exceed one half of the amount of taxes assessed the preceding year, in such district, for all other purposes.

School dis-
tricts may be
altered.

3. *And be it enacted*, That the town superintendent, together with the township committee, shall be, and hereby are authorized to unite, divide, or alter their school districts, and change the boundaries thereof, whenever and as often

as they may deem the same necessary or expedient for the public benefit.

4. *And be it enacted*, That the inhabitants entitled to vote under the act to which this is a supplement, shall be only such as are legal voters of said township under the laws of this state. Who are entitled to vote.

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

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

Approved March 6, 1850.

A further supplement to the act entitled, "An act to incorporate the city of Trenton," passed the seventh day of March, one thousand eight hundred and thirty-seven.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in all cases where the state and county taxes to be collected in said city, in any year, shall be directed by the common council to be assessed and collected before the proportion or quota of the said taxes to be levied and collected in the said city for such year shall be adjusted and fixed as prescribed by law, it shall be the duty of the assessors of the said city, in making their assessments, to assess the amount of taxes adjusted and fixed as the quota of the said city for the last preceding year; which assessment, so made, shall be as valid and effectual in law as if made after the proportion or quota of tax to be levied and collected in the said city for the current year had been adjusted and fixed as prescribed by law; and in case of any deficiency in the amount of taxes so assessed, it shall be lawful for the common council to direct the amount of such deficiency to be added to the amount required to be assessed and levied for the next or other subsequent year; *provided*, that nothing herein contained shall be construed to relieve the said city from the obligation imposed, or to be imposed by law, to pay the amount of state and county taxes required to be levied and collected in the Assessment of taxes, how to be made.

said city in each year; *and provided also*, that the ward collectors of said city shall pay over to the collector of the county of Mercer the proportion of state and county taxes directed to be assessed and levied in said city, at the time and under the penalty or penalties that are or may be specified and prescribed by law in regard to the collectors of the several townships of this state.

Compensation to assessor and collector.

2. *And be it enacted*, That it shall be the duty of the assessors of said city to include the state and county taxes, and also all taxes assessed for city purposes, in one and the same duplicate or assessment; and the assessors for making such duplicate or assessment, and the collectors for performing the duties required of them by law in relation thereto, shall be entitled to receive such compensation as the common council may from time to time by ordinance direct.

City clerk.

3. *And be it enacted*, That the clerk of said city shall be elected annually by the common council.

Constables.

4. *And be it enacted*, That the number of constables to be elected in each ward of said city, shall be determined from time to time by the common council.

Vacancies, how supplied.

5. *And be it enacted*, That all vacancies that may occur in any of the offices which are elective by the electors of said city, except members of common council, may be filled by the common council.

Board of health may be established.

6. *And be it enacted*, That whenever they shall deem it necessary, the common council may establish a board of health in said city, to consist of as many members as the council may determine; said board shall continue in office until dissolved by their own resolution or the resolution of the common council; said board shall have full power to take such measures, and to make and publish all such orders for the preservation of the public health as they may deem best calculated to promote that end; and any person who shall refuse to comply with any such order, or who shall oppose, hinder, obstruct, or discourage a compliance with any such order by any other person or persons, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined any sum not exceeding five hundred dollars, or be imprisoned at hard labour for any term not exceeding two years, or both, at the discretion of the court before whom said conviction may be had.

Common council authorized to take loans.

7. *And be it enacted*, That the common council of said city shall have authority, from time to time, to take one or more loans on the credit of the city, for the purpose of paying or consolidating such of the indebtedness of said

city as existed on the first day of January, in the year of our Lord one thousand eight hundred and forty-nine, and to such loans the provisions of the first section of the supplement to the act incorporating said city, approved the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and forty-nine, shall not apply; but this section shall not apply to loans to be taken for any other purpose.

8. *And be it enacted*, That the assessment provided for in the supplement to the act to incorporate said city, approved the nineteenth day of February, in the year of our Lord one thousand eight hundred and forty-seven, shall be binding and conclusive, according to the provisions of said act, unless one half of the persons upon whom the same may be made, their guardians or legal representatives, shall file their refusal according to the provisions of said act. Assessment of 1847.

9. *And be it enacted*, That the eighth section of the act referred to in the foregoing section be, and the same is hereby repealed. Part of former act repealed.

10. *And be it enacted*, That aldermen shall not hereafter be elected from the city at large, but one alderman shall, at the annual ward elections, be elected in each ward, who shall be a resident of said ward, and shall hold his office for the term of one year. Aldermen, how elected.

11. *And be it enacted*, That any thing in the act to which this is a supplement, or in any of the supplements to said act, which comes within the purview of this act be, and the same is hereby repealed. Part of former act repealed.

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

Approved March 6, 1850.

AN ACT to establish a new township in the county of Burlington, to be called the township of Westampton.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Northampton, in the county of Burlington, contained within the following bounds, to wit: beginning at the bridge Boundaries of township.

across the Rancocus river, in the line of Willingborough township; thence up the said river to the forks thereof; thence up the north branch of said river to a stake at a place called Cox's landing; thence north, twenty-five degrees east, until it intersects the old Mount Holly or lane road (so called); thence up the middle of said road to the lane leading from said road to the Monmouth road; thence south, six degrees thirty-six minutes east, to a stone in the line between Northampton and Southampton; thence along the division line between said townships to the middle of the road leading from Shreveville to Jacksonville; thence along said road to the line dividing the townships of Northampton and Springfield; thence down the said Springfield and Burlington township line to the line of Willingborough township; thence along said line to the place of beginning, shall be, and is hereby set off from the township of Northampton, in the county of Burlington, to be called and known by the name of "the township of Westampton."

Inhabitants
incorporated

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

First town
meeting of
Westamp-
ton.

3. *And be it enacted*, That the inhabitants of the township of Westampton shall hold their first annual town meeting at the Pine grove school house, in the said township of Westampton, on the second Tuesday of March next.

First town
meeting in
Northamp-
ton.

4. *And be it enacted*, That the inhabitants of the township of Northampton shall hold their next annual town meeting at the inn now kept by William Bryan, in Mount Holly, in said township, on the second Tuesday of March next.

Township
committee
to divide
property.

5. *And be it enacted*, That the township committees of the townships of Westampton and Northampton shall meet on the first Monday of April next, at the inn of Lewis C. Stockton, in Mount Holly, at ten o'clock in the forenoon, 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 rates, as taxed by the assessor within their respective limits

at the last assessment, and may adjourn the said meeting from time to time, as a majority of those present may think proper; and the inhabitants of the township of Westampton shall be liable to pay their just proportion of the debts, if any there should be; 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.

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

Approved March 6, 1850.

AN ACT to establish a free school at Fort Lee, in the county of Bergen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the public school of the school district in the township of Hackensack, in the county of Bergen, designated as district number two, being the district at Fort Lee, shall hereafter be a free school, supported by taxes raised in said district, at which all the children residing in said district between the ages of five and sixteen years shall receive instruction without charge, and to which other children may be admitted on such terms as the trustees of said district shall prescribe. District school made free school.

2. *And be it enacted*, That the trustees of said district shall yearly estimate the amount which, in their judgment, ought to be raised in said district by tax, for the support of said school for the ensuing year; and shall give notice of the amount so proposed by them by advertisements in writing, set up in five public places in said district, for at least fifteen days before the next annual meeting for the election of trustees; at which annual meeting it shall be lawful for a majority of the taxable inhabitants of said district, who shall there meet, to confirm the amount so proposed to be raised, or to direct the trustees to raise any other amount, not exceeding the sum so proposed and advertised; and the amount so directed to be raised by said annual meeting, or in case said annual meeting, or a major- Trustees to make annual estimate of money required to be raised.

ity thereof, shall direct no other sum to be raised, then the amount so proposed and advertised by the trustees shall be the tax to be raised for the ensuing year in said district.

Trustees to
notify asses-
sor of am't.

3. *And be it enacted*, That the trustees of said district shall, after said annual meeting, and before the twentieth day of May in each year, certify to the assessor of the township of Hackensack, in writing, signed by a majority of said trustees, the amount so fixed upon to be raised by tax for the ensuing year in said district, which certificate shall be conclusive as to said amount; and the said assessor shall thereupon assess the said amount upon all taxable persons and property within said district, in the same proportion that township and county taxes shall be assessed; and shall, in the duplicate of taxes, set the same in a separate column under the title of "Free school tax;" and the collector of said township shall collect the said tax at the same time with the other taxes, and shall, on or before the twentieth day of December in each year, pay the same to the treasurer of said trustees; and said tax shall be collected by like means, and said collector and his sureties, and said assessor and all other officers, shall be subject to the same penalties and liabilities, in case of any failure to perform his or their duty, as is provided by law in case of township or county taxes.

What am't of
money shall
be raised.

4. *And be it enacted*, That the sum to be raised by said district tax shall not exceed one thousand dollars in each year, for the first three years next after the passage of this act; and after the expiration of said three years, it shall not exceed five hundred dollars in each year; and said moneys shall be expended, under the direction of said trustees, for purchasing and procuring a suitable school house, and proper grounds for the same, for furniture and school apparatus, and for repairs and insurance, also for paying teachers' wages, and for other incidental expenses necessary and proper to maintain said school, after appropriating to such purposes such other moneys as said district may receive from the school fund or township tax; and said trustees shall every year, at least ten days before their term of office expires, render to the town superintendent of Hackensack township a true and particular account of the receipt and expenditure of said moneys and all other moneys belonging to said district, designating each sum received and expended separately, the source from which received, and the person to whom, and the object for which expended, a copy of which account shall be read at the annual district meeting.

5. *And be it enacted,* That said trustees shall be a body politic and corporate, by the name of "the Trustees of the Fort Lee Free School;" and shall elect one of their number to be their treasurer, who shall give bond to said trustees, with sufficient surety, to be approved by them, in double the amount to be raised for that year, conditioned for the faithful performance of his duties; and that said treasurer shall pay out said moneys only on the written order of said trustees, signed by a majority of them; and any person having such written order, may sue said treasurer thereon, and recover the same from him; *provided,* that no more shall be recovered thereon than the balance of the moneys received by said treasurer, and not, before such suit, paid out on other written orders of said trustees; and that no such suit shall be commenced until such order shall have been properly presented to said treasurer, and payment thereof demanded. Trustees incorporated.

6. *And be it enacted,* That said district shall include all within the bounds of the present school district, above designated, as now laid out and set off; and that if any person shall neglect or refuse to do or perform any duty enjoined on him by this act, he shall forfeit and pay, for each offence, the sum of twenty dollars, to be sued for and recovered, with costs, by any taxable inhabitant of said district, in any court having jurisdiction of the same; and that this act shall take effect immediately. Penalty for neglect of duty.

Approved March 6, 1850.

AN ACT to appoint trustees for the creditors and stockholders of the New Hope Delaware Bridge Company.

WHEREAS the New Hope Delaware Bridge Company, Preamble. which was incorporated by a joint act of the legislature of Pennsylvania and New Jersey, has neglected and refused to pay its debts, and the bridge erected by said company across the Delaware river is represented to be in an unsafe condition, and without any provision for its repair, and numerous creditors are deprived of the means of compelling a just distribution of the property of said company, in payment of their lawful debts; and whereas the said New Hope Delaware Bridge Company, have

abused their corporate powers and privileges granted by their charter, and assumed and exercised powers and privileges not granted to them—for remedy whereof.

Trustees to
take oath.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Wilson and James Vanhorne, of New Jersey, and David Marple, of Pennsylvania, be, and they hereby are appointed trustees of the creditors and stockholders of the New Hope Delaware Bridge Company, who shall, before they are capable of acting, respectively take and subscribe the following oath or affirmation, before a judge of the court of common pleas of the county of Hunterdon, New Jersey, or of the county of Bucks, in Pennsylvania, viz: "I ———— do swear (or affirm), that I will faithfully, honestly, and impartially execute the powers and trusts reposed in me, as trustee for the creditors and stockholders of the New Hope Delaware Bridge Company;" which oath shall be filed in the offices of the clerks of the courts of common pleas of the counties aforesaid, within ten days thereafter.

Duties and
powers of
trustees.

2. *And be it enacted*, That the said trustees shall have full power and authority to demand, sue for, and take into their possession, all the books, papers, and accounts of the said company; also all the goods, chattels, rights, credits, moneys, and effects, lands, tenements, choses in action, bills, notes, and property of every description whatever, belonging to said company at the time of their insolvency, and especially the New Hope Delaware bridge, and all its privileges and franchises; and if any officer or agent of said company, or other person being in possession of any of the aforesaid property, shall refuse to deliver possession of the same to the said trustees, it shall be lawful for the said trustees to require the sheriff, or other peace officer of the county wherein such property may be, to take possession of and deliver the same to the said trustees; and it shall be the duty of the said trustees to apply the first money that may come into their hands out of the said property to the repair of said bridge, until it shall be made safe for crossing thereon; and it shall be the duty of the said trustees, as soon as they conveniently can, and within thirty days after taking possession of the estate and effects of the said company, to make out a complete inventory of all the estate, property, and effects of the said company, its nature and probable value, and an account of all the debts due to, and the claims of debt upon said company, as nearly as the said trustees can ascertain them at that time; which inventory and accounts shall be filed in the office of the court of chancery, in New Jersey, and a duplicate thereof in the

office of the prothonotary of Bucks county, Pennsylvania; and they shall also, from time to time thereafter, at least once in every six months, make reports of their proceedings, and cause the same to be filed in the aforesaid offices; *provided*, that nothing in this act contained shall be so construed as to set aside or impeach any sale or transfer of any property of said company bona fide made for a valuable consideration since said insolvency, or to authorize said trustees to take possession of said property, or to set aside or impeach any bona fide settlement of accounts or payments made by said corporation subsequent to said time.

3. *And be it enacted*, That the said trustees shall have full power and authority, whenever they shall deem it proper, to institute suits at law or in equity, in their own names as trustees as aforesaid, for the recovery of any estate, real or personal, debts, rights in action, damages, and demands, whatsoever and wheresoever existing, in favour of the said company at the time of its insolvency or suspension of payment, or accruing subsequent thereto, and with power, at their discretion, to compound and settle with any debtor of said company, upon such terms as the said trustees shall deem most advantageous for the persons interested in the funds and property of the said corporation.

Trustees
may institute
suits at law.

4. *And be it enacted*, That the said trustees shall have power to summon and examine the president and managers and treasurer of said company, who were in office at the time of its insolvency, or any other officer or agent of the said company, under oath or affirmation, (which oath or affirmation the said trustees are hereby empowered to administer) respecting the affairs and transactions, the estate, money, goods, chattels, credits, notes, bills, and choses in action, real and personal estate, and effects of every kind whatever of said company; and if such officer or agent, or other person, shall refuse to appear, or shall refuse to be sworn or affirmed, and to make answer to such question as shall be put to him, or to declare the whole truth, such contumacy may be reported by said trustees to the chancellor of New Jersey, who shall have power to commit such person to prison until he shall submit to be examined as aforesaid, and shall pay all the costs of such proceedings against him.

Trustees
may examine
witnesses.

5. *And be it enacted*, That the said trustees shall have power to appoint a person or persons to collect tolls for passing the said bridge; and if the proceeds of said tolls, together with the available assets and personal property discovered by the said trustees within six months after they

Tollkeeper
may be appointed.

have entered upon this trust, shall manifestly appear to be insufficient to pay the debts of said company, the trustees shall have full power and authority to sell all the real estate of the said company, including the said New Hope Delaware bridge and its appurtenances, together with all the chartered rights, privileges, and franchises belonging to said company and appertaining to said bridge; and the purchaser or purchasers of said bridge and appurtenances, and chartered rights, privileges, and franchises, shall thereafter hold, use, and enjoy the same, during the whole of the residue of the term of the charter of said company, in as full and ample a manner as the stockholders of such company might have used and enjoyed the same, subject, however, to all the restrictions, limitations, and conditions contained in said charter; *and provided further*, that the said purchaser or purchasers, or their successors, shall not, by any implication or construction of law, be deemed to have the right of discounting bills, notes, or other evidence of debt, of receiving deposits, of dealing in gold or silver bullion or foreign coin, or in buying or selling bills of exchange, or of issuing notes or other evidences of debt upon loan or for circulation as money, or of doing any other business denominated banking.

Restrictions.

Money received, how to be disposed of.

6. *And be it enacted*, That the trustees aforesaid shall pay into the court of chancery of New Jersey all the moneys, and securities for money, arising from the sales of the real or personal, or other estate of said company, or which they shall collect and receive by virtue of the authority vested in them, except what may be necessary to repair the bridge, before the sale thereof, to be disposed of as follows: first, to the payment of such reasonable compensation to, and contingent expenses of the said trustees, as the chancellor may deem just and proper, with such costs of proceedings as may accrue in said court; second, to the payment of the lawful debts of the said company, which were due at the time of its insolvency; but nothing in this act shall be construed to legalize any preferences that may have been given to creditors, which were otherwise contrary to the laws of this state or those of Pennsylvania.

Chancellor to fill vacancies.

7. *And be it enacted*, That every matter and thing, by this act required to be done by the trustees aforesaid, shall be good and effectual, to all intents and purposes, if done by a majority of them; and it shall be lawful for the chancellor of New Jersey to fill any vacancy in the place of a trustee resident in New Jersey, and for the court of common pleas of Bucks county to fill any vacancy in the place of a trustee resident in Pennsylvania.

8. *And be it enacted*, That this act shall take effect as soon as the legislature of Pennsylvania shall have assented thereto. When act to take effect.

Approved March 6, 1850.

Supplement to an act entitled, "An act for the instruction of indigent deaf and dumb persons, inhabitants of this state," approved April tenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the term of instruction of the indigent deaf and dumb persons, who are educated at the expense of this state, be extended to the period of six years; and that so much of the second section 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. Term of instruction.

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

Approved March 6, 1850.

A supplement to the act entitled, "An act to amend the several acts relating to the township of Van Vorst, in the county of Hudson," passed, respectively, on the twenty-ninth of February, eighteen hundred and forty-four, on the twelfth of February, eighteen hundred and forty-five, on the twenty-sixth of March, eighteen hundred and forty-six, and on the twenty-fifth of February, eighteen hundred and forty-eight.

WHEREAS it is represented to this legislature, by petition of the inhabitants of the township of Van Vorst, in the county of Hudson, that the law, to which this is a supplement, is inadequate and insufficient to meet the just Preamble.

and reasonable demands of the people of said township, now rapidly increasing in population and improvements, and that it is immediately necessary that their town committee should have the further powers of constructing drains and sewers in their streets and avenues, and of lighting the said streets and avenues—therefore,

Township committee authorized to pass laws for constructing drains.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of the township of Van Vorst, in committee convened, to pass, by not less than three concurring votes, and to enforce all such ordinances as they shall judge proper for the construction of common drains and sewers, with all necessary culverts and receiving basins, in the streets, roads, avenues, and alleys in said township, upon the petition in writing of the owners of more than one half part of the lands to be benefited and drained thereby; and to assess the costs and expenses thereof, including all incidental charges, upon the lands benefited by such drain or drains, sewer or sewers; and to collect the same in the same manner as in and by the law, to which this is a supplement, is provided for collecting the costs and expenses of paving and grading the said streets; and for this purpose the costs, expenses, and charges of said drains or sewers shall, in like manner, be a lien upon the said lands so benefited thereby.

May pass ordinances for lamp posts, &c.

2. *And be it enacted*, That it shall be lawful for the said town committee, in committee convened, to pass, by not less than three concurring votes, and to enforce all such ordinances as they shall deem proper for the purpose of providing lamps, lamp posts, and for lighting, and keeping the same lighted, in the lamp district of said township; the said lamp district shall begin at the northwest corner of Brunswick and North First streets; thence easterly along North First street, to the corner of Grove street; thence along Grove street southerly, to the south side of Pavonia avenue; thence easterly, to Prospect street; thence southerly, to South Eighth street; thence westerly, to Grove street; thence southerly, along Grove and Kellogg streets, to the Morris canal; thence westerly, to Jersey street; thence northerly, to Railroad avenue; thence westerly, to Gilbert street; thence northerly, across Railroad avenue until it strikes Brunswick street; thence along the said street to the place of beginning.

Money for lamps, &c., how to be raised.

3. *And be it enacted*, That the majority of the voters at the annual town meeting in said township may determine, vote, grant, and raise such sum of money as may be

necessary for the purpose of providing lamps, lamp posts, and for lighting and keeping the lamps lighted in the lamp district of said township; which sum shall be assessed, levied, and collected in the said lamp district as other taxes are raised for township purposes, viz: of the persons and property of the residents of said district and the property of nonresidents; and which said sum or sums, so voted, raised, and granted, shall be applied, by and under the direction of the town committee of said township, for the purposes herein indicated.

4. *And be it enacted*, That the voters of said township, at their annual town meeting, may, by a majority of the votes cast, vote, raise, and grant, for township purposes, any sum not exceeding in the whole for all township purposes, including the expenses of the lamp district, the sum of eight thousand dollars. Amount of money to be raised.

5. *And be it enacted*, That it shall be lawful for the said township committee to charge, receive, and collect interest, at the rate of six per centum per annum, upon all assessments for improvements authorized by this act, or the acts to which this is a supplement, from and after the expiration of thirty days from the confirmation of any such assessment by the said township committee, until the same is paid; and if any such assessment shall remain unpaid for the space of ninety days from the date of the confirmation thereof, then it shall be lawful for the said township committee to charge, receive, and collect interest thereon, at the rate of twelve per centum per annum, from the date of the confirmation of the said assessment, as aforesaid; and such interest shall be and remain a lien upon the said real estate, and the payment thereof shall be enforced in the manner provided in the said act to which this is a supplement. Interest on assessments.

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

Approved March 6, 1850.

AN ACT respecting public schools in the city of Trenton.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the whole of the city of Trenton shall constitute one school district; and that every School district.

child residing in said city, between the age of five and sixteen years, may be admitted to the public schools thereof, upon such conditions and under such regulations as the superintendent and trustees of the public schools in said city may from time to time prescribe.

Election of
superintend-
ent and trust-
ees.

2. *And be it enacted*, That at each annual election for city officers in said city, there shall be chosen by the electors of said city, one superintendent of public schools, and by the electors of each ward in said city, two trustees of public schools; and the superintendent, together with the trustees so chosen, shall have the control, regulation, and management of the public schools in said city.

Superintend-
ent to give
bond.

3. *And be it enacted*, That it shall be the duty of the said superintendent to receive from the city collectors all moneys appropriated to the use of public schools in said city; and the city collectors are hereby authorized and required to pay over to the said superintendent all money which they, or any of them, shall receive from the county collectors, or collected by themselves for public school purposes in said city, and take a receipt therefor; and that the said superintendent shall, within thirty days' after notice of his election, and before entering upon the discharge of his duties, enter into a bond (conditioned for the faithful performance of his duties) to the inhabitants of said city, in their corporate name, with two or more good and sufficient securities, being freeholders and residents in said city, to be approved by the common council of said city; and that the said superintendent shall pay over no money received by him for the use of the public schools in said city, except upon the written order of the trustees, or a majority of them; which order shall state the purpose for which it is given, and be made payable to the order of the person entitled to receive the money, and endorsed by him; and that within thirty days after the appointment of his successor, he, the said superintendent, shall pay over to the person so appointed his successor all money remaining in his hands for the use of public schools in said city.

Clerk to no-
tify officers
of their elec-
tion.

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

Superintend-
ent and trust-
ees to visit
schools.

5. *And be it enacted*, That it shall be the duty of the superintendent and trustees to visit every public school under their charge, at least once in every quarter, to examine into the condition of the same, to advise and consult with

the teachers, and cause the result of such visit to be entered upon a book to be kept for that purpose in each school; and it shall be the duty of the superintendent to make out a report in writing, and transmit the same to the state superintendent of common schools, on or before the fifteenth day of December in each year, of the state and condition of the public schools of said city, the number of scholars taught therein, the terms of tuition, the length of time the schools have been kept open, the amount of money received by him, and the manner in which it has been appropriated and expended, together with such other information as he may think necessary, or as may be desired by the state superintendent.

6. *And be it enacted*, That all the power and authority given to town superintendents by the eighth section of the act entitled, "An act to establish public schools," approved the seventeenth day of April, one thousand eight hundred and forty-six, in relation to the examining and licensing of teachers, shall be possessed by the superintendent of public schools of said city. Superintendent to examine and license teachers.

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

8. *And be it enacted*, That the inhabitants of the city of Trenton may, at their annual ward meetings hereafter to be held, order to be raised by tax, any sum of money for the support of public schools therein that they may think proper, not to exceed two thousand dollars in any one year; at such meetings every voter may indicate upon his ticket the amount he desires to be so raised; the votes shall be counted by the election officers, and the amount of money for which the largest number of votes shall be given, shall be immediately thereafter certified by the ward clerks to Money for support of schools to be raised by tax

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 herein before provided.

Mode of raising money by tax, &c.

9. *And be it enacted*, That whenever and so often as the said superintendent and trustees of public schools shall deem it expedient to raise money by tax or loan to purchase land, and erect one or more school houses thereon, they may, with their annual estimates, provided for in the seventh section of this act, recommend the raising, by tax or loan, as they may think best, of such a sum as will, in their opinion, be requisite to effect the object proposed; and thereupon it shall be the duty of the common council to submit said recommendation to the decision of the citizens at the next city election, and to provide for counting the votes for and against the same, and for certifying the result of such election back to the common council; and if a majority of the votes polled at such election for and against such recommendation, shall be in favour thereof, then if said result be in favour of raising said money by tax, it shall be the duty of the said common council to add the amount so voted to be raised to the sum they may order to be raised by tax for other city purposes for that year; and said money, when collected, shall be paid over by the collecting officers of said city to the superintendent of public schools; and if said result shall be in favour of raising said money by loan, it shall be the duty of the common council to borrow the same on the credit of the city, on the best terms upon which they can procure the same, and thereafter to provide annually, by taxation, for the payment of the interest and the extinguishment of at least one-tenth of the principal of said loan; and said money, when so borrowed, shall be paid over to the said superintendent of public schools; *provided*, the debt to be created under this section shall at no time exceed six thousand dollars.

Trustees incorporated.

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

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

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

Penalty for neglect of duty by superintendent.

12. *And be it enacted*, That until a superintendent and trustees of public schools shall be elected by virtue of this act, all the powers and duties hereby conferred on and required of said officers shall be possessed and performed by the present superintendent and the school committee appointed by the common council.

Present officers to act until successors are appointed.

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

- Approved March 6, 1850.

AN ACT to incorporate the Jersey City and Bergen Point Plank Road Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons who shall become stockholders in pursuance of this act, are hereby con-

Style of incorporation.

stituted a body corporate, by the name of "the Jersey City and Bergen Point Plank Road Company."

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be fifty thousand dollars, to be divided into shares of twenty-five dollars each, shall be deemed personal property, and shall be assignable and transferable in such manner as shall be prescribed in and by the by-laws of such corporation.

First directors.

3. *And be it enacted*, That whenever ten thousand dollars of the capital stock of this company shall be subscribed, a meeting of the stockholders shall be called, at some convenient place, by advertisement in one or more of the newspapers published in Jersey City aforesaid, at least twenty days previous to the day of the meeting, for the purpose of choosing seven directors; and the persons then chosen shall be the first directors of said company, and shall hold their office for one year or until others are appointed in their stead.

Company authorized to construct road.

4. *And be it enacted*, That the said corporation is hereby empowered to lay out, construct, and, during its existence, maintain a road from and commencing at Grand-street, in Jersey City aforesaid, and following the Grand-street or main road to Bergen Point, in the said county of Hudson.

Description of road.

5. *And be it enacted*, That the track of said road shall be constructed of timber and plank, so that the same shall form a smooth and even surface at least sixteen feet in width; the particular manner of building said road to be determined by the directors of the said corporation.

Commissioners to open books of subscription.

6. *And be it enacted*, That the following persons shall be commissioners to open the books and receive subscriptions for the capital stock of said corporation, or donations therefor, viz: Daniel Vanwinkle, Albert M. Zabriskie, Robert C. Bacot, Peter Bently, George Vreeland, Jacob Marselles, and Jasper Cadmus.

Rates of toll.

7. *And be it enacted*, That whenever four continuous miles of said road shall be completed from Jersey City, it shall be lawful for the board of directors of said company to cause a toll gate to be erected in the township of Bergen, and a tollgatherer to be appointed, at which gate the said company may demand and receive toll, not exceeding the following rates, to wit: for every sled, carriage, or vehicle drawn by one animal, one cent per mile, and one cent for every additional animal attached to said sled, carriage, or vehicle, for each mile travelled, and no more; for every horse and rider or led horse, one cent; for every score of

cattle, sheep, or swine, two cents, and in this proportion for a greater or less number of cattle, sheep, or swine: and when said road shall be completed to the said Bergen Point, another gate may then be erected in said township of Bergen, and a tollgatherer appointed; and the tolls there to be exacted shall not exceed those above mentioned; *provided*, the said road be completed within three years after the passage of this act, and kept in good and substantial repair.

8. *And be it enacted*, That the tollgatherers at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate any carriage or animal subject to toll, until the toll thereon is paid. Tollgatherers may detain carriages until toll is paid.

9. *And be it enacted*, That any person who shall wilfully or carelessly injure any gate or part of the said road shall be subject to pay all damages, to be sued for in an action of debt, and collected by and for the use of the said company; no load exceeding five thousand pounds on any wagon shall be carried on said road, without the consent of a director, under the penalty of five dollars. Penalty for injuring works.

10. *And be it enacted*, That the concerns of said company shall be managed by the directors; and no person shall be eligible to the office of director, unless he shall own, at the time of his election, at least four shares of the stock of said company; and no person shall be liable to pay toll who shall be going to or returning from their usual place of religious worship; and all vehicles passing on said road, and loaded exclusively with fertilizing materials to be used upon the soil in this state, shall pass at one half the rates of toll specified in this act. Directors of company.

11. *And be it enacted*, That Peter Bently, Robert C. Bacot, George Vreeland, Jacob Marselles, Daniel Vanwinckle, Jasper Cadmus, and Albert M. Zabriskie are hereby appointed commissioners to locate said road on the route mentioned in the fourth section of this act; in case either of them shall neglect or refuse to act, the judges of the county of Hudson shall appoint some disinterested freeholder of the county to supply his place; said commissioners shall, before entering upon the discharge of their duties, take and subscribe the constitutional oath of office, and shall be paid for their services, by the said corporation, such sum as the directors of said company may deem just. Commissioners to locate road.

12. *And be it enacted*, That the said corporation shall use the highway or road known as the Lower, or New road, from Jersey City to Bergen Point, running out and New road to be used.

being a continuation of Grand-street, for the purpose of constructing said plank road, having first obtained a majority of votes approving the same at the annual town meetings in the townships of Bergen and Van Vorst, in said county of Hudson, respectively; and said plank road shall be confined within the limits of said new road.

Approved March 6, 1850.

AN ACT to incorporate the Passaic Silk Manufacturing Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Cornelius S. Van Wagoner, Christopher Colt, jun., Edgar B. Wakeman, Joseph Stark, and David Roe, and the survivors of them, 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, by the name of "the Passaic Silk Manufacturing Company," for the purpose of manufacturing silks in the township of Paterson, in the county of Passaic, and carrying on the business incident to such manufacture.

Election of
directors.

2. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, a majority of whom shall reside in this state, one of whom to be president, who shall also reside in this state, who shall hold their offices for one year; and that the said directors shall be chosen at an election to be held on the first Tuesday in June in every year, at such place in the town of Paterson as shall be directed by the by-laws of the said corporation; and public notice shall be given, not less than ten days previous, in one or more newspapers printed in the town of Paterson; and each stockholder shall be entitled, in person or by proxy, to as many votes as he or she shall hold shares of the capital stock of said company; and the persons having the greatest number of votes, being stockholders, shall be directors; and the directors chosen at one election shall be capable of serving, by virtue thereof, until another election shall have been had; and if it shall at any time happen that any vacancy or vacancies occur, by death, resignation, or other-

wise, 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, until other directors are chosen by the stockholders; the first directors shall be Cornelius S. Van Wagoner, Christopher Colt, jun., David Roe, Edgar B. Wakeman, and Joseph Stark, and the survivors or survivor of them, who shall hold their offices until the first Tuesday in June next or until others are legally chosen.

3. *And be it enacted,* That the capital stock of said company shall not exceed the sum of one hundred thousand dollars, which shall be divided into shares of twenty-five dollars each; but, as soon as the sum of twenty thousand dollars of the said capital stock shall have been subscribed and paid in, it shall and may be lawful for the said company to commence business; and with that capital conduct and carry it on, until they shall deem it expedient to extend their operations; and it shall be lawful for the directors of the said company to call and demand from the said stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, not exceeding ten dollars on each share at any one time, under pain of forfeiting the shares of the said stockholders, and all previous payments thereon, if such payments shall not be made within sixty days after notice of such call and demand shall have been published, for the space of thirty days, in one or more newspapers published in the town of Paterson.

4. *And be it enacted,* That the subscription for the said stock shall be open for any number of days, not exceeding twenty, under the direction of the board of directors, or such of them as shall be designated by the board for that purpose.

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

6. *And be it enacted,* That in case it should at any time happen that an election should not be held on the day that, pursuant to this act, it ought to be held, 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.

Transfers to
be register-
ed.

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

Company
may be dis-
solved.

8. *And be it enacted*, That the said company may be dissolved at any general meeting of the stockholders, specially convened for that purpose; *provided*, at least three-fourths in value of the stockholders shall be present or represented therein; and upon such dissolution, the directors for the time being, and the survivors and survivor of them, shall be trustees for settling all the affairs of the said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interests in the stock, unless the stockholders representing at least one half the stock, at such general meeting, shall appoint other persons, not less than three nor more than five in number, for such purpose, in which case the persons so appointed, and the survivors or survivor of them, shall be trustee and trustees for the purpose aforesaid.

Limitation.

9. *And be it enacted*, That this act shall continue and be in force for a period of thirty years.

Approved March 7, 1850.

AN ACT to incorporate the North American Telegraph Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Josiah Lee, Zenas Barnum, Henry J. Rogers, and their associates, and such other persons as may hereafter become stockholders in the company called "the North American Telegraph Company," their successors and assigns, shall be, and they are hereby made and constituted a body politic and corporate, for the purpose of making, using, and maintaining telegraph lines and communications through the counties of Hunterdon,

Somerset, Middlesex, Essex, and Hudson, in this state, between the city of New York and the cities of Philadelphia, Baltimore, and Washington, D. C., and intermediate towns and villages, by the name, style, and title of "the North American Telegraph Company."

2. *And be it enacted*, That the capital stock of the said corporation, hereby created, shall be one hundred and twenty-five thousand dollars, in shares of one hundred dollars each, certificates of which shall be issued to such person or persons, corporation or corporations, other than counties, townships, or municipal corporations, who have heretofore subscribed or paid money, or may hereafter subscribe or pay money, for the construction of said telegraph lines; for the number of shares which he, she, or it may have, or shall subscribe for, or hold in the said corporation. Amount of capital stock.

3. *And be it enacted*, That the said corporation shall have power to connect, by contract, with other persons or corporations having other telegraphic lines, within or without this state, for the purpose aforesaid, and may organize and act when seventy-five thousand dollars shall have been subscribed; and, if deemed necessary by the directors and a majority of stockholders, the capital stock may be increased to two hundred thousand dollars. Capital stock may be increased.

4. *And be it enacted*, That the persons named in the first section, or any three of them, shall call a meeting, to be held on the first Tuesday of June next, or at any other convenient time, of the corporate body hereby created, giving three weeks' notice of the time and place of holding the same, in at least one newspaper in the city of Trenton and the city of Newark, for the purpose of choosing a president, secretary, and treasurer, and four directors; which four directors, with the president, shall constitute the board of directors for the management of its affairs. Meeting for appointment of officers.

5. *And be it enacted*, That the president, directors, secretary, and treasurer of the said corporation, hereby created, shall hold their offices for the term of one year and until their successors shall be elected, and shall exercise all such powers pertaining to the making, maintaining, use, and management of said telegraph lines, and the affairs, interest, and business of the said corporation, authorized by its by-laws. Term of office.

6. *And be it enacted*, That the annual meeting of the said corporation shall be held on the first Tuesday in May, in each and every year hereafter, unless the stockholders, at an annual meeting, shall otherwise direct; and special meetings shall be called by the president and directors, Annual meetings of corporation.

whenever, in their opinion, the interests of the company may require it, or when it may be demanded by persons holding one-third of the capital stock; such reasonable notice being given of the time and place of holding such meetings as may be prescribed by the by-laws of the corporation.

Manner of
voting.

7. *And be it enacted*, That at every election for officers, each share shall entitle the holder thereof to one vote, to be given by ballot; *provided*, that no stockholder shall be entitled, on account of the stock held by him, to cast more than one-sixth of the entire vote, to which all the shares, if held singly, would be entitled; and absent stockholders may vote by agents or proxies; producing written authorities.

Company
may erect
works.

8. *And be it enacted*, That it shall and may be lawful for the said corporation, hereby created, to erect and construct works, edifices, fixtures, and structures along and across any of the roads, highways, streets, and waters within this state, along or across which they shall convey their wire towards the Pennsylvania state line, in the direction of Washington City, and to the New York state line, in the direction of the city of New York, the said works to be so placed as not to interfere with the common use of such roads, highways, streets, and waters; and the said corporation, and all persons by them authorized, appointed, or employed, shall have power and authority to enter into and upon, hold, occupy, build in and upon, and enjoy any lands, for the purpose of locating and constructing the said telegraph lines, and using, repairing, maintaining, and enjoying the same, upon which the same may be located, or which may be necessary or convenient for the location of the same; *provided*, that such compensation, previous thereto, shall be made, secured, or tendered to the owner or owners of the land, as shall be agreed upon between the parties, or in such manner as is herein after mentioned.

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

9. *And be it enacted*, That if the said corporation and the owner or owners of any land through which the said telegraph lines shall pass, cannot agree upon the price or compensation to be paid by the said corporation for such land taken or used, or the damages done thereto, it shall and may be lawful for either party to apply to the circuit court of the county in which such lands lie, by petition, stating the facts in relation thereto; and thereupon it shall be the duty of the said court to appoint three disinterested persons of the proper county, or of any county adjoining, as viewers, and to fix a time, not less than twenty, nor more than thirty days thereafter, for the said viewers to meet on the premises where the damages are alleged to be

sustained, of which time and place ten days' notice shall be given by the party petitioning to the said viewers and to the other party; and the said viewers, when so met, shall be first sworn or affirmed justly and equitably to assess the damages, if any, which may have been or are likely to be sustained by the owner or owners of such land, and shall then view the premises, and justly and equitably assess and estimate the damages which may have been sustained by the owner or owners of such lands through which the said telegraph lines shall pass, and to make out a report of their assessment of damages, signed by the said viewers, and return the same to the court appointing them, at the next term thereof; which report, being confirmed by said court, shall be considered a judgment of the said Court, and collected in like manner as other judgments of the same court are collected, with the costs of the court; *provided*, that if the proper officer of the said company, at any time before application made by either party for the appointment of viewers, in manner herein before directed, shall tender to the owner or owners of said land a sum of money in full compensation for his said damages, said company shall not be liable for costs on any subsequent proceeding, unless such owner of land shall receive a larger sum than the previous tender of said company; *provided however*, that the said judgment shall be subject to reversal upon certiorari or by writ of error, taken by either party, as other judgments in the same court are liable.

10. *And be it enacted*, That if any person or persons shall wilfully or knowingly break, injure, destroy, or interrupt the telegraph lines and communications, or any part thereof, or any work, erection, edifice, structure, or device, or any part thereof, to be erected by the said company in pursuance of this act, he, she, or they shall pay to the said corporation one hundred dollars for said offence, and shall be further liable for all damages which the said corporation may suffer in repairing the injury and from the interruption of their business, to be recovered in an action of trespass; and if any person incurring the penalty aforesaid shall, through insolvency or other cause, be unable or shall fail to pay the penalty or damages aforesaid, and shall a second time commit trespass upon the said lines, or any part thereof as aforesaid, he, she, or they shall be liable, upon conviction thereof, to an imprisonment in the county jail, of not less than one month nor more than six months.

11. *And be it enacted*, That the said corporation shall be bound, on application of any of the officers of this state or of the United States, acting in the event of any war, in-

Penalty for
injuring
works.

Immediate
despatch to
be given to
communications
of public officers.

surrection, riot, or other civil commotion, or resistance of public authority, or in the prevention or punishment of crime, or with the arrest of persons charged or suspected thereof, to give to the communication of such officers immediate despatch; and for transmitting such communications, the company shall charge no higher price than for private communications of the same length.

Dividends.

12. *And be it enacted*, That dividends of the profits of the company shall be declared semi-annually, in the months of January and July in each year; *provided*, that no dividend shall be declared which shall impair the capital stock of said company.

Notice to be given of meetings.

13. *And be it enacted*, That all the meetings of the stockholders shall be held at such time and place, in the state of New Jersey, as the president and directors, or a majority of them, shall determine; and three weeks' notice shall be given of each and every such meeting, in at least one newspaper in Trenton, one in Philadelphia, and one in New York.

14. *And be it enacted*, That this act shall be a public act.

Approved March 7, 1850.

AN ACT to incorporate the Mount Holly and Pemberton Railroad and Transportation Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Job H. Gaskill, Richard Wilkins, Thomas E. Deacon, Charles Earl, Garret H. Polhemus, Richard W. Earl, Samuel W. Budd, John W. C. Evans, Isaac Woolston, William N. Shinn, Matthew McHenry, Aquila S. Ridgway, and such other persons as may hereafter be associated with them, shall be, and are hereby constituted, ordained, and declared to be a body corporate and politic, in fact and in name, by the name of "the Mount Holly and Pemberton Railroad and Transportation Company."

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with liberty to

increase it to one hundred and fifty thousand dollars, which shall be divided into shares of seventy-five dollars each; which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books, and to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, within the county of Burlington, as they, or a majority of them, may think proper, giving twenty days' notice of the same in two of the newspapers published in the county of Burlington; and that, at the time of subscribing, ten per centum shall be paid upon each share subscribed for to the commissioners, or some one of them; and, as soon as one half of the capital stock shall be subscribed, such commissioners shall give like publication for a meeting of the stockholders to choose nine directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said incorporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscriptions, books, and money paid in, deducting a reasonable compensation for their own services, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies may be filled, for the remainder of the year in which they happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of said corporation shall provide.

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 have been made, the said corporation shall not for that cause be deemed to be

Commissioners to open books of subscription.

Corporation not dissolved for failure to elect on day prescribed.

dissolved, but such an election may be held at any other times, on notice as aforesaid; and the directors for the time being shall continue to hold their office until others shall have been chosen in their places.

Instalments,
how paid.

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of said corporation; and they shall have power to call in the remaining capital stock of said company, by such instalments and at such times as they may direct, by giving thirty days' previous notice in two of the papers of the county of Burlington; *provided*, that no such instalment shall exceed five dollars on each share, and that no two instalments shall be required within thirty days of each other; and in case of the nonpayment of said instalments, or any one of them, they shall have power to forfeit such share or shares upon which such default shall arise, to and for the use of the said company.

Company
authorized
to construct
and lay out
road.

6. *And be it enacted*, That the president and directors of the said company be, and are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from some suitable point in the borough of Pemberton to some suitable point in the vicinity of Mount Holly, not exceeding seventy-five feet wide, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter, at all times, upon all lands or water, for the purpose of exploring, surveying, levelling, or laying out the route of such railroad, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of said road, subject to such compensation as is herein after provided; *provided always*, that the payment, or the tender of the payment, of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or in their employ, shall enter upon or break

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

7. *And be it enacted,* That if the said company or its agents cannot agree with the owners of such required lands, for the use or purchase thereof, or if, by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of 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 judges of the inferior court of common pleas of the said county, 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, not residents of the county of Burlington, commissioners to examine and appraise the said lands, and to assess the damages, upon such notice, not less than twenty days, to be given to the persons interested, as shall be directed by the judge making such appointment; and it shall be the duty of said commissioners (having first taken an oath or affirmation, before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, 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, and to make a just and equitable estimate and appraisement of the value of the same, and assessment of damages, which shall be paid by the company for such lands and damages aforesaid; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land and the appointment and oaths and affirmations aforesaid, in the clerk's office of the said county of Burlington, to remain of record therein; which report, or a copy thereof, certified by the clerk of the said county, shall at all times be considered as plenary

Proceedings
in case own-
ers of land
and compa-
ny cannot
agree.

evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the said company, if they shall refuse or neglect 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 either of the judges of the said court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees, and expenses, to the judges of said court, commissioners, clerks, and other persons performing any of the duties prescribed in this section of the act, as he shall think equitable and right, and to order and direct to whom the same shall be paid by the said company.

Parties ag-
grieved may
appeal.

8. *And be it enacted*, That in case the said company, or owner or owners of the said land, shall be dissatisfied with the report of the commissioners named in the preceding section, the party so aggrieved may appeal to the circuit court of the county at the first or second term after the filing of the said report, by proceeding in form of petition to the said court; which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next term of the 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 the damages sustained; and if they shall find a greater sum than the said commissioners shall have awarded in favour of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find the same or a less sum than the company shall have offered, or the said commissioners awarded, then said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by said jury, or execution awarded therefor, as the said court may direct; but such application shall not prevent the company from taking the said land upon the filing of the aforesaid report; *provided*, that the said company shall not take possession of, use, or appropriate, for the purpose of constructing said road, any

lands or real estate whatever, until they shall have paid to the owner or owners thereof, or other person or persons entitled to receive the same, the amount assessed by the commissioners; in case no appeal shall be taken, or in case of an appeal, the amount found by the jury with costs, if any, and in case any person entitled to receive such damages is under any legal disability, or refuses to receive the same, then payment thereof into the court of common pleas of said county shall be deemed good payment; and that the person or persons entitled to receive the amount assessed by the commissioners, upon the same being tendered, may receive the same, without being thereby debarred from his, her, or their appeal.

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 and convenient wagon ways over or under said railroad.

Company to
construct
and repair
bridges.

10. *And be it enacted*, That the president and directors of the said company shall have power to have constructed or to purchase with the funds of the company, and to place on the said railroad, all machinery, engines, cars, wagons, carriages, or vehicles for the transportation of persons, or any species of property, as they may think reasonable, expedient, or right; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons, and every species of property whatsoever thereon, as they may from time to time think reasonable and proper; *provided*, that they shall not charge more than at the rate of five cents per mile for carrying each passenger, nor more than ten cents per ton per mile for the transportation of every species of property on said road, in the carriages of said company, or five cents per ton per mile for property, or three cents per mile for each passenger carried on said road in the carriages of others, and three cents per mile for each empty carriage; and that the road authorized by this act shall be, and is hereby declared a public highway, and free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the said carriages so used thereon shall be of the same description, in the formation of the wheel and length of axle, as those used by the company, and shall be regulated, as to the time

Rates for
passage and
transportation.

of starting and rates of travelling, by the company, in the same manner as the carriages of the company are; and the said railroad and its appendages, and the land over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the company, are hereby vested in the said company and their successors for and during the continuance of their charter; *provided always*, that in case the said company, after the same is completed, shall abandon the said road, or cease to use or keep the same in repair at any time for three successive years, that then and in that case this charter shall be annulled, and the title to the lands over which the said road shall pass shall be re-vested in the person or persons from whom the lands were taken by concession or inquisition as aforesaid; but that the superstructure of the said railroad, and the materials of which the same is composed, shall in such case be deemed and taken to be the personal property of the said company, and shall be, by the said company, removed and disposed of, to and for the use of the said incorporation.

Semi-annual dividends to be made.

11. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividend 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, or their legal representatives, in proportion to the number of shares held by them respectively, as they may deem prudent and proper.

What real estate may be held.

12. *And be it enacted*, That the said company may have and hold real estate, at or near the termination and commencement of the said road, not exceeding three acres at each place, and may erect and build thereon houses, warehouses, and such other buildings and improvements as they may deem expedient for the safety of their property and other necessary uses appertaining to their business.

Penalty for injuring works.

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

Annual statement to be made.

14. *And be it enacted*, That as soon as such railroad, with its appendages, shall be finished so as to be used, the president of the said company shall file, under oath or affir-

mation, a statement of the amount of the cost of said road, including all expenses, in the office of the secretary of state; and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road; and whenever the net proceeds of said road shall amount to six per centum per annum 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 on the first Monday in January of each year; *provided*, that no other tax or impost, for the use of this state, shall be levied or assessed upon the said company.

15. *And be it enacted*, That, at any time after the expiration of thirty-five years from the passage of this act, the legislature of this state may cause an appraisement of said railroad, with the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of the state for the time being and the remaining three by the said 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 refuse or neglect to appoint the said three persons on their part, for two months after their said appointment by the said chief justice, then the said three persons so appointed by him shall proceed to make such appraisement, which shall be binding upon the said company; or in case the said six commissioners shall be appointed as aforesaid, and cannot agree on the seventh man, then, upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man as aforesaid, and they, or a majority of them, shall appraise and report as aforesaid; and thereupon the state shall have the privilege, for two years, of taking said road, upon the payment to the company of the amount of said appraisement within one year after electing to take such road; which report shall be filed in the office of secretary of state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment to the said company of the amount so reported; *provided*, that the said valuation shall in no case exceed the first cost of said road, with the appendages thereof.

State may take road at appraisement.

16. *And be it enacted*, That if the said railroad shall not be commenced within two, and completed and in use in

Time of commencement of road.

five years, from the fourth day of July next ensuing, that then and in that case this act shall be void.

Certain officers to pass free.

17. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court and court of errors of this state, when travelling for the purpose of discharging the duties of their offices, and the members of both houses of the legislature of this state, during its annual or other sessions, may pass and re-pass upon said road, in the cars of the company, free of charge.

Public act.

18. *And be it enacted*, That this act shall be deemed and taken as a public act.

Approved March 7, 1850.

AN ACT to authorize the board of chosen freeholders of the county of Camden to build a bridge over Coopers creek.

Freeholders authorized to build bridge.

1. **BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of the county of Camden are hereby authorized, at any time within five years from the passage of this act, if in their opinion the public convenience requires it, to erect and build a bridge, with or without a draw, in the discretion of the said board, over Coopers creek, in the county of Camden, near the residence of James Fields, to connect a public road, which is now applied for, from the Camden and Ellisburg road to the Camden and Haddonfield turn-pike road.

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

Approved March 7, 1850.

A supplement to the act entitled, "An act respecting conveyances," 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 if the grantor of any deed or conveyance of lands, tenements, or hereditaments, lying or being in this state, heretofore made and executed, and not already acknowledged or proved according to law, or hereafter to be made and executed, and is not acknowledged or proved according to law, and the subscribing witnesses thereto be dead, or of unsound mind, or resident without the United States of America, it shall be lawful to prove such deed or conveyance before the circuit court of the county in which such lands, tenements, or hereditaments are situate, by proving the handwriting of such witnesses to the full satisfaction of said court; which proof shall be certified on or under such deed or conveyance in open court, by the judge holding the same; and such deed or conveyance, so proved and certified, shall be recorded by the clerk of the court of common pleas of the county in which such proof shall be made; and the said deed or conveyance, and the record thereof, shall be received in evidence, and shall have the same force and effect, but none other, as other deeds or conveyances, and the records thereof, when acknowledged or proved by the grantors or witnesses; *provided*, that before any deed or conveyance shall be proved as aforesaid, notice of the application to said circuit court for that purpose, describing the same, and describing the lands, tenements, or hereditaments contained therein, and the time and place of such application, shall be given by advertisements, signed by the person or persons making such application, and set up in five, at least, of the most public places in said county, one of which shall be set up in the city or township in which such lands, tenements, or hereditaments are situate, at least three calendar months before making such application; and also, by a publication, for at least six weeks successively, in some newspaper printed in said county, if any be printed therein, and if not, then in some newspaper circulating therein, and printed in an adjacent county; and due proof of such notice shall be made to the said court, and certified by said judge, in the aforesaid certificate of proof; *and provided also*, that no deed or conveyance shall be proved, as aforesaid, when any objection to the execution thereof shall be made at the time appointed for making such application as aforesaid, or other future time appointed therefor by rule or order of said court, by or in behalf of

Mode of acknowledging deed, &c., when witnesses are dead or non-resident.

any person claiming any legal or equitable interest in the said lands, tenements, or hereditaments.

Original deed may be required on trial.

2. *And be it enacted*, That it shall be lawful for either party, in any cause pending in any court of law or equity in this state, to give the opposite party, his, her, or their attorney or solicitor, notice in writing, at least ten days before the time appointed for the trial or hearing of said cause, that he, she, or they will be required, at such trial or hearing, to produce the original instead of the record of any deed or conveyance of any lands, tenements, or hereditaments, which he, she, or they may think proper to offer or introduce in evidence; and in case of such notice, no record of such deed or conveyance shall be received in evidence until satisfactory proof, by the oath or affirmation of the party offering said record in evidence, or other person or persons, shall be made to the court or officer before whom such record may be offered, that the original hath been lost, or unintentionally destroyed, or that, after having made diligent search and inquiry, such party hath been unable to find said original.

Parts of former acts repealed.

3. *And be it enacted*, That the eighth section of the act to which this is a supplement, and such other parts thereof, and of other acts as may be inconsistent with this act, shall be, and the same are hereby repealed; and that this act shall take effect immediately.

Approved March 7, 1850.

AN ACT to authorize the inhabitants of School District, No. three, in Union township, Camden county, to raise money to build school houses and for the support of public schools.

Inhabitants of district authorized to raise money.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of School District, No. three, in the township of Union, in the county of Camden, included within the following boundaries, viz: beginning at the foot of Market-street; from thence up the Delaware river to the mouth of Newton creek; thence up Newton creek to the Camden and Woodbury railroad; thence by said railroad to where it crosses Market-street; thence down Market-street to Fifth-street; thence down

Fifth-street to Powell-street; thence by Powell-street to King-street; thence up King-street to Market, it being the first above mentioned, shall be, and the same are hereby authorized to raise money for purposes and in the manner herein after prescribed.

2. *And be it enacted*, That the trustees of the said school district shall be six in number, and shall be elected in the manner following: the taxable inhabitants of the said district shall, on the first Monday of April next, elect, by a plurality of votes, six persons who shall constitute the trustees for the said district; and the said trustees shall, at their first meeting, divide themselves by lot into three classes; the office of the trustees of the first class shall be vacated at the expiration of the first year, of the second class at the expiration of the second year, and of the third class at the expiration of the third year, so that yearly, and every year afterwards, on the first Monday of April, two trustees may and shall be elected; and if vacancies happen, by resignation or otherwise, the persons elected to supply such vacancies shall be elected for the unexpired terms only.

Time and mode of election of trustees.

3. *And be it enacted*, That the trustees herein after elected in the said school district, in pursuance of this act, and their successors in office, shall be, and are hereby constituted a body politic and corporate, by the name of "the Trustees of the Third School District of the township of Union;" and the said trustees may, in their corporate name aforesaid, purchase and hold such real estate as may be necessary for the purpose of public school houses, not exceeding two acres, and may, with the consent of a majority of the legal voters of said school district, sell, exchange, or mortgage the same, as may be most for the benefit of said public school; and may, from time to time, apply the money in the hands of the town superintendent, apportioned to said district, for the erection of suitable school houses, and for the support of public schools therein.

Trustees incorporated.

4. *And be it enacted*, That the said trustees may employ one or more suitable teachers, and may, at their discretion, extend the benefit of the schools under their direction to children under the age of five, and over the age of sixteen years, under such regulations as they may prescribe; *provided*, that none but children between the ages of five and sixteen shall be reported to the town superintendent, so as to affect the apportionment of money for said district; and the said trustees may, from time to time, make such regulations for the government of the said schools, not inconsistent with the existing laws of this state, as they shall deem expedient.

Trustees may employ teachers.

Amount of money to be raised.

5. *And be it enacted*, That the legal voters of the said school district shall, on the first Monday of April as aforesaid, when met for the election of trustees, ascertain, by a plurality of votes, how much money shall be raised by taxation within the said district for school purposes; *provided*, that such amount shall in no case exceed the sum of two thousand dollars annually; and it shall be the duty of the school trustees, elected as aforesaid, or a majority of them, to certify to the assessor of the township of Union the sum voted by the said district to be raised; and the said assessors shall assess, on the estates of the inhabitants of the said school district, and on all lands liable to be taxed therein, in the same manner as township taxes are assessed, all moneys voted to be raised by the legal voters of said school district for the purposes aforesaid, which said assessments shall be levied and collected in the same manner that other township taxes are levied and collected.

Collector to pay over money received to superintendent.

6. *And be it enacted*, That it shall be the duty of the township collector of Union to pay the tax money, which he shall have received under the direction of this act, to the town superintendent of public schools for the said township, by the first day of February next ensuing; and in case of failure shall be liable to prosecution, in the same manner as provided in the twenty-fifth section of the act entitled, "An act concerning taxes;" and for the money so paid, the said superintendent shall give a receipt, which shall be a sufficient voucher to exonerate and discharge the said township collector to the amount therein named.

Orders to be drawn for money.

7. *And be it enacted*, That the said town superintendent shall pay over no money so placed in his hands, except upon the written order of the said trustees, or a majority of them, which order shall state the purpose for which it is given, and be made payable to the order of the person entitled to receive the money.

Collector and superintendent to give bond.

8. *And be it enacted*, That the said township collector and the said town superintendent shall, each of them, before entering upon the duties assigned them by this act, give bonds to the trustees of said school district, in their corporate name, with such sureties and in such sums as the said trustees shall direct, conditioned for the faithful performance of all the duties herein required.

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

Approved March 7, 1850.

AN ACT to authorize the inhabitants of the township of Hopewell, in the county of Mercer, 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 Hopewell, in the county of Mercer, are hereby authorized and required to elect by ballot, and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are or may be fixed by law, that is: a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highways, three commissioners of appeal, two overseers of the poor, one pound keeper, a township committee consisting of five persons, a town superintendent of public schools, as many justices of the peace as the inhabitants of the said township may be constitutionally entitled to elect, and two constables; and shall also, upon the same ballot, vote for the amount of money to be raised for the support of the poor, for school purposes, for the repair of the roads, the amount of dog tax, and for the places of holding the next annual town meeting and the election of state and county officers.

Officers to be elected by ballot.

2. *And be it enacted*, That hereafter the overseers of the highways of the several road districts in the township of Hopewell, in the county of Mercer, shall be elected by the legal voters of the several road districts, as they may be arranged from time to time by the township committee; and, for the purpose of carrying this provision into effect, it shall be the duty of the township committee to give public notice, as shall hereafter be directed in the third section of this act, which shall be within six days after the next annual town meeting, and of the place, which shall be some convenient place in the district, when and where the legal voters of the township, residing in such district, shall assemble for the purpose of such election; and at which time and place such legal voters, so assembled, having been called to order by any legal voter of the district, shall proceed viva voce, by the holding up of hands, or by count, to elect a moderator of such meeting by plurality of votes; and being so organized, the meeting shall proceed, as in the election of moderator, to elect an overseer of the highway for the district, being a resident in said district; the moderator of each district meeting shall, at their first meeting after such election, notify the township committee, in writing, of the election of such overseer; in case of the failure of any dis-

Overseers of the highways, how elected.

trict to elect an overseer, or of the person so elected to accept the appointment, the township committee shall fill such vacancy; the overseers of the highways shall account to and settle with the township committee, as required to do by law.

First district
road meet-
ings.

3. *And be it enacted*, That it shall be the duty of the township committee, as is required by the second section of this act, to give notice of the time and place of holding the first district road meetings under this act, and shall cause notice thereof to be posted up in some conspicuous place in such district, at least five days before the time of holding such meeting.

Subsequent
meetings.

4. *And be it enacted*, That all subsequent district road meetings shall be called by the overseers of the respective districts, upon notice posted up in some conspicuous place in such road district, at least ten days before the time of holding such meeting; and all subsequent district road meetings shall be held on the Saturday preceding the annual town meetings; and should the overseer of any district fail to call such meeting, or the individual elected refuse to accept said appointment, or in case of vacancy arising from any other cause, the township committee shall fill such vacancy.

Judges and
clerk of elec-
tion.

5. *And be it enacted*, That the judges of election, elected at the last, or any future town meeting, shall preside at and conduct the election at the next ensuing annual town meeting, and the clerk of the said township shall be the clerk thereof.

Elections,
how conduc-
ted.

6. *And be it enacted*, That the election shall open at nine o'clock in the morning, and close at four o'clock in the evening 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 on the judge of election and the clerk as are to be performed by the board of election and the clerk in other elections; they shall take the same oath or affirmation, as far as may be applicable, be invested with the same powers, and be liable to the same penalties, the same qualifications for voters shall be required, and the result ascertained in the same manner, and stated according to law.

Vacancies,
how suppli-
ed.

7. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officer, or to fix the place of holding the town meeting or the state and county election, or to determine an amount of money to be raised or specified; and in case there shall be a neglect or failure to elect any

officer by the town meeting, or to fix the place of holding the next town meeting or state and county elections, or in case of the refusal of any person elected to accept the appointment, or if a vacancy occurs from any other cause, or in case two or more persons have an equal number of votes for the same office, the township committee shall, at their next meeting thereafter, fill such vacancy, determine upon such place, elect between those having an equal number of votes, and determine the amount or sum to be raised or specified, unless they shall deem a special town meeting for these purposes advisable.

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

9. *And be it enacted*, That the reports of the township committee, the overseers of the poor, and the town superintendent of public schools, shall be filed and preserved by the township committee; in posting up the list of officers elected as required by law, the clerk shall add thereto the result of the election in other particulars; the first election under this act shall be held at the place appointed at the last town meeting, and all special town meetings at the place of holding the last preceding annual town meeting; the same ballot box shall be used at the town meeting, and provided by the clerk, which is used at the state and county elections; the judge of the election and clerk shall receive the same compensation for attending any town meeting as for attending a state or county election; and the township committee may allow the clerk such compensation for the additional duties required by this act as they may deem reasonable. Place of holding elections and town meetings.

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

Approved March 7, 1850.

Supplement to act entitled, "An act to authorize the establishment, and to prescribe the duties of companies for manufacturing and other purposes," approved the second day of March, eighteen hundred and forty-nine.

Time of notice.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the notice required to be given by the twenty-fourth section of the act to which this is a supplement, shall be given on or before the first day of April annually, any thing in said section to the contrary notwithstanding.

How companies may organize.

2. *And be it enacted*, That any company formed under and pursuant to an act entitled, "An act to authorize the establishment and to prescribe the duties of manufacturing companies," approved the twenty-fifth day of February, eighteen hundred and forty-six, may come under and be subject to the provisions and liabilities of the act to which this is a supplement, in the same manner as if formed under said last mentioned act, if such company make a certificate, under the hands of the president and directors of the company, that the said company desires to come under the provisions and liabilities of said last mentioned act; which certificate shall be acknowledged, recorded, and filed in the same manner as the certificate required by the first section of said act; and such company, on the recording and filing of said certificate as aforesaid, shall be free from the liabilities and provisions of the said act under which said company was formed; *provided*, that nothing in this section contained shall be held to affect any transaction, liabilities, or debts of any such company heretofore done, accrued, or contracted.

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

Approved March 7, 1850.

A supplement to the act entitled, "An act concerning wills."

Wills, how executed.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all last wills and testaments of persons dying after this act shall take effect shall

be in writing, and shall be signed, or acknowledged to have been signed, by the testator, and declared to be his or her last will, in the presence of at least two credible witnesses present at the same time, who shall subscribe their names thereto as witnesses in the presence of the testator; and no will or testament of personal estate, made after this act shall take effect, by a person within the age of twenty-one years, shall be good or effectual in law.

2. *And be it enacted*, That every will shall be construed, ^{How construed.} with reference to the real and personal estate comprised in it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention shall appear by the will.

3. *And be it enacted*, That nothing in this act contained ^{Nuncupative wills.} shall be held to change or affect the existing law relative to nuncupative wills.

Approved March 7, 1850.

A supplement to the act entitled, "An act to prevent, in certain cases, the abatement of suits and reversal of judgments."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*; That no action of ejectment brought, or to be brought, in any court of competent jurisdiction, shall abate, or be considered as having abated, by the death of one of several defendants, or by the death of any sole defendant, after issue joined and before verdict or judgment; but upon the death of one of several defendants, the action shall proceed against the surviving defendants; and upon the death of any sole defendant, the action shall proceed against the heirs or devisees of any such deceased defendant holding or claiming the premises in controversy, either by descent or devise. ^{Action not to abate on death of defendant.}

2. *And be it enacted*, That upon the death of the said defendant being suggested of record, a summons shall issue returnable to the next term of the court, directed to the said heirs or devisees, and to be served six days before its return, requiring them to appear and cause themselves to be made parties to said action, instead of the deceased defendant; and if such heirs or devisees, after having been sum- ^{Summons to appear to be issued to heirs.}

moned as aforesaid, neglect or refuse to appear and become a party to such action, the court shall cause the appearance of such heirs or devisees to be entered, and the action shall thereafter be proceeded in and tried; and the action shall be rendered, and the same proceedings thereupon to obtain possession of the demised premises shall be had, as if such action had been originally brought against such heirs or devisees.

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

Approved March 7, 1850.

AN ACT to repeal all that part of an act which authorizes the inhabitants of the township of Chester, in the county of Morris, and the townships of Hope and Knowlton, in the county of Warren, to vote by ballot, approved March fourteenth, eighteen hundred and forty-six.

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of an act entitled, "An act to authorize the inhabitants of the townships of Bedminster and Warren, in the county of Somerset; and of the townships of Randolph, Chester, and Rockaway, in the county of Morris; and of the township of West Windsor, in the county of Mercer; and of the township of Washington, in the county of Bergen; and of the townships of Hope, Hardwick, and Knowlton, in the county of Warren; and of the townships of Dover and Millstone, in the county of Monmouth, to vote by ballot at their town meetings," approved March fourteenth, eighteen hundred and forty-six, which relates to the said township of Chester, in the county of Morris, and the townships of Hope and Knowlton, in the county of Warren, be, and the same is hereby repealed.

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

Approved March 7, 1850.

AN ACT to change the name of the Second Baptist Church of Middletown, in the county of Monmouth, to that of the Holmdell Baptist Church.

BE IT ENACTED *by the Senate and General Assembly* Name of church changed. of the State of New Jersey, That the name of the Second Baptist Church of Middletown, in the county of Monmouth, be changed to that of "the Holmdel Baptist Church."

Approved March 7, 1850.

A supplement to the act entitled, "An act to regulate fees," approved April fifteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly* Fees of criers of court. of the State of New Jersey, That for every day's actual service in the courts of the counties of Essex and Hudson, during the regular terms of said courts, where such service is requisite and usual according to the law and practice of this state, the crier of said courts shall be entitled to receive, in addition to the fees allowed by law, seventy-five cents; which sum shall be paid to him by the county collector for said county, out of the moneys in his hands, quarterly, on the rising of said courts.

2. *And be it enacted,* That the said crier, before receiving said compensation, shall be required to present to said county collector a certificate in writing, under the hand of the clerk of said county, which it is hereby made the duty of such clerk to give, stating the number of days upon which such actual service was rendered; which certificate, together with the receipt of such crier for said compensation, shall be the voucher of said county collector for the said payment. Certificate to be produced to collector.

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

Approved March 7, 1850.

AN ACT to incorporate the Grand and Subordinate Divisions of the Order of the Sons of Temperance of the State of New Jersey.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William N. Searles, Jacob S. Yard, Henry B. Howell, jun., Benjamin F. Yard, James H. Smith, and Thomas Macpherson, and their associates, members of the Grand Division of the Order of the Sons of Temperance of the State of New Jersey, and the subordinate divisions under its jurisdiction, and the several persons who now are or shall hereafter become members, respectively, of said Grand Division, or the subordinate divisions under its jurisdiction, shall be, and they are hereby declared to be bodies politic and corporate, in name and in deed, the Grand Division by the name and style of "the Grand Division of the Order of the Sons of Temperance of the State of New Jersey," and the subordinate divisions by their respective names and numbers.

Objects of incorporation.

2. *And be it enacted*, That the sole and exclusive object of the corporations formed under this act shall be, the relief or support of such of the members thereof, as shall by sickness, casualty, or other cause, be rendered incapable of attending to their usual occupation or calling, as well as to discourage intemperance, and also to assist in the decent interment of deceased members, and other charitable purposes as may be provided for in the constitution and by-laws of such incorporations.

Amount of property to be held.

3. *And be it enacted*, That said Grand Division shall be capable of acquiring and holding property not to exceed in value fifty thousand dollars, and the subordinate divisions shall, respectively, be capable of acquiring and holding property not to exceed ten thousand dollars.

Trustees, how appointed.

4. *And be it enacted*, That all property that may accrue to said subordinate divisions under the provisions of this act, shall be vested in three trustees, who shall be elected by ballot by a majority of the members of each subordinate division (holding property as aforesaid) present at their first meeting in October annually, and shall be held by them and their successors, in trust for the use of said subordinate divisions, under such regulations as said subordinate divisions may determine.

Disposition of property of divisions that have dissolved.

5. *And be it enacted*, That upon the dissolution, from any cause, of any subordinate division, the property held by it at the time of said dissolution shall be disposed of,

sold, and conveyed, in such manner as a majority of the members present at any meeting when said dissolution shall have been determined upon may direct.

6. *And be it enacted*, That whenever any such subordinate division shall desire to avail themselves of the provisions of this act, the said division shall, after having adopted a name of incorporation, and number thereof, cause a certificate thereof, together with the place of location of said subordinate division, to be signed by their chief or presiding officer and their recording scribe or secretary, and cause the same to be recorded in the clerk's office of the county in which said subordinate division shall be located; and until such certificate shall be made and recorded, no such subordinate division shall be deemed to be incorporated; and that the clerk of the county shall receive for recording such certificate twenty-five cents.

Mode of organizing under the provisions of this act.

Approved March 7, 1850.

AN ACT to provide additional compensation to the judges of the inferior courts of common pleas in this state.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the judges of the inferior courts of common pleas, in the several counties in this state, in addition to their fees now allowed by law, shall hereafter receive a per diem allowance of one dollar and fifty cents for every day they shall actually attend, in the discharge of their duties, at any stated or special term of the courts holden in their respective counties; which fees the collector of the county is hereby authorized and required to pay, upon a certificate of the clerk and surrogate of the county of the number of days they shall so attend, and of the amount due for such allowance; *provided*, that no judge shall receive, by virtue of this act, more than fifty dollars in any one year.

Compensation to judges

Proviso.

Approved March 7, 1850.

AN ACT for erecting the town of Fieldsborough, in the county of Burlington, into a borough.

Preamble. WHEREAS the inhabitants of the town of Fieldsborough have represented, by their petition, that for the removal and prevention of nuisances, annoyances, and inconveniences, and for other purposes advantageous to the good order and prosperity of the same, they are desirous that it should be erected into a borough—therefore,

Boundaries of borough.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That all that part of the township of Mansfield, in the county of Burlington, which is included in the limits and boundaries herein after mentioned, that is to say: beginning at a stone in the river Delaware directly opposite the line of land of Isaac Field, junior, and James S. Spencer; thence running across the line of the Camden and Amboy railroad to a stone, corner to lands of said Field and Spencer; thence up the brow of the hill along the line of their said lands southwardly, until the same intersects the road leading from Bordentown to Burlington; thence across said public road a southwardly course along line of lands of said Field and Jacob Rainear, to a corner of their land; thence an eastwardly course along line of said Spencer, formerly William Dougherty's, until the same intersects the public road leading from Whitehill to Mansfield Square; thence across said road a straight line until the same intersects the road leading from Whitehill to Foster's mill; thence up said road to a point of land of Commodore Charles Stewart; thence a northwardly course along the line of land of said Stewart to the river Delaware; thence down said river Delaware, the several courses thereof, to the beginning, shall be, and the same is hereby incorporated into a borough, to be called Fieldsborough.

Officers of borough.

2. *And be it enacted*, That, for the better ordering and governing of the said borough, there shall henceforth be in the said borough one chief burgess and two assistant burgesses, and one borough clerk, all of whom shall be residents within said borough; which said burgesses and inhabitants, and their successors hereafter, shall be one body corporate and politic, in deed, fact, name, and law, by the name, style, and title of "the Burgesses and Inhabitants of Fieldsborough, in the county of Burlington."

Time and mode of annual election of officers.

3. *And be it enacted*. That an election by ballot shall be held on the second Tuesday of April next, and on the second Tuesday of April every year thereafter, at such place

as a majority of the voters of said borough shall direct, of which place the borough clerk shall give five days' notice in writing in three of the most public places in said borough; at which election one chief burgess, two assistant burgesses, one borough clerk, one treasurer, one high constable, one judge of election, three commissioners of appeal, one harbour master, and one pound keeper shall be annually chosen and elected in said borough, from among the citizens residing therein and entitled to vote at such election; at which election the judge of election shall be the judge and inspector thereof; the poll of such election shall be opened at ten o'clock in the forenoon, and closed at four o'clock in the afternoon; and that all persons who by law are or may be qualified to vote at elections in this state, shall be entitled to vote at such election; the name of each elector shall be written in a poll list by the borough clerk; after the poll shall be closed, the said judge shall count the votes given to the several candidates, and certify the result under his hand and seal, and deliver such certificate to the borough clerk, who shall file and record the same in the borough book to be by him kept; and the persons having the greatest number of votes shall be deemed to be elected to the offices for which they shall be voted for respectively, who shall hold their offices for one year and until others are elected in their stead and sworn into office, except that the first election to be held under this act, on the second Tuesday in April next, shall be held at the house of Nathaniel Warner, within said borough, at the time aforesaid, by such persons as a majority of the voters then present shall choose and appoint; and the persons so chosen shall in all respects be governed by the requirements herein before prescribed.

4. *And be it enacted*, That in each and every year here-^{Time of hold-}after there shall be held, immediately after the judge of ^{ing town} election shall have counted the votes given at such an elec- ^{meeting.}tion, and certified the same as aforesaid, a town meeting of the voters of said borough; at which town meeting the said judge of election shall act as moderator; and at which meeting it shall and may be lawful for the voters of said borough to vote such sum or sums of money as they may think necessary to be raised by taxation for the use and improvement of said borough, to be assessed and collected as is herein after directed; and at which meeting a majority of such voters may resolve and pass such ordinances, rules, and regulations, for the peace, good order, and prosperity of said borough, as they shall deem expedient, not repugnant to the constitution and laws of this state or the United States, and the same to repeal, alter, and make anew, as

occasion may require; which ordinances, rules, and regulations, so made as aforesaid, shall be entered and recorded in the book of record of the said corporation by the borough clerk.

Powers and
duties of
chiefburgess

5. *And be it enacted*, That the chief burgess of said borough for the time being shall have all the powers and authorities of a justice of the peace of the state of New Jersey; he, together with the assistant burgesses, shall take cognizance of all fines, forfeitures, and penalties to be laid by the laws or ordinances of said borough; he shall have power to cause any or all persons to be brought before him who may be charged with violating the public peace or for a breach of any of the ordinances of said borough; he shall have power to impose fines and penalties upon all persons so offending; and to cause them to be imprisoned in the borough or any other jail in the county; it shall be his duty, together with said assistant burgesses, to see that all ordinances enacted are duly enforced, and that all nuisances and encroachments in the lanes, streets, alleys, and highways within said borough are removed.

Officers to
take oath.

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

Powers and
duties of high
constable.

7. *And be it enacted*, That it shall be the duty of the high constable of said borough, so as aforesaid elected in said borough, to preserve and maintain at all times the peace and quiet of said borough; to arrest and imprison all offenders against the ordinances of said borough and the laws of this state, and to perform such other duties as the burgesses of said borough may from time to time prescribe; and the said high constable, hereafter elected by virtue of this act, shall have the same power and authority, and be authorized to perform the same duties, in all respects, in civil as well as criminal cases, and be entitled to receive the same fees and compensation, as if he had been lawfully elected to the office of constable at an annual town meeting of the inhabitants of the township of Mansfield, in the county of Burlington, and had taken the oath or affirma-

tion, or given the security required by law; *provided always*, that before any such constable shall proceed to exercise the powers conferred upon him by this act, he shall take and subscribe such oath or affirmation for the due execution of his office, and enter into such bond, with sureties, to be approved by the burgesses of said borough, as he would be by law required to take and enter into if he had been elected to the office of constable at an annual town meeting of the inhabitants of the said township of Mansfield, before he proceeds to the execution of the duties of his office; which bond, to be given as aforesaid by said constable, shall be recorded and filed by the borough clerk of said borough in his office; and the burgesses of said borough are hereby required, if need be, to prosecute the said bond for or in behalf and to the use of all and every person or persons whatsoever who may have sustained loss by the neglect or misconduct of said constable in executing the duties of his said office; and that suits or actions on said bond shall and may be brought and prosecuted in the manner prescribed by the third section of the act entitled, "An act respecting constables," approved April sixteenth, in the year of our Lord one thousand eight hundred and forty-six.

8. *And be it enacted*, That the clerk of said borough shall keep, file, and, when necessary, record all official papers; he shall keep accurate minutes of all town meetings, give lawful notice of all elections, record all ordinances in a proper book, and duly certify the same, and shall receive such compensation therefor as a majority of the voters shall, at an annual town meeting, fix and determine. Duties of borough clerk.

9. *And be it enacted*, That the treasurer of said borough shall receive and pay out all moneys belonging to said borough, under the direction and upon the written order of the chief burgess of said borough; he shall, at least five days previous to every annual election, make out and set up, in two of the most public places of said borough, a full and true account of all moneys received and paid out by him, and shall file a copy thereof with the borough clerk, and shall receive such compensation therefor as a majority of the voters of said borough shall, at an annual town meeting, fix and determine. Duties of treasurer.

10. *And be it enacted*, That whenever the voters of said borough shall, at an annual town meeting, direct any sum or sums of money to be raised by taxation, the same shall be assessed by an assessor, to be appointed under the hands and seals of the burgesses of said borough, in the Taxes, how raised.

manner, and at the same rates and proportions, in which the township taxes are rated and assessed, and shall be collected by a collector, to be appointed as aforesaid by said burgesses, and by the high constable, in the same manner as township taxes are now collected.

Tavern licenses.

11. *And be it enacted*, That the said burgesses, or a majority of them, shall have the sole, only, and exclusive right and power of granting licenses annually, under the common seal of said borough, to all and every inn and tavern keeper residing within said borough, subject to the same provisions, and in like manner as the same may be lawfully done by the courts of common pleas of this state; and the amount assessed and paid in granting such licenses, shall be paid to the borough treasurer, for the use of said borough.

Special elections, how called.

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

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

Approved March 7, 1850.

AN ACT to protect fish in the Swartwout pond, in the county of Sussex.

Penalty for violation of act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person or persons shall be permitted to catch, kill, or otherwise destroy, any fish in Swartwout pond, in the county of Sussex, in this state, between the first day of November and the first day of May next thereafter, in each and every year, under a penalty of

ten dollars for each and every offence, to be sued for in an action of debt in any court of competent jurisdiction, and recovered, with costs of suit, by any person who will sue for the same, the one half thereof for his own use, and the other half for the use of the poor of the township in which such offence shall be committed.

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

Approved March 7, 1850.

Supplement to an act entitled, "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person entitled to the right of suffrage under the constitution, who shall have resided five months in the county next preceding such town meeting, and who actually resides in the township where he claims a vote, shall be entitled to vote at such meeting, and no other person. Who are entitled to vote.

2. *And be it enacted*, That so much of the fifth section of the act to which this is a supplement, as conflicts with the provisions of this act, 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 7, 1850.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act to establish state banks in New Jersey," passed January Charter extended.

twenty-eighth, in the year of our Lord one thousand eight hundred and twelve, with the several supplements thereto, be, and the same are hereby continued and extended, so far as regards "the President, Directors, and Company of the State Bank at Newark," for and during the term of twenty years from the first Monday in February, in the year of our Lord one thousand eight hundred and fifty-three, on which last mentioned day and year this act shall take effect.

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

Approved March 7, 1850.

AN ACT to provide for draining a certain tract of lowland in the county of Bergen, called the Riser.

Boundaries
of tract.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the lowland and swamp lying south of the village of Hackensack, in the county of Bergen, known by the name of the Riser, situate in the townships of New Barbadoes and Lodi, and included between the Paterson turnpike on the north, the Pollifly road on the west, the county line on the south, and the salt meadow, the Hackensack river, and the Bergen turnpike on the east, as lies below the edge of the upland, and as shall be designated and marked out by the commissioners, as herein after provided, shall constitute "the Riser drainage tract," and shall be subject to the provisions of this act.

Commissioners to examine tract.

2. *And be it enacted*, That Garret G. Ackerson, David R. Doremus, and Garret Oldis shall be commissioners, whose duty it shall be to examine said tract and to adjudge and determine what part of the lowlands lying within the above boundaries, limited by the edge of the upland, and not including any salt meadow, will be benefited by the drainage provided for by this act; and cause the same to be surveyed and marked with proper monuments along the boundaries of the same; and to cause a map to be made, and a certificate, under their hands and seals, of their adjudication, containing a recital of the courses and distances of the outside boundary, with reference to the monuments;

that said commissioners, before they enter on the duties of their appointment, shall take and subscribe an oath faithfully and impartially to perform the duties required of them by this act; and shall cause their oath and said map, duly certified by them, to be "the map of the boundaries of the Riser drainage tract," as determined by them; and said certificate of their adjudication to be recorded in the office of the clerk of the county of Bergen; and said clerk is required to record said oath, certificate, and map in the books of records of deeds for said county, and to endorse a certificate of such recording on each of said papers.

3. *And be it enacted*, That it shall be the duty of said commissioners to determine in what manner and direction said tract shall be drained, and to lay out such main and lateral canals and ditches as they may think necessary for the general drainage of the whole tract, and as ought to be assessed upon the whole tract; and to determine the dimensions and level of each, and to fix such sluices and water gates, of such construction and at such places as they may judge most beneficial; and to lay out and direct the whole drainage of the tract, with power to lay out canals, ditches, and sluices over lands adjacent to said tract, where and so far as they may deem the same to be necessary for the proper drainage of said tract; and in such case to determine the amount of damage or injury done to the owners of said adjacent lands by the laying out, digging, and maintaining said canals, ditches, and sluices over said lands; and that when said sum shall be paid or tendered by the managers of said drainage tract to the owner of said lands, or his proportioned part to the owner of each undivided share therein, the said managers and their successors may for ever after make, keep, and maintain such canals, sluices, ditches, and works, and to do all other acts necessary for the same.

Commissioners to lay out ditches, &c.

4. *And be it enacted*, That said commissioners shall, after said certificate and map are made and recorded, give notice by printed advertisements, signed with their names, and put up in fifteen public places in said county of Bergen, and advertised once a week in two public newspapers of this state, published nearest to the village of Hackensack, for two calendar months next before the day therein appointed, that they will meet on a certain day and place therein named, in the village of Hackensack, for the purpose of settling the boundaries of the lots or tracts within said drainage tract, held by different owners; at which time and place, and at such other times and places to which they shall from time to time adjourn, said commissioners shall

Notice to be given of meeting for settlement of boundaries.

meet and proceed to ascertain the boundaries of each tract separately held within such drainage tract; and for that purpose they shall have power to swear and examine witnesses, and by subpoena, issued under their hands, or the hands of any one of them, to cause to come before them any person, and with such documents, maps, and papers as they may judge proper for that purpose; and any person neglecting to obey such subpoena, if served with lawful fees five days before the day for attendance, shall forfeit and pay twenty dollars, to be recovered, with costs, in an action of debt, by any person suing for the same.

Map and field
book to be
filed.

5. *And be it enacted*, That said commissioners shall cause the lines of the separate tracts in said drainage tract, held by different owners, as nearly as they can ascertain the same, to be run out, and a map of the tract to be made, in which each tract or lot separately held shall be laid out and numbered, and a field book, with the courses and lines and contents of each tract briefly set out in figures, with the usual abbreviations, and with the number of the lot and name of the owner or owners prefixed to the description of each lot; and a duplicate of said map and field book shall be filed in the office of the clerk of the county of Bergen; each of which maps and field books shall be certified by said commissioners, under their hands, to be the assessment map and field book of said tract; and all assessments made by said commissioners and others under this act shall be made by said map, and on the lots by the numbers and description therein designated; *provided*, that said ascertainment of their lines shall be of no effect as between adjoining owners.

Manner of
laying out
ditches.

6. *And be it enacted*, That said commissioners shall lay out said ditches, when the same can in their judgment be so done without disadvantage, along the boundary lines of the different tracts; and whenever the width of any general ditch or drain shall occupy more than six feet on any separate tract, then said commissioners shall fix a value on said land so occupied, according to the actual selling value of said land before the passage of this act, which shall be paid by the managers to the owner of said tract, by deducting the same from assessments made on his other lands; and if the same shall exceed such assessments, by payment or tender of such excess to him, upon which payment or tender said land so paid for shall be the property of the company; and said commissioners shall certify, in writing under their hands, the laying out of all ditches, drains, and sluices, with their assessments of damages and value, herein before directed to be made by them.

7. *And be it enacted*, That the said commissioners shall ascertain the amount of expenses incurred for and under this act, and of all the duties performed by them under this act, and of the damages and value by them assessed to owners of land, and shall estimate the expense of completing the drainage on the plan laid out by them, and shall assess the whole amount thereof among and upon the tracts in the assessment map by the acre, in proportion to the benefit which each, in their judgment, shall derive from such drainage; and the proportion of the assessment so fixed shall guide all future general assessments on said lots, or any parts of the same, when subdivided for the purposes of this act. Expenses,
how paid.

8. *And be it enacted*, That as soon as said survey and map and assessment shall be completed, said commissioners shall make an abstract of said assessment, which shall contain—first, the number of each tract as marked on the assessment map; secondly, opposite the same the name of the person or persons designated by them as the owner or owners thereof; thirdly, the number of acres in said tract; and fourthly, the amount of assessment on said tract; which abstract shall be signed by said commissioners, and a written or printed copy of said abstract, with a notice annexed, signed with the names of said commissioners, giving notice that at such time and place, as shall be by them designated, an election will be held for managers of said drainage tract, shall be put up at five public places in each of the townships of Lodi and New Barbadoes for fifteen days before the time appointed for such election, at which time and place said commissioners, or one of them, shall attend to hold such election; and each person designated on said assessment map as the owner of a tract (or the joint owners of any undivided tract together) may vote by ballot for five managers of said tract, each ballot to be counted for as many votes as such owner may, by said map, hold integral acres; that said commissioner or commissioners shall certify, under his or their hands, the result of said election, and that the five persons who received the greatest number of votes were elected managers, which five persons shall thereupon be the managers of said tract until the first day of January then next and until others are elected in their stead. First elec-
tion of ma-
nagers.

9. *And be it enacted*, That said managers shall have power to fill any vacancy in their own number, and shall choose from among themselves one director, one clerk, and one treasurer, who shall retain their offices until new mana- Vacancies,
how filled.

gers are elected, unless sooner removed by a vote of the majority of all the managers.

Annual election of managers.

10. *And be it enacted,* That after said first election, the election of such managers shall take place on the last Tuesday in December in each year, at two o'clock in the afternoon, to close at four o'clock in the afternoon, at such time and place as the director may appoint, by notice under his hand put up at three public places in the village of Hackensack for four weeks before such election, and in default of such notice, at the place of the election next preceding; and such election shall be held by the clerk, or in his absence by the managers, or any of them present at the hour of opening the same; such election shall be by ballot, to be delivered in person or by proxy, signed by the voter; and each ballot shall be counted for as many votes as the voter shall own integral acres in said tract.

11. *And be it enacted,* That within thirty days after such first election of managers, the assessments so made by the commissioners shall be paid to the treasurer; and if any such assessment shall not be paid within that time, and if any other assessment, authorized by this act, shall not be paid at the time when the same shall be made payable, said treasurer shall give notice, by public advertisement put up in three public places in each of said townships of New Barbadoes and Lodi, for sixty days before the day of sale, that at the time and place therein mentioned the lots on which such unpaid assessments were made will be sold for the same at public auction; and said lots shall be described in said notice in the same manner as directed in the assessment abstract above mentioned; said treasurer shall also give written notice to the owner or owners of the lots on which such assessments are unpaid, of the time and place of such sale, at least ten days previous to the sale as advertised.

Lots may be sold for payment of assessments.

12. *And be it enacted,* That at such time and place, between the hours of one and five in the afternoon, said treasurer shall offer for sale, and sell at public auction, each of said lots on which such assessment has not been paid; and that any person, by paying the assessment on said lot, or any designated portion of it which he may claim, with ten per cent. interest from the time when due, and the costs incurred on the same, may except such tract or such portion of it from sale, and the residue only shall be sold; and said treasurer shall execute and deliver to each purchaser a deed for the tract so sold to him, which shall convey said lot to such purchaser in fee simple, and the residue of the pur-

chase money above such assessment, and interest thereon at ten per cent. from the time when due, the costs of sale, shall be paid by said treasurer to the lawful owner of said lands.

13. *And be it enacted,* That besides such general ditches and drains, said commissioners may lay out particular ditches and drains, which may be of local advantage only; and they shall prescribe the size, level, and course thereof, and shall assess the expense of making the same upon the particular tracts benefited by the same, in proportion to the benefit derived by each; and that, after the election of managers, the directors may at any time, on the written request of parties interested, call upon four of the chosen freeholders of the county of Bergen, not of the townships of New Barbadoes or Lodi, and not interested in the matter, to lay out such particular ditches and drains, and to assess the expenses thereof, which freeholders shall have the same power and discharge the same duties as are herein conferred on said commissioners in this section; and said commissioners and freeholders shall make return in writing, under their hands, of the courses, size, and level of such ditches or drains, and of the assessment of the expenses, and of the time when the same shall be paid; which return shall be filed by the clerk, and shall be entered by him in the book of minutes of said managers.

Commissioners to prescribe size of ditches.

14. *And be it enacted,* That it shall be the duty of the managers to contract for and superintend the construction of the drains, ditches, sluices, and other works laid out by the commissioners and freeholders, and to direct all expenditures of money which shall be paid out by the treasurer on the written order of the director, to assess from time to time all expenses incurred for completing, repairing, and keeping in order the general ditches and drains and works laid out by the commissioners, according to the general assessment abstract, and for completing and keeping open the particular ditches and drains, according to the ratio fixed by the return laying out the same; all such assessments to be payable at such times as the managers may direct, and shall be entered in their book of minutes, and signed by a majority of the managers for the time being; and said managers shall give notice of such assessments in the form prescribed for the abstract of assessments, by advertisements under the hands of their treasurer, put up in three public places in each of the aforesaid townships for thirty days before the first payment therein directed becomes due.

Notice of assessments to be given.

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

Clerk to
keep book of
minutes.

clerk of said managers to procure a good well bound book for the book of minutes of said managers, in which he shall record the oaths of said commissioners, the certificate made by them of the boundaries of the tract, the field book of their assessment survey, and all certificates of laying out ditches, drains, and sluices, and the assessments therefor; also the original general assessment abstract, and all general and particular assessments made by the managers, and all acts and proceedings of managers, and elections of managers and other officers; and such book, so kept, shall be received in all courts of this state as evidence of all matters in this act directed to be entered therein, when proved to be such book of minutes.

Time of
meeting of
commission-
ers.

16. *And be it enacted*, That said commissioners shall meet, to enter on their duties, at the house of John Lovett, at Hackensack, on the third Tuesday of March next; and if either of the above named or of the substituted commissioners shall refuse or neglect to serve, or shall die or remove out of the state before the first election of managers under this act, then the governor of the state shall, by writing under his hand and seal, appoint another in his stead, who shall be vested with all the powers conferred by this act on the original commissioners not before executed and performed; and that all the powers hereby given to such commissioners shall cease upon the election of the first board of managers.

Deeds given
by treasurer.

17. *And be it enacted*, That the deeds to be given by the treasurer for any lands sold for assessments, shall recite the fact of the assessment, the advertising thereof, the advertising of the sale, the notice given to the owner or owners; and the sale of such lands, and the affidavit of said treasurer to the truth of such facts, to be taken before any competent officer, shall be endorsed on said deed; and after said deed shall be acknowledged or proved as directed by law, the same, with said affidavit, may be recorded as other deeds are or may be; and said deed and affidavit, or the record thereof, or a certified copy of such record, shall be conclusive proof of the facts so recited and sworn to.

Certified co-
pies of maps,
&c., to be
evidence.

18. *And be it enacted*, That the original map and certificate designating the boundaries of said drainage tract, the assessment map and field book, designating the lots and the record thereof, and certified copies of such maps or records, under the hand and seal of the county clerk, shall be received in evidence in all the courts of this state; and that the clerk and treasurer of said managers shall in all cases be competent witnesses to prove books, papers, or records

directed by this act, and all official acts done by them or either of them.

19. *And be it enacted*, That the receipt of any person to whom money may be paid for lands or damages, as directed by this act, may be acknowledged or proved and recorded as deeds of lands are or may be directed to be by law, and the same, when so proved and recorded, or the record, or a certified copy thereof, shall be evidence; and when any person to whom tender of such money shall be made, shall not receive the same, or shall refuse to give a receipt therefor, an affidavit of such tender or payment may be made before any justice of the peace of said county in whose presence such tender or payment was made, who shall in the jurat certify that said tender or payment was made in his presence, and thereupon said affidavit and certificate may be recorded in the records of deeds for Bergen county, and the same and the record, or a certified copy thereof, shall be received as proof of such fact. Receipts to be acknowledged and recorded.

20. *And be it enacted*, That said managers shall be a body politic and corporate, by the name of "the Riser Drainage Company," and shall have all actions for any damage or injury done to their drains, ditches, or works that could be had by the absolute owner of the same in possession; and any person who shall wilfully fill up, wholly or in part, or injure or destroy any ditch, drain, sluice, or other works made by said company, shall, besides all damages, forfeit and pay, for each offence, the sum of thirty dollars, to be recovered, with costs, by said company in an action of debt. Managers incorporated.

21. *And be it enacted*, That the fees for services to be done under this act shall be as follows: to the commissioners, one dollar and fifty cents per diem, besides their necessary expenses; to the surveyor employed by them, two dollars and fifty cents per diem; and to each chain bearer and assistant, one dollar per diem; to the county clerk and freeholders, and witnesses, the same fees as are allowed by law for like services in other cases; to the clerk of the managers, eight cents per folio for all writings and records made by him under this act; to all other persons, (except to themselves) such reasonable compensation for necessary services as said managers shall direct. Fees of officers.

22. *And be it enacted*, That a majority of the commissioners or of said managers shall in all cases be a quorum, and may do all acts that the whole of such, respectively, are hereby entitled to do; and that this act shall take effect immediately. When act to take effect.

Approved March 7, 1850.

AN ACT to prevent swine from running at large in the villages of Carpenters Landing; Bridgeport, Swedesboro', and Woodbury, in the county of Gloucester, Columbus and Moorestown, in the county of Burlington, the townships of Hoboken and Van Vorst, in the county of Hudson, the villages of Freehold, Turkey, and New Egypt, in the county of Monmouth, Gloucester City, in the county of Camden, Woodstown, in the county of Salem, and Morristown, in the county of Morris.

Swine running at large may be impounded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any person or persons to drive or convey to the public pound any swine found running at large in said village of Carpenters Landing, within the circuit of one quarter of a mile from the cross-roads, where the road from Glassboro' to Woodbury crosses the road from Bethel to Berkeley; and in said village of Bridgeport, within a circuit of three-quarters of a mile from the bridge in said village; and in the village of Swedesboro', within the circuit of one mile from the hotel known as Plumer's hotel; and in the village of Woodbury, within a circuit of one half mile from the court house in said village, in said county of Gloucester; in said village of Columbus, within a circuit of one half mile from the cross-roads, in each direction along said road; and in Moorestown, within a circuit of one mile from the town hall in said village, in the county of Burlington; in the townships of Hoboken and Van Vorst, in the county of Hudson; in Gloucester City, within the circuit of one mile from the factories in said city, in the county of Camden; in Woodstown, within the circuit of three-quarters of a mile from the Friends' meeting house, in said county of Salem; in the village of Turkey, within the circuit of one mile from the store now occupied by John Hall, in said village, and within one half mile of the court house in the village of Freehold; in the village of New Egypt, within the circuit of one mile from the hotel kept by Abby Wallins, in said village, in the county of Monmouth; and in the town of Morristown, within the circuit of half a mile from the court house in said county of Morris, and impound the same; and the keeper or keepers of the public pounds in the townships where said villages respectively are situated, are hereby authorized and required to receive all such swine; and the party shall have twenty-five cents per head for impounding each swine; and the keeper shall have the same fees for letting in and out of the pound, and for impounding, feeding, and attending, five cents per head for every twenty-

Fees for impounding.

four hours they shall continue in the pound; and if the owner or owners of the said swine, so impounded, shall not pay the charges aforesaid within four days after such swine shall be impounded, and take said swine away, it shall then be the duty of said pound keeper to set up advertisements in at least three of the most public places in said villages, respectively, where any swine is or are so impounded, particularly describing such swine, and giving at least fifteen days' notice of an intended day and place of sale; and if the owner or owners of such swine do not appear and redeem the said swine before the time so notified, the said pound keeper shall sell the same accordingly, and, out of the moneys arising from such sale, shall pay the charges of conveying to the pound, and retain in his hands his fees for impounding, keeping, and feeding said swine, and twenty-five cents for the sale of each swine and collecting the money, and return the surplus to the owner of the swine; and if no owner shall appear and claim such overplus within six months after such sale, the same shall be paid to the overseer or overseers of the poor of the township, for the use of the poor of said township.

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

Approved March 7, 1850.

AN ACT to prevent fraudulent trusts and assignments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when an execution against the property of any debtor, upon a judgment recovered or docketed in the supreme court, or in the circuit court, or courts of common pleas for any county in this state, shall be returned by the officer to whom it is delivered unsatisfied, in whole or in part, it shall be lawful for any judge of the court out of which said execution issued, in term time or vacation, on application by the judgment creditor in the manner herein after provided, to make order requiring the judgment debtor to appear and make discovery on oath concerning his property and things in action before said judge or a commissioner of the supreme court, to be de-

Judge may
require debt-
or to make
discovery
under oath.

signed in said order, at a time and place in said order specified; *provided nevertheless*, that no such order shall be made when the amount due on such judgment shall be less than fifty dollars.

Creditor to
present peti-
tion.

2. *And be it enacted*, That the judgment creditor, before he shall be granted such order, shall present to said judge a petition, verified by oath, in which he shall state the amount due on said execution, the return made thereon by the officer to whom it was issued, and his belief that said judgment debtor hath property, or money, or things in action due to him, or held in trust for him, where the trust has been created by, or the fund held in trust has proceeded from himself, over and above such property as is or may be reserved by law, to an amount exceeding fifty dollars, on presentation whereof said order shall be made; and the said judge shall further, on allegation in said petition, or in one supplementary thereto, and proof by the oath of the party, or any other person, of facts and circumstances, showing that any person owes the said debtor, otherwise than for his labour or personal services, or the labour or personal services of any member or members of his family, or holds money or property in possession or action in trust for him or for his use, as aforesaid, make order forbidding the payment of such debt, or the transfer of said property or money by or to the said debtor, or any third person, until further order to be by him made.

Witnesses
may be re-
quired to ap-
pear.

3. *And be it enacted*, That witnesses may be required to appear and testify concerning said matters, by either party, by process of subpoena ad testificandum issued out of the court wherein such judgment shall be recovered or docketed; and the judge or commissioner may adjourn the examination from time to time, at the instance of either party, as may be needful.

Receiver
may be ap-
pointed.

4. *And be it enacted*, That when the examination, by virtue of this act, of a judgment debtor, or of witnesses, shall be taken by a commissioner, it shall be certified to the judge making said order under the hand of said commissioner; and thereupon, after considering the evidence of said party and witnesses, taken before said commissioner or by himself, it shall be lawful for said judge to make order appointing a receiver of the property and things in action belonging or due to or held in trust for such debtor as aforesaid, at the time of the issuing said execution, or at any time afterwards, who thereby shall receive authority to possess, receive, and, if need be, in his own name as such receiver, sue for such property or things in action; and it

shall be the duty of such receiver to apply the same in payment of the said judgment, and the costs of the proceedings thereon and the reasonable compensation of said receiver to be taxed by the judge, and to pay the rest into said court wherein said judgment was recovered or docketed; to be there disposed of according to law; and such judge shall order said judgment debtor to convey and deliver to such receiver all such property and rights in action, and the evidence thereof; and said receiver shall be subject to the authority and orders of said court from time to time to be given, and shall, on the fulfilment of his duties, or at other times when called upon, make report in writing to said court of his doings in the premises.

5. *And be it enacted*, That in case the judgment creditor shall not appear and examine the debtor at the time and place specified, or, after examination of the party and witnesses, no such property or things in action shall be discovered, the petition of such judgment creditor shall be dismissed, with costs, to be taxed by said judge, which shall be allowed either party after the rates provided in actions at law; *provided*, that no attorney's fees shall be taxed or recoverable on either side. Proceedings in case creditor does not appear.

6. *And be it enacted*, That if any party or witness disobey any order of the judge, or any subpoena issued by virtue of this act duly served, and the fees of such witness paid, or refuse on attendance to answer and testify, such party or witness may be punished by the judge as for a contempt of the court whereof he is such judge. Penalty for refusal to appear.

7. *And be it enacted*, That the petitions, orders, examinations, and reports made and taken by virtue of this act, shall be filed with the clerk of the court whence the unsatisfied executions issued. Petitions, &c., to be filed with clerk of court.

8. *And be it enacted*, That affidavits verifying said petitions may be taken before any officer who is or shall be authorized by law to administer oaths; and if any person, in any affidavit or examination taken under this act, shall wilfully and corruptly swear falsely, he shall be deemed guilty of perjury. Penalty for false swearing.

Approved March 7, 1850.

AN ACT to authorize the inhabitants of the township of Pompton, in the county of Passaic, the townships of Franklin, Harrison, and Woolwich, in the county of Gloucester, to vote by ballot at their annual town meetings.

Inhabitants
authorized
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 township of Pompton, in the county of Passaic, and the townships of Franklin, Harrison, and Woolwich, in the county of Gloucester, are hereby authorized and required to elect by ballot, and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are or may be fixed by law, that is: a township clerk, a judge of an election, an assessor, a collector, two chosen freeholders, two surveyors of the highway, three or more commissioners of appeal, one or more overseer of the poor, as many of the overseers of the highway and pound keepers as they may deem necessary and convenient, a township committee consisting of five persons, a town superintendent of public schools, as many justices of the peace as they may be constitutionally entitled to elect, one or more constables as they may deem necessary, and such other officers as they are by law authorized to elect.

Manner of
conducting
election.

2. *And be it enacted*, That at the hour of ten o'clock in the morning the inhabitants of said township shall be called to order by any one of the township committee, and they shall then proceed to the choice of a moderator, who shall preside for the day, and the clerk shall then read a full report of the settlement of the township's accounts; and said election shall be opened at eleven o'clock in the forenoon, and closed at four o'clock in the afternoon of the same day, and be conducted in the same manner and subject to the same rules as elections for state and county officers are or shall be; and said moderator may adjourn said town meeting for any length of time not exceeding one hour.

Town com-
mittee to fill
vacancies,
&c.

3. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officer; and in case there shall be a neglect or failure to elect any officer by the said town meetings, or in case of the refusal of any person elected to accept the appointment, or a vacancy shall occur from any other cause, and in case two or more have an equal number of votes for the same office, the town committees of said townships shall at their next meeting thereafter fill such vacancy, and elect between those having an equal number of votes, unless they shall deem a special town

meeting for these purposes most advisable; and the first election under this act shall be held at the place where the last annual town meetings were held in said townships.

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

Approved March 7, 1850.

AN ACT to incorporate the Mercer County Pursuing and Detecting Society.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James McGalliard, Caleb Coleman, Jonathan Hutchinson, Simeon Reed, James H. Everett, and David W. Cubberly, and all such persons as now are or hereafter shall become associates of said society, be, and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name of "the Mercer County Pursuing and Detecting Society." Names of corporators.

2. *And be it enacted*, That the capital stock of the said society shall not exceed the sum of one thousand dollars, which shall be solely and exclusively applied to defraying the expenses incident to the pursuit and detection of thieves of horses and mules stolen in the county of Mercer, in such sums and in such manner as may seem to the said society best calculated to promote the said objects. Amount of capital stock.

3. *And be it enacted*, That the said society shall have power to elect annually a president, a secretary, and a treasurer, and such subordinate officers and assistants, from their own body, 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 possession the common seal of the said society, and at the expiration of his term of office shall deliver it over to his successor. Officers of society.

Approved March 7, 1850.

A supplement to the act entitled, "An act concerning fees and costs in certain criminal cases," approved April sixteenth, eighteen hundred and forty-six.

Constables
and witness'
fees.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when on any indictment there is an acquittal, the county collector shall not pay or allow to the sheriff any constables' or witnesses' fees, except the sheriff shall produce a receipt therefor from the constables and witnesses, unless the sheriff shall make an oath that he has paid such fees.

Approved March 7, 1850.

AN ACT to repeal so much of an act entitled, "An act to divide the township of Shrewsbury, in the county of Monmouth," approved February twenty-fourth, eighteen hundred and forty-nine, as authorizes the inhabitants of the township of Ocean to vote by ballot at their town meetings.

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act entitled, "An act to divide the township of Shrewsbury, in the county of Monmouth," approved February twenty-fourth, eighteen hundred and forty-nine, as authorizes and empowers the inhabitants of the township of Ocean, in the county of Monmouth, to vote by ballot at their town meetings, be, and the same is hereby repealed.

2. *And be it enacted*, That such parts of all other acts as authorize and empower the inhabitants of the township of Ocean, in the county of Monmouth, to vote by ballot at their town meetings, be, and the same are hereby repealed.

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

Approved March 7, 1850.

A supplement to the act entitled, "An act to alter the time of holding the charter election of the city of Newark."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That, notwithstanding any thing contained in the bill to which this is a supplement, there shall be an election holden in the city of Newark, on the second Monday of April next, for the purpose of filling the office of justice of the peace in said city, in all cases in which a vacancy may then exist or will occur previous to the election provided for in said act, to be held at the same time of the election for members of the General Assembly of this state; that the said election shall be held in the same manner, by the same officers, and subject to the same rules and regulations, as the election for officers of said corporation would have been held at the same time, if the act to which this is a supplement had not been passed.

Election for justices of the peace.

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

Approved March 7, 1850.

AN ACT to incorporate the Merchants' and Millers' Transportation Company of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ernestus Schenck, David H. Mount, Jacob Shurts, Abraham Veighte, and their associates, proprietors of the line of steam propellers and transportation barges plying through the Delaware and Raritan canal and feeder, between Philadelphia and New York city, called the Merchants' and Millers' Transportation Company of New Jersey, be, and are hereby made and created a body politic and corporate in law, by the name of "the Merchants' and Millers' Transportation Company of New Jersey," for the purpose of transporting goods, wares, produce, and merchandise to and from Millstone to the cities of New York and Philadelphia, and all intermediate places.

Names of incorporators.

2. *And be it enacted*, That the vessels and barges now belonging to said line (being eight in number) shall consti-

Amount of capital stock.

tute the capital stock with which the said company may commence business; said stock may be divided into shares of fifty dollars each, which shall be deemed personal property, and be transferable as the by-laws may direct; and the company may, from time to time, increase their capital stock to an amount not exceeding, in the whole, one hundred thousand dollars.

Company
may hold
real estate.

3. *And be it enacted*, That, for carrying out the purposes mentioned in the first section, the said company may use the propellers and barges they now have, and may, from time to time, procure and use such additional vessels as may be needed for carrying on the business aforesaid; and they may also purchase, hold, and convey so much real estate as may be necessary for the proper transaction of their business.

Officers of
corporation.

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

Place of bu-
siness.

5. *And be it enacted*, That the office and records of the company shall be kept at Millstone, in the county of Somerset; that the directors shall at all times keep, or cause to be kept in 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.

Powers, re-
strictions,
&c.

6. *And be it enacted*, That the company hereby created 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.

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

Approved March 7, 1850.

AN ACT for the relief of the children of Henry Traphagen, of the county of Hudson.

WHEREAS it is represented to this legislature, that Cornelius V. Traphagen, Henry M. Traphagen, Anna V. H. Traphagen, and Hannah Maria Post, the wife of William G. Post, are seized as tenants in common in fee simple of certain lands and messuages situate in the township of Van Vorst, in the county of Hudson, by inheritance from their maternal grandfather; and that they have made an amicable partition thereof among themselves, but that, by reason of the insanity of William G. Post, the husband of the said Hannah Maria Post, mutual releases cannot be legally executed, so as to carry the said partition into complete effect;—and whereas it is further represented that the said parties, confiding in the said partition, have improved their respective portions to a considerable extent, and some of them have erected, or caused to be erected, upon their said respective portions several dwelling houses and other buildings, but by reason of said partition being incomplete they cannot sell or convey any part of their said portions, which consist chiefly in building lots now rapidly coming into demand—for remedy whereof,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Hannah Maria Post, the wife of the said William G. Post, be, and she is hereby fully authorized and empowered to execute, acknowledge, and deliver such release or releases, deed or deeds, as may be necessary for the purpose of carrying into complete effect the said partition in the preamble to this act referred to, notwithstanding her coverture, and in the same way and manner as if the said Hannah Maria Post were a feme sole and unmarried; and such execution and acknowledgment shall entitle the said deed or deeds, release or releases, to be recorded in the proper office; and upon such recording the title of the several parties in the respective portions of said lands and messuages shall be as valid, to all intents and purposes, as if the same had been executed and acknowledged jointly by the said William G. Post and Hannah Maria his wife; *provided*, that the said William G. Post shall have the same estate and interest in the divided share of said Hannah Post as he had in her share when held in common.

H. M. Post
authorized
to execute
deed.

Approved March 7, 1850.

AN ACT to defray incidental expenses.

Treasurer
authorized
to pay cer-
tain inci-
dental
charges.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of this state to pay to the several persons herein after named in the following sums, viz :

1. To Charles Parker, X. J. Maynard, and Joseph G. Brearley, commissioners for appraising stock at the state prison, ninety dollars.

2. To Israel Fish and Benjamin S. Disbrow, for appraising and making out inventory at the lunatic asylum, for the years eighteen hundred and forty-eight and forty-nine, sixty dollars.

3. To the Paterson Guardian, for advertising the supplement to the tax law, twenty-three dollars.

4. To the Trenton Water Works Company, for water, fifteen dollars.

5. To Benjamin Fish, for lime for the state arsenal, one dollar and forty cents.

6. To Jonathan S. Fish & Co., for coal for the state arsenal, fifteen dollars.

7. To Samuel R. Hamilton, quarter master general, for postage and portorage, one dollar and eighty cents.

8. To Joseph G. Brearley, for sundries for state house, per bill, forty dollars and twenty-eight cents.

9. To Howell & Page, for taking up and repairing floor in state house, four dollars.

10. To the Newark Eagle, for advertising the governor's proclamations, seven dollars.

11. To Philip P. Dunn, for sundries for the state house, per bill, seventeen dollars and sixty-nine cents.

12. To Isaac Dunn, for work repairing state house, six dollars and seventy-five cents.

13. To William DeHart, for sawing wood, &c., three dollars and twenty-five cents.

14. To William DeHart, for binding law reports for the governor's and treasurer's offices, twelve dollars and fifty cents.

15. To William DeHart, for cash paid for cleaning the library room, three dollars and seventy-five cents.

16. To John C. Cook, for furnishing settees and varnishing chairs and furniture in state house, seventy-two dollars and thirty-seven cents.

17. To George H. Tindall, for packing boxes for books and for repairs to the state house, fifty-two dollars and twenty-five cents.

18. To E. K. Smith, for chamois skin and matches, one dollar and twelve cents.

19. To Brearley & Baker, for sundries for the arsenal, as per bill, ten dollars and seventy-two cents.

20. To Mills, Jay & Justice, for advertising the governor's proclamation, five dollars.

21. To the Newark Daily Advertiser, for advertising the governor's proclamations, seven dollars.

22. To B. W. Titus, for carpet and oil cloth and sundries for state house, sixty-one dollars and fifty-nine cents.

23. To Upton & Miller, for repairs to the state house, ninety-seven dollars and forty-six cents.

24. To Elijah Stout, for expenses in arresting Joseph Anthony and Moses Mosier, in New York, and bringing them to Monmouth county for trial, twenty-nine dollars.

25. To Runyon Toms, for carriage hire for the committees to the state prison and to the lunatic asylum, ten dollars.

26. To J. A. Sherman, for publishing in the Daily News the governor's proclamation for the Beverly murder, and proposals for coal, and governor's proclamation for thanksgiving, thirteen dollars.

27. To Philip J. Gray, for advertising governor's proclamation and for sundries, twelve dollars and twenty-five cents.

28. To Phillips & Boswell, for printing, &c., ninety-one dollars and twenty-five cents.

29. To J. A. Campfield, for scrubbing senate chamber three times, one dollar and seventy-five cents.

30. To Charles Scott, for stationery for treasurer's office, ninety-one dollars and fifty-eight cents.

31. To Charles Scott, for stationery furnished the Senate in the year eighteen hundred and forty-eight, fourteen dollars and fifty cents.

32. To Henry Cook, for altering desks in the senate chamber, two dollars.

33. To Alexander M. Cumming, for sundry bills of stationery furnished the House of Assembly, four hundred and thirty-three dollars and seventy-two cents.

34. To Samuel Mairs, state treasurer, for incidentals, one hundred and twenty-four dollars and four cents.

35. To George Thompson, for sundries ordered by A. M. Cumming, clerk, four hundred and thirty-four dollars and seventy-six cents.

36. To Amos Hoagland, for candles ordered by James A. Campfield, sergeant-at-arms of Senate, sixty-seven dollars and fifty cents.

37. To David Martin, for making fires in the state library, nine dollars.

38. To the treasurer of this state for incidentals, twenty-two dollars.

39. To Jacob B. Gaddis, for extra services in erecting the steam heating apparatus in the state prison, one hundred dollars.

40. To C. Scott, for stationery ordered by S. R. Gummere, clerk in chancery, one hundred and seventy-one dollars and ninety-six cents.

41. To C. Scott, for stationery ordered by Charles G. McChesney, secretary of state, one hundred and eight dollars and two cents.

42. To C. Scott, for stationery for the supreme court, ordered by James Wilson, clerk, seventy-three dollars and thirty-one cents.

43. To C. Scott, for stationery ordered by John J. Halsted, engrossing clerk for Senate, thirty-two dollars and fifty cents.

44. To C. Scott, for stationery ordered by M. F. Webb, engrossing clerk for Assembly, thirty-one dollars and twenty-five cents.

45. To C. Scott, for stationery ordered by P. J. Gray for the use of Senate, forty-five dollars and ninety-three cents.

46. To C. Scott, for stationery for state library, ordered by William DeHart, two dollars and eighty-four cents.

47. To C. Scott, for sundries ordered by A. M. Cumming for the House of Assembly, forty-seven dollars and fifty cents.

48. To C. Scott, for stationery furnished the Senate, sixty-four dollars and sixty-six cents.

49. To B. N. Reed, for stationery furnished the Senate, two hundred and fifty-eight dollars and sixty-two cents.

50. To C. Scott, for materials and binding the asylum reports, one hundred and eighteen dollars and fifty-five cents.

51. To Amos Hoagland, for candles ordered by Thomas H. Jobs, doorkeeper of House of Assembly, thirty-one dollars and fifty cents.

52. To Phillips & Boswell, for printing for the present session of the legislature, eight hundred and sixty-eight dollars and eighty-five cents.

53. To James Wilson, clerk of supreme court, for sundries, four dollars and seventy-five cents.

54. To Thomas H. Jobs, for extra work at state house, four dollars and fifty cents.

55. To William W. Norcross, for candles ordered by Thomas H. Jobs, doorkeeper of Assembly, one hundred and seventy-five dollars and twenty-eight cents.

56. To William W. Norcross, for candles ordered by Samuel Mairs, state treasurer, fifteen dollars and thirty cents.

57. To Joseph H. Blackfan, for services rendered as private secretary for the governor, during the present session of the legislature, seventy-five dollars.

58. To Sherman & Harron, for advertising, printing pamphlets, bills, &c., for the Senate and House of Assembly, one thousand nine hundred and sixty-three dollars and fifty-nine cents.

59. To Butler & Jay, for printing ground plan for asylum, &c., fifty-three dollars and eighty-nine cents.

60. To the Newark Daily Advertiser, for a balance unpaid last year for advertising tax law, fifteen dollars.

Approved March 7, 1850.

AN ACT to authorize the Delaware, Lehigh, Schuylkill, and Susquehanna Railroad Company to build a railroad bridge across the Delaware river, at or near Easton.

WHEREAS, by an act of the legislature of the state of Pennsylvania, passed at its regular session in the year one thousand eight hundred and forty-nine, entitled, "A supplement to an act entitled, an act to authorize the governor to incorporate the Delaware, Lehigh, Schuylkill, and Susquehanna Railroad Company," it was enacted that the said company should be authorized to erect a railroad bridge across the river Delaware, at or near Easton, to be used for railroad purposes only; *provided*, that in so doing the navigation of the river Delaware shall not be injured, and that before erecting the same, a concurrent law shall be passed by the legislature of New Jersey—therefore, Preamble.

BE IT ENACTED *by the Senate and General Assembly* Bridge authorized.
of the State of New Jersey, That it shall be lawful for the said Delaware, Lehigh, Schuylkill, and Susquehanna Railroad Company to erect a railroad bridge across the river Delaware, at or near Easton, to be used for railroad purposes only; *provided*, that in so doing the navigation of the river Delaware shall not be injured.

Approved March 11, 1850.



JOINT RESOLUTIONS.

Relative to an appropriation for the improvement of the navigation of the Passaic river, Newark bay, and other bays and tide waters in the state of New Jersey.

WHEREAS it hath been shown, by surveys made under the Preamble. direction of the Congress of the United States, and otherwise, that the removal of bars and other obstructions to navigation is necessary at various points on the coast and in the bays and tide waters of New Jersey; that through such removal and other suggested improvements, the commercial facilities enjoyed by our citizens and the safety of mariners would be greatly increased, and that the probable cost of such improvements is small, and much less than commensurate with the advantages to the revenue of the United States, and to the people thereof, which would arise therefrom; and whereas it devolves upon Congress to regulate commerce with foreign nations and the several states, and to make all laws which were necessary and proper for that purpose—therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the Senators and Representatives in Congress from this state be, and they are hereby requested to use their utmost exertions to procure appropriations by Congress, at its present session, sufficient to remove the obstructions to navigation in the Passaic river, Newark bay, and other bays and tide waters of this state, which have been explored by the officers engaged in the coast survey, and for building a breakwater at Crow's shoal, near Cape May, in Delaware bay, and otherwise to carry out the suggestions of said officers in regard to improving the navigation of the same. Obstructions in Passaic river, &c.

Governor to
send copies.

2. *And be it resolved*, That the governor of this state be, and he is hereby requested to transmit a copy of the foregoing preamble and resolution to each of the Senators and Representatives in Congress from the state of New Jersey.

Approved February 1, 1850.

Authorizing the treasurer of this state to audit accounts during the absence of the secretary of state.

Preamble.

WHEREAS the secretary of state is now absent from this state, and certain accounts are required by law to be audited by him—therefore,

Treasurer to
audit ac-
counts.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the state is hereby authorized and appointed, in the absence of the secretary of state, to audit all accounts which are now by law required to be audited by the secretary of state.

Approved February 15, 1850.

Authorizing the commissioners appointed to investigate the affairs of the Camden and Amboy Railroad and Delaware and Raritan Canal Companies to draw moneys from the treasury to pay the necessary current expenses of said investigation.

Commission-
ers author-
ized to draw
on treasurer.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That, for the purpose of paying the necessary current expenses incident to the investigation of the affairs and business of the Camden and Amboy Railroad and Delaware and Raritan Canal Companies, authorized by a joint resolution of the legislature, approved February thirteenth, eighteen hundred and

forty-nine, the commissioners named in said resolution be authorized to draw on the treasurer of this state, in addition to the sum appropriated for that purpose by a joint resolution of the legislature, approved February twenty-eighth, eighteen hundred and forty-nine, such additional sum of money as may be necessary for the purpose aforesaid, not exceeding one thousand dollars; and that the treasurer pay the drafts of said commissioners, or any two of them.

Approved February 20, 1850.

Providing for lighting the state house with gas.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be, and is hereby authorized, during the ensuing recess of the legislature, to cause the necessary fixtures and apparatus to be provided and put up in the Senate and Assembly chambers, the hall between the same, and the rotunda of the capitol, in order that the same may be suitably lighted with gas. Treasurer authorized to have gas fixtures put up.

2. *And be it resolved*, That the necessary expenses of carrying into effect these joint resolutions be paid by the treasurer, out of any money in the treasury not otherwise appropriated, upon the accounts thereof being first audited and certified by the secretary of state. Expenses, how paid.

Approved February 20, 1850.

Authorizing the governor to furnish a block of stone from this state for the Washington Monument, at the capital.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state be, and he is hereby authorized and requested to procure, Governor authorized to furnish block, of stone.

from one of the quarries in this state, to be by him selected, a block of stone, of suitable dimensions and quality, to form a part of the national monument, now in process of erection to the memory of George Washington, and to cause the same to be transmitted to the Washington National Monument Association, or to their order.

Expenses,
how paid.

2. *Be it resolved*, That the treasurer be authorized to pay, on warrant of the governor, the expenses incurred in carrying the foregoing resolution into effect.

Approved February 23, 1850.

Relative to perfecting sets of Law and Chancery Reports.

Librarian
authorized
to procure
reports.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the state librarian, with the advice of the trustees of the State Library, be, and he is hereby authorized and instructed to procure, by purchase or exchange with the different states, so many volumes of the Law and Chancery Reports of the several states as may be necessary to complete perfect sets of the Law and Chancery Reports in the State Library, in all cases in which the trustees shall judge it useful to have such sets perfected.

Approved March 7, 1850.

For an additional appropriation for the support of public schools.

Additional
appropriation
of \$10,000.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the state be, and is hereby directed to pay to the trustees of the school fund, on or before the first day of April, eighteen hundred and fifty, the sum of ten thousand dollars out of the increase of the school fund, to be appropriated by them,

in addition to the thirty thousand dollars already required to be appropriated out of the annual income of said fund, for the support of public schools the ensuing year.

Approved March 6, 1850.

Authorizing and requiring the state treasurer to ascertain the amount of interest due this state from the Delaware and Raritan Canal, and Camden and Amboy Railroad and Transportation Companies, for and on account of all moneys in the hands of said companies due this state, as reported by the commissioners appointed to investigate the affairs of said companies.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the state treasurer be, and he is hereby authorized and required to ascertain, from the report of the commissioners appointed to investigate the affairs of the above named companies, the amount of interest due this state from said companies, and to receive the same. Treasurer to ascertain and receive amount of interest.

Approved March 7, 1850.

To authorize repairs to the New Jersey state arsenal.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the quarter master general be, and he is hereby authorized to have a new roof put upon the north wing of the New Jersey state arsenal, and such other repairs for the preservation of the arms and accoutrements as in his opinion may be deemed necessary; and that the treasurer (first auditing the account) pay the same out of any moneys in the treasury not otherwise appropriated, upon certificate of the commander in chief; *provided*, the amounts shall not exceed three hundred dollars.

Approved March 7, 1850.



CONTENTS.

	Page.
An act to change the name of the Third Baptist Church and Society of Middletown, in the county of Monmouth, to that of the First Baptist Church of Keyport,	3
Supplement to the act entitled, "An act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this state,"	ib.
A further supplement to the act entitled, "An act to enable the president and directors of the Bank of New Brunswick to settle the affairs of said bank," passed March seventh, eighteen hundred and thirty-seven,	4
An act to annex to the county of Middlesex part of the township of Franklin, in the county of Somerset,	5
An act to confirm certain deeds, made by the executors of the last will and testament of Doct. Stephen B. Cook, late of the county of Morris, deceased,	7
An act to repeal part of an act entitled, "An act to authorize the inhabitants of the township of Plainfield, in the county of Essex; the inhabitants of the township of Vernon, in the county of Sussex; and the inhabitants of the township of Independence, in the county of Warren, to vote by ballot at their town meetings," approved February ninth, eighteen hundred and forty-eight,	9
A supplement to the act entitled, "An act to incorporate the Washington Manufacturing Company of the city of Camden," passed January thirty-first, eighteen hundred and forty-four;	ib.
An act to incorporate the Glassborough and Carpenters Landing Turnpike Company,	10
An act to incorporate the Monmouth Railroad Company,	18
An act to incorporate the Philadelphia Ferry Company,	27
A supplement to the act entitled, "An act relative to commissioners for taking the acknowledgment and proof of deeds," approved April fifteenth, eighteen hundred and forty-six,	32

	Page.
An act to confirm the last will and testament of Jacob Miller, late of the city of Wilmington, in the state of Delaware, deceased,	33
An act to incorporate the New York, Elizabethtown, and Morris Railroad Company,	34
An act to incorporate the Paterson and Hackensack Railroad Company,	41
An act relative to the supreme court,	50
An act for the relief of Samuel Davis,	ib.
A supplement to the act entitled, "An act for the preservation of sheep," approved April the fourteenth, eighteen hundred and forty-six,	51
An act to authorize and confirm the partition of certain real estate in the county of Burlington, late of Ebenezer Tucker, deceased,	ib.
An act to incorporate the Raritan and Delaware Plank Road Company,	52
An act to establish public schools in the city of Newark,	60
An act to provide for the education of coloured children in the township of Morris, in the county of Morris,	63
A supplement to the act entitled, "An act to establish and confirm the charter rights and privileges of the borough of Elizabeth,"	64
A further supplement to the act entitled, "An act to incorporate the city of Newark,"	67
A supplement to an act entitled, "An act respecting conveyances," approved April fifteenth, eighteen hundred and forty-six,	70
A further supplement to the act entitled, "An act securing to mechanics and others payment for their labour and materials in erecting any house or other building within the limits therein mentioned," approved April fifteenth, eighteen hundred and forty-six,	71
An act to incorporate Parkeville Hydropathic Institute,	ib.
An act to erect a part of the county of Monmouth into a new county, to be called the county of Ocean,	73
An act to incorporate the South river and Freehold Plank Road Company,	80
An act to confirm certain acknowledgments and proofs of deeds, mortgages, and other instruments, taken by Caleb Brokaw,	86
An act to reimburse the county of Mercer for maintaining prisoners from the county of Warren,	87

	Page.
An act to confirm the official acts of Nelson V. Young, a commissioner to take acknowledgments and proofs of deeds in the township of West Amwell, in the county of Hunterdon,	88
A supplement to an act entitled, "An act to authorize the inhabitants of School District Number one, in the township of Plainfield, in the county of Essex, to raise money to build school houses," approved March ninth, eighteen hundred and forty-eight,	89
An act to incorporate the Somerville and New Brunswick Railroad Company,	90
An act for the better government of the Amicable Meadow Company, in the county of Salem,	99
An act to validate and confirm the acknowledgments and proofs of deeds, mortgages, and other instruments in writing, taken by Benjamin H. Bone,	106
An act to incorporate the Evergreen Cemetery Company, in the township of Newton, in the county of Camden,	ib.
An act to incorporate the Monmouth County Plank Road Company,	107
A supplement to the act entitled, "An act to regulate fences," passed January twenty-third, seventeen hundred and ninety-nine,	114
Supplement to "An act to regulate gunpowder manufactories and magazines within this state," passed February seventh, eighteen hundred and eleven,	115
A further supplement to the act entitled, "An act to ascertain the times and places of holding certain courts," approved April eighteenth, eighteen hundred and forty-six,	ib.
An act respecting Dublin spring brook, in the township of Paterson, in the county of Passaic,	116
An act to incorporate the Salem and Delaware river Railroad and Transportation Company,	117
An act to authorize the establishment of a house of refuge,	125
An act to alter the time of holding the charter election of the city of Newark,	127
An act to incorporate the Coopers Point Ferry Company,	129
An act for the relief of Lawrence V. D. V. Van Nuys, of the township of Hillsborough, in the county of Somerset,	134
An act to incorporate the Grand Lodge of the Independent Order of Odd Fellows of the State of New Jersey,	135
An act to incorporate the Hamilton Cemetery Company, in the county of Mercer,	136

	Page.
An act for the relief of the Methodist Episcopal Church at Bethel, in the county of Burlington,	137
An act to incorporate the Odd Fellows Hall Association of Camden, New Jersey,	139
An act to authorize the business of banking,	140
An act to incorporate the Elizabethtown Savings Institution,	154
An act to confirm the last will and testament of Joseph Titus, deceased,	156
A further supplement to an act entitled, "An act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane," approved February twenty-third, eighteen hundred and forty-seven,	157
Supplement to an act entitled, "An act to incorporate societies for the promotion of learning," approved April sixteenth, eighteen hundred and forty-six,	158
An act for the relief of Simeon Faurot,	159
An act to prevent swine from running at large in the village of Lumberton, in the county of Burlington,	ib.
Supplement to the act entitled, "An act for facilitating the communication from Elizabethtown, in the county of Essex, through Morristown, in the county of Morris, and from thence into the county of Sussex," passed March ninth, eighteen hundred and one,	160
A supplement to the act entitled, "An act concerning roads,"	162
An act to incorporate the Mount Holly Summer House Association, in the county of Burlington,	164
An act to incorporate the Newton Fire Department,	166
A supplement to the act entitled, "An act to establish and regulate pilots for the ports of Jersey City, Newark, and Perth Amboy, by the way of Sandy Hook,	170
An act to authorize the executors of Elizabeth B. Hazlehurst, deceased, to sell and convey certain real estate,	171
An act to incorporate the Gloucester Turnpike Company,	173.
An act to authorize the inhabitants of school districts numbers one, two, and three, in the township of Rahway, in the county of Essex, to raise money for school purposes,	181
A supplement to an act entitled, "An act relative to insurance companies," approved April fifteenth, eighteen hundred and forty-six,	183
An act to incorporate the town of Beverly, in the county of Burlington,	184
Supplement to the act entitled, "An act concerning promis-	

	Page.
sory notes, inland bills of exchange, and notaries public," approved April sixteenth, eighteen hundred and forty-six,	194
An act to incorporate the New York Bay Cemetery Association,	ib.
An act to authorize the inhabitants of the townships of North Bergen, Hoboken, Bergen, and Van Vorst, in the county of Hudson, to raise money by tax, or otherwise, for the support of free schools, and for building, repairing, and furnishing school houses,	197
An act to annex part of the township of Northampton, in the county of Burlington, to the township of Pemberton, in said county,	198
Supplement to an act entitled, "An act to incorporate the Newark Savings Institution," passed February twenty-fifth, eighteen hundred and forty-seven,	199
A further supplement to the act entitled, "An act to incorporate Jersey City," passed February twenty-second, eighteen hundred and thirty-eight,	200
A supplement to the act entitled, "An act relative to the borough of Princeton,"	ib.
An act to provide for keeping in repair the division bank between the Repaupo Meadow Company and the meadows of Lower Clonmell, in the township of Greenwich, in the county of Gloucester, and to change the location of said bank, under certain contingencies,	203
An act concerning public schools in the township of Vernon, in the county of Sussex,	206
An act to incorporate the city of Camden,	208
An act respecting public schools in the township of Howell, in the county of Monmouth,	233
A further supplement to an act entitled, "An act for the preservation of sheep," approved April fourteenth, eighteen hundred and forty-six,	234
A supplement to the act entitled, "An act to regulate fees,"	235
An act to provide for the support of the State Lunatic Asylum,	ib.
An act to prevent the destruction of small and harmless birds,	236
An act to authorize the administrators of David Kimsey, deceased, to convey certain real estate in the county of Cumberland,	237
A supplement to an act entitled, "An act to authorize the inhabitants of the township of Bloomfield, in the county of Essex, to raise money for the establishment of free	

	Page.
schools," approved March first, one thousand eight hundred and forty-nine,	238
A further supplement to the act entitled, "An act to incorporate the city of Trenton," passed the seventh day of March, one thousand eight hundred and thirty-seven,	239
An act to establish a new township in the county of Burlington, to be called the township of Westampton,	241
An act to establish a free school at Fort Lee, in the county of Bergen,	243
An act to appoint trustees for the creditors and stockholders of the New Hope Delaware Bridge Company,	245
Supplement to an act entitled, "An act for the instruction of indigent deaf and dumb persons, inhabitants of this state," approved April tenth, eighteen hundred and forty-six,	249
A supplement to the act entitled, "An act to amend the several acts relating to the township of Van Vorst, in the county of Hudson," passed, respectively, on the twenty-ninth of February, eighteen hundred and forty-four, on the twelfth of February, eighteen hundred and forty-five, on the twenty-sixth of March, eighteen hundred and forty-six, and on the twenty-fifth of February, eighteen hundred and forty-eight,	ib.
An act respecting public schools in the city of Trenton,	251
An act to incorporate the Jersey City and Bergen Point Plank Road Company,	255
An act to incorporate the Passaic Silk Manufacturing Company,	258
An act to incorporate the North American Telegraph Company,	260
An act to incorporate the Mount Holly and Pemberton Railroad and Transportation Company,	264
An act to authorize the board of chosen freeholders of the county of Camden to build a bridge over Coopers creek,	272
A supplement to the act entitled, "An act respecting conveyances," approved April fourteenth, eighteen hundred and forty-six,	273
An act to authorize the inhabitants of School District, No. three, in Union township, Camden county, to raise money to build school houses and for the support of public schools,	274
An act to authorize the inhabitants of the township of Hope-well, in the county of Mercer, to vote by ballot at their town meetings,	277
Supplement to act entitled, "An act to authorize the establishment, and to prescribe the duties of companies for	

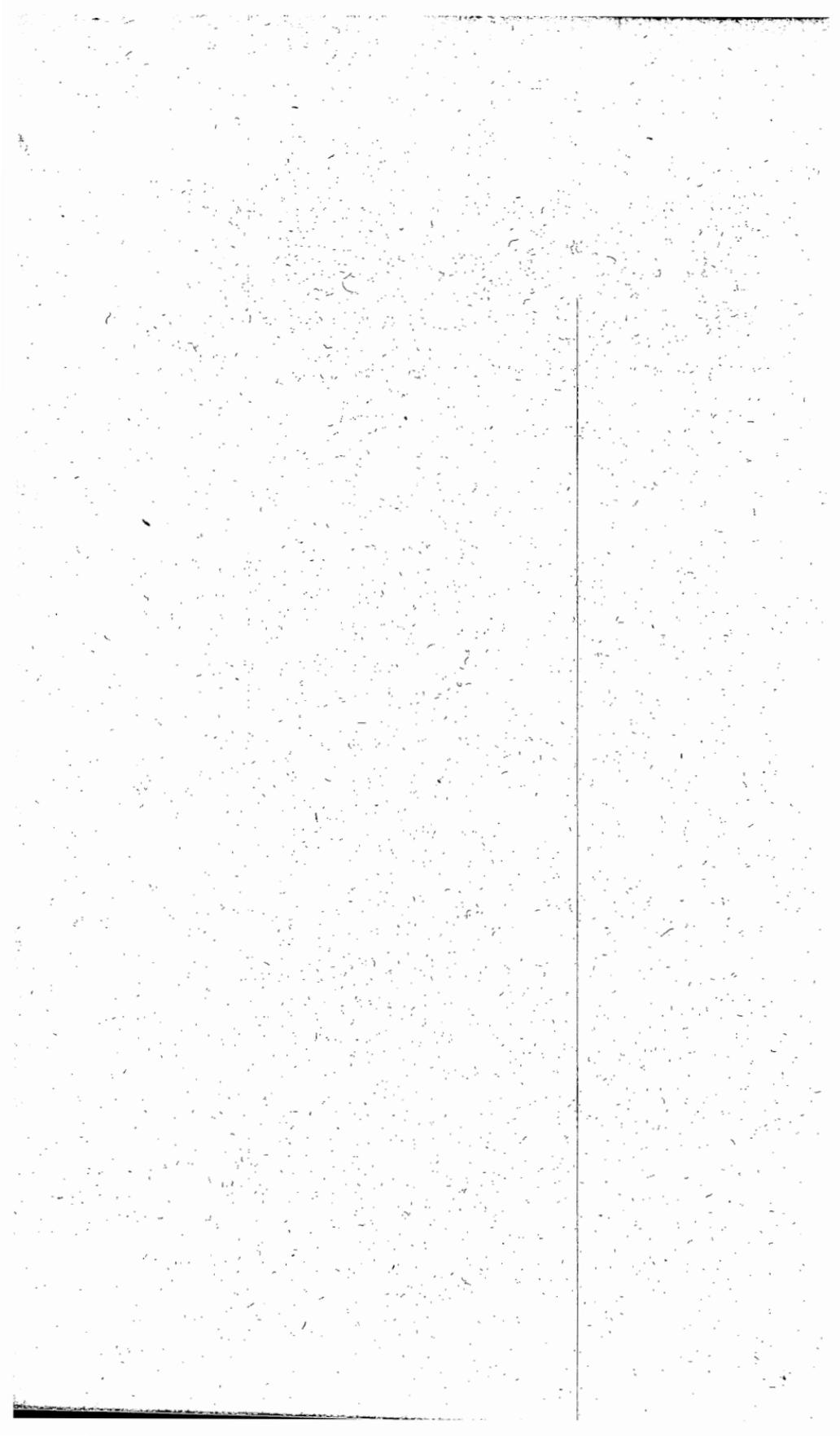
	Page.
manufacturing and other purposes," approved the second day of March, eighteen hundred and forty-nine,	280
A supplement to the act entitled, "An act concerning wills,"	ib.
A supplement to the act entitled, "An act to prevent, in certain cases, the abatement of suits and reversal of judgments,"	281
An act to repeal all that part of an act which authorizes the inhabitants of the township of Chester, in the county of Morris, and the townships of Hope and Knowlton, in the county of Warren, to vote by ballot, approved March fourteenth, eighteen hundred and forty-six,	282
An act to change the name of the Second Baptist Church of Middletown, in the county of Monmouth, to that of the Holmdell Baptist Church,	283
A supplement to the act entitled, "An act to regulate fees," approved April fifteenth, eighteen hundred and forty-six,	ib.
An act to incorporate the Grand and Subordinate Divisions of the Order of the Sons of Temperance of the State of New Jersey,	284
An act to provide additional compensation to the judges of the inferior courts of common pleas in this state,	285
An act for erecting the town of Fieldsborough, in the county of Burlington, into a borough,	286
An act to protect fish in the Swartwout pond, in the county of Sussex,	290
Supplement to an act entitled, "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings,"	291
An act to extend the charter of the State Bank at Newark,	ib.
An act to provide for draining a certain tract of lowland in the county of Bergen, called the Riser,	292
An act to prevent swine from running at large in the villages of Carpenters Landing, Bridgeport, Swedesboro', and Woodbury, in the county of Gloucester, Columbus and Moorestown, in the county of Burlington, the townships of Hoboken and Van Vorst, in the county of Hudson, the villages of Freehold, Turkey, and New Egypt, in the county of Monmouth, Gloucester City, in the county of Camden, Woodstown, in the county of Salem, and Morristown, in the county of Morris,	300
An act to prevent fraudulent trusts and assignments,	301
An act to authorize the inhabitants of the township of Pompton, in the county of Passaic, the townships of Franklin, Harrison, and Woolwich, in the county of Gloucester, to vote by ballot at their annual town meetings,	304

	Page
An act to incorporate the Mercer County Pursuing and Detecting Society,	305
A supplement to the act entitled, "An act concerning fees and costs in certain criminal cases," approved April sixteenth, eighteen hundred and forty-six,	306
An act to repeal so much of an act entitled; "An act to divide the township of Shrewsbury, in the county of Monmouth," approved February twenty-fourth, eighteen hundred and forty-nine, as authorizes the inhabitants of the township of Ocean to vote by ballot at their town meetings,	ib.
A supplement to the act entitled, "An act to alter the time of holding the charter election, of the city of Newark,"	307
An act to incorporate the Merchants' and Millers' Transportation Company of New Jersey,	ib.
An act for the relief of the children of Henry Traphagen, of the county of Hudson,	309
An act to defray incidental expenses,	310
An act to authorize the Delaware, Lehigh, Schuylkill, and Susquehanna Railroad Company to build a railroad bridge across the Delaware river, at or near Easton,	313

JOINT RESOLUTIONS.

Relative to an appropriation for the improvement of the navigation of the Passaic river, Newark bay, and other bays and tide waters in the state of New Jersey,	315
Authorizing the treasurer of this state to audit accounts during the absence of the secretary of state,	316
Authorizing the commissioners appointed to investigate the affairs of the Camden and Amboy Railroad and Delaware and Raritan Canal Companies to draw moneys from the treasury to pay the necessary current expenses of said investigation,	ib.
Providing for lighting the state house with gas,	317
Authorizing the governor to furnish a block of stone from this state for the Washington Monument, at the capital,	ib.
Relative to perfecting sets of Law and Chancery Reports,	318
For an additional appropriation for the support of public schools,	ib.

Authorizing and requiring the state treasurer to ascertain the amount of interest due this state from the Delaware and Raritan Canal, and Camden and Amboy Railroad and Transportation Companies, for and on account of all moneys in the hands of said companies due this state, as reported by the commissioners appointed to investigate the affairs of said companies,	319
To authorize repairs to the New Jersey state arsenal,	ib.



I N D E X.



INDEX.

A.

	Page.	
Abatement of suits and reversal of judgments—supplement to act to prevent,	281	<u>BRI</u>
Acknowledgment of deeds—supplement to act relative to commissioners for taking,	32	
by Caleb Brokaw, act to confirm,	86	
by Nelson V. Young, act to confirm,	88	
by Benjamin H. Bone, act to confirm,	106	
Amicable Meadow Company—act for better government of,	99	
Arsenal—joint resolution to authorize repairs to,	319	

B.

Bank of New Brunswick—supplement to act for settlement of affairs of,	4	
act to extend charter of State Bank at Newark,	291	
Banking—act to authorize business of,	140	
Bergen township—inhabitants authorized to raise money by tax in,	197	
Beverly—act to incorporate town of,	184	
Bloomfield township—inhabitants authorized to raise money in,	238	
Bone, Benjamin H.—act to confirm acknowledgments of deeds by,	106	
Borough of Elizabeth—supplement to act to confirm charter rights and privileges of,	64	
of Princeton, supplement to act relative to,	200	
Bridge over Coopers creek—freeholders authorized to build,	272	
Bridgeport—act to prevent swine running at large in village of,	300	

DEE Brokaw, Caleb—act to confirm acknowledgment of deeds by,	86
--	----

C.

Camden city—act to incorporate,	208
Carpenters Landing—act to prevent swine running at large in village of,	300
Charter election of Newark—act to alter time of holding,	127
supplement to act respecting,	307
Chester—act to repeal act authorizing voting by ballot in township of,	283
Church—Third Baptist, of Middletown, act to change name of,	3
Methodist Episcopal, at Bethel, act for relief of,	137
Coloured children in Morris township—act to provide for education of,	63
Columbus—act to prevent swine from running at large in village of,	300
Commissioners for taking acknowledgments of deeds—supplement to act relative to,	32
Commissioners for investigation, &c., authorized to draw money from treasury,	316
Communication from Elizabethtown through Morristown, &c.—act to facilitate,	160
Conveyances—supplement to act respecting,	70
further supplement respecting,	273
Coopers creek—freeholders of Camden authorized to build bridge over,	272
Coopers Point Ferry Company—act to incorporate,	129
Cook, Stephen B.—act to confirm deeds made by executors of,	7
County of Ocean—act to establish,	73
Courts—supplement to act to ascertain times and places of holding,	115
Criers of supreme court—act to appoint,	50

D.

Davis, Samuel—act for relief of,	50
Deaf and dumb—supplement to act for instruction of,	249
Deeds made by executors of S. B. Cook—act to confirm,	7

Deeds—supplement to act relative to commissioners for taking acknowledgments of,	32	GLA
in other states, supplement to act respecting,	70	
Delaware, Lehigh, Schuylkill, and Susquehanna Rail- road Company authorized to build bridge,	313	
Destruction of small and harmless birds—act to pre- vent,	236	
Draining the tract of lowland called the Riser—act to provide for,	292	
Dublin spring brook—act respecting,	116	

E.

Education of coloured children in Morris township— act to provide for,	63
Elizabeth—supplement to act to establish charter rights of borough of,	64
Elizabethtown Savings Institute—act to incorporate,	154

F.

Faurot, Simeon—act for relief of,	159
Fees—supplement to act to regulate,	235
supplement to act to regulate, and costs in criminal cases, act concern- ing,	283 306
Fences—supplement to act to regulate,	114
Ferries—Philadelphia Ferry Company incorporated,	27
Coopers Point Ferry Company incorporated,	129
Fieldsborough—act to incorporate town of,	286
Fire department of Newton—act to incorporate,	166
Fish in Swartwout pond—act to protect,	290
Fort Lee—act to establish free school at,	245
Forfeited recognizance—S. Davis discharged from pay- ment of,	50
Franklin township—part of, annexed to Middlesex county,	5
Fraudulent trusts and assignments—act to prevent,	301
Freehold—act to prevent swine running at large in vil- lage of,	300

G.

Glassborough and Carpenters Landing Turnpike Com- pany—act to incorporate,	10
---	----

	Page.
INC Gloucester Turnpike Company—act to incorporate,	173
Gloucester City—act to prevent swine running at large in,	300
Grand Lodge Independent Order of Odd Fellows—act to incorporate,	135
Grand and subordinate divisions of Sons of Temper- ance—act to incorporate,	284
Gunpowder manufactories, &c.—supplement to act to regulate,	115

H.

Hamilton Cemetery Company—act to incorporate,	137
Hazlehurst, E. B.—act to authorize sale of estate of,	171
Hoboken—act to prevent swine from running at large in,	300
act to authorize inhabitants to raise money by tax in,	197
Hopewell township—act to authorize voting by ballot in,	277
Hope—act to repeal act authorizing voting by ballot in township of,	282
House of refuge—act to establish,	125
Howell township—act respecting public schools in,	233

I.

Incidental charges—act to defray,	310
Incorporations—supplement to act for settlement of affairs of Bank of New Brunswick,	4
supplement to act to incorporate Washington Manufacturing Company,	9
act to incorporate Glassborough and Carpen- ters Landing Turnpike Company,	10
act to incorporate Monmouth Railroad Com- pany,	13
act to incorporate Philadelphia Ferry Com- pany,	27
act to incorporate New York, Elizabethtown, and Morris Railroad Company,	34
act to incorporate Paterson and Hackensack Railroad Company,	41
act to incorporate Raritan and Delaware Plank Road Company,	52

	Page.	INC
Incorporations—act to incorporate Parkville Hydropathic Institute,	71	<u> </u>
act to incorporate South river and Freehold Plank Road Company,	80	
act to incorporate Somerville and New Brunswick Railroad Company,	90	
act for better government of Amicable Meadow Company,	99	
act to incorporate Monmouth County Plank Road Company,	107	
act to incorporate Salem and Delaware river Railroad and Transportation Company,	117	
act to incorporate Coopers Point Ferry Company,	129	
act to incorporate Grand Lodge Independent Order of Odd Fellows,	135	
act to incorporate Hamilton Cemetery Company,	136	
act to incorporate Odd Fellows Hall Association of Camden,	139	
act to incorporate Elizabethtown Savings Institution,	154	
act to incorporate Mount Holly Summer House Association,	164	
act to incorporate Newton Fire Department,	166	
act to incorporate Gloucester Turnpike Company,	173	
act to incorporate New York Bay Cemetery Association,	194	
supplement to act to incorporate Newark Savings Institution,	199	
act to provide for keeping the banks of Re- paupo Meadow Company in repair,	203	
act to incorporate Jersey City and Bergen Point Plank Road Company,	225	
act to incorporate Passaic Silk Manufacturing Company,	258	
act to incorporate North American Telegraph Company,	260	
act to incorporate Mount Holly and Pemberton Railroad and Transportation Company,	264	
act to incorporate Grand and subordinate divisions of Sons of Temperance,	284	
act to extend charter of State Bank at Newark,	291	
act to incorporate Mercer County Pursuing and Detecting Society,	305	

KNO Incorporations—act to incorporate Merchants and Millers Transportation Company,	307
Independence—act to repeal part of act authorizing voting by ballot in township of,	9
Insurance companies—supplement to act relative to,	183
Interest due from Delaware and Raritan Canal, and Camden and Amboy Railroad and Trans- portation Companies—treasurer authorized to ascertain amount of,	319

J.

Jersey City and Bergen Point Plank Road Company —act to incorporate,	255
Jersey City—supplement to act to incorporate,	200
Joint resolution—providing for lighting state house with gas,	317
relative to-perfecting sets of Law and Chan- cery Reports,	318
to authorize repairs to state arsenal,	319
authorizing governor to furnish a stone for Washington Monument,	317
relative to improvement of navigation of Pas- saic river and Newark bay,	315
authorizing treasurer to ascertain amount of interest due from Delaware and Raritan Canal, and Camden and Amboy Railroad Companies,	319
for an additional appropriation for the sup- port of public schools,	318
authorizing commissioners of investigation, &c., to draw money,	316
authorizing treasurer to audit accounts in the absence of the secretary of state,	ib.
Judges of common pleas—act to provide additional compensation to,	285

K.

Kimsey, David—administrators authorized to sell real estate of,	237
Knowlton—act to repeal act authorizing voting by ballot in township of,	285

L.

Law and Chancery Reports—joint resolution relative to perfecting sets of,	318
Learning—supplement to act to incorporate societies for promotion of,	158
Lumberton—act to prevent swine running at large in village of,	159
Lunatic asylum—supplement to act for organization of,	157
act to provide for support of,	235

M.

Manufacturing companies—supplement to act to authorize establishment of,	280
Mechanics—supplement to act to secure payment for labour to,	71
Medical societies—supplement to act to incorporate,	3
Mercer county—act to reimburse, for maintaining prisoners from Warren,	87
Pursuing and Detecting Society, act to incorporate,	305
Merchants and Millers Transportation Company—act to incorporate,	307
Methodist Episcopal Church at Bethel—act for relief of,	137
Miller, Jacob—act to confirm will of,	33
Moorestown—act to prevent swine running at large in village of,	300
Monmouth Railroad—act to incorporate,	13
Monmouth County Plank Road—act to incorporate,	107
Morristown—act to prevent swine running at large in village of,	300
Morris township—act to provide for education of coloured children in,	63
Mount Holly Summer House Association—act to incorporate,	164
Mount Holly and Pemberton Railroad Company—act to incorporate,	264

N.

Newark—act to establish public schools in,	60
supplement to act to incorporate city of,	67

PLA Newark—act to alter time of holding charter election in,	127
supplement to act altering time of holding charter election in,	307
act to extend charter of State Bank at, bay, joint resolution for improvement of na- vigation of,	291
Savings Institution, supplement to act to in- corporate,	315
New Brunswick, Bank of—supplement to act for set- tlement of affairs of,	199
New Egypt—act to prevent swine running at large in village of,	4
New Hope Delaware Bridge Company—act to ap- point trustees for,	300
Newton Fire Department—act to incorporate,	245
New York, Elizabethtown, and Morristown Railroad Company—act to incorporate,	166
New York Bay Cemetery Association—act to incorpo- rate,	34
Northampton township—part of, annexed to Pember- ton,	194
North Bergen—inhabitants authorized to raise money by tax,	198
	197

O.

Ocean county—act to establish, township, act to repeal act authorizing voting by ballot in,	73
Odd Fellows Hall Association of Camden—act to in- corporate,	306
	139

P.

Parkville Hydropathic Institute—act to incorporate,	71
Passaic Silk Manufacturing Company—act to incorpo- rate, river, joint resolution for improvement of na- vigation of,	258
Paterson and Hackensack Railroad Company—act to incorporate,	315
Philadelphia Ferry Company—act to incorporate,	41
Pilots—supplement to act to regulate and establish,	27
Plainfield township—act to repeal part of act to autho- rize voting by ballot in,	170
Plank road—act to incorporate Raritan and Delaware,	9
	52

	Page.	PUB
Plank road—act to incorporate South river and Freehold,	80	<hr/>
act to incorporate Monmouth County,	107	
act to incorporate Jersey City and Bergen,	255	
Pompton township—act to authorize voting by ballot in,	304	
Princeton—supplement to act relative to borough of,	200	
Promissory notes, &c.—supplement to act concerning,	194	
Public acts—supplement to act to incorporate medical societies,	3	
act to annex part of the township of Franklin to Middlesex county,	5	
act to repeal part of the act authorizing voting by ballot in Plainfield township,	9	
supplement to act relative to commissioners for taking acknowledgment of deeds,	32	
act relative to supreme court,	50	
supplement to act for preservation of sheep,	51	
act to establish public schools in Newark,	60	
act to provide for the education of coloured children in Morris township,	63	
supplement to act to confirm charter rights of borough of Elizabeth,	64	
supplement to act to incorporate city of Newark,	67	
supplement to act respecting conveyances,	70	
supplement to act securing to mechanics and others payment for labour,	71	
act to establish the county of Ocean,	73	
act to reimburse the county of Mercer for maintaining prisoners from Warren,	87	
act to authorize School District No. 1, in Plainfield, to raise money,	89	
supplement to act to regulate fences,	114	
supplement to act to regulate gunpowder magazines, &c.,	115	
supplement to act to ascertain times and places of holding certain courts,	ib.	
act to establish house of refuge,	125	
act to alter time of holding charter election in Newark,	127	
act to authorize business of banking,	140	
supplement to act to provide for organization of State Lunatic Asylum,	157	
supplement to act concerning roads,	162	
act to establish and regulate pilots,	170	
act to authorize school districts No's 1, 2, and 3, in Rahway, to raise money,	181	

	Page.
PUB Public acts—supplement to act relative to insurance companies,	183
supplement to act concerning promissory notes,	194
act to authorize inhabitants of North Bergen, Hoboken, Van Vorst, and Bergen to raise money by tax,	197
act to annex part of Northampton township to Pemberton,	198
supplement to act to incorporate Jersey City,	200
supplement to act relative to the borough of Princeton,	ib.
further supplement to act for preservation of sheep,	234
act concerning public schools in township of Vernon,	206
act respecting public schools in township of Howell,	233
supplement to act to regulate fees,	235
act to provide for support of State Lunatic Asylum,	ib.
act to prevent the destruction of small and harmless birds,	236
act to authorize inhabitants of Bloomfield to raise money,	238
supplement to act to incorporate city of Trenton,	239
act to establish township of Westampton,	241
act to establish free school at Fort Lee,	243
supplement to act for instruction of indigent deaf and dumb,	249
supplement to act to amend act relative to township of Van Vorst,	ib.
supplement to act respecting conveyances,	273
act to authorize inhabitants of Hopewell to vote by ballot,	277
supplement to act concerning wills,	280
supplement to act to prevent abatement of suits and reversal of judgments,	281
act to repeal act authorizing voting by ballot in Chester, Hope, and Knowlton townships,	282
supplement to act to regulate fees,	283
act to provide additional compensation to judges of common pleas,	285
supplement to act to incorporate townships,	291
act concerning fees and costs in criminal cases,	306
act to prevent fraudulent trusts and assignments,	301

	Page	
Public acts—act to defray incidental charges,	310	SAL
act to repeal act authorizing voting by ballot in Ocean township,	306	
supplement to act to alter time of holding char- ter election in Newark,	307	
Public schools in Newark—act to establish,	60	
in Vernon, act concerning,	206	
in Howell, act concerning,	233	
in Trenton, act respecting,	250	
joint resolution for additional appropriation to,	318	

Q.

Qualification of voters—supplement to act respecting,	291
---	-----

R.

Railroad—act to incorporate Monmouth Railroad Company,	13
act to incorporate New York, Elizabeth- town, and Morris Railroad Company,	34
act to incorporate Paterson and Hackensack Railroad Company,	41
act to incorporate Somerville and New Brun- swick Railroad Company,	90
act to incorporate Salem and Delaware river Railroad Company,	117
act to incorporate Mount Holly and Pember- ton Railroad Company,	264
Raritan and Delaware Plank Road Company—act to incorporate,	52
Real estate of E. Tucker—act to confirm partition of,	50
Repaupo Meadow Company—act to provide for keep- ing banks in repair,	203
Repairs to state arsenal—joint resolution to autho- rize,	319
Riser tract—act to provide for draining,	292
Roads—supplement to act concerning,	162

S.

Salem and Delaware river Railroad Company—act to incorporate,	117
--	-----

	Page.
SUP School District—No. 1, in Plainfield, act to authorize raising money by,	89
No's 1, 2, and 3, in Rahway, act to authorize raising money by,	170
No. 3, in Camden, act to authorize raising money by,	274
Second Baptist Church in Middletown—act to change name of,	283
Sergeant-at-arms of supreme court—act to appoint,	50
Sheep—supplement to act for preservation of,	51
further supplement to act for preservation of,	234
Small and harmless birds—act to prevent destruction of,	236
Societies for the promotion of learning—supplement to act to incorporate,	158
Somerville and New Brunswick Railroad Company—act to incorporate,	90
South river and Freehold Plank Road Company—act to incorporate,	80
State Lunatic Asylum—supplement to act for organization of,	157
act to provide for support of,	235
State house—joint resolution to authorize lighting of, by gas,	317
State arsenal—joint resolution authorizing repairs to,	319
State Bank at Newark—act to extend charter of,	291
Supplement—to act to incorporate medical societies,	3
to act to enable the president and directors of the Bank of New Brunswick to settle affairs of bank,	4
to act to incorporate Washington Manufacturing Company,	9
to act relative to commissioners for taking acknowledgments of deeds,	32
to act for preservation of sheep,	51
to act to confirm charter rights of borough of Elizabeth,	64
to act to incorporate city of Newark,	67
to act respecting conveyances,	70
to act securing to mechanics payment for labour, &c.,	71
to act to authorize School District No. 1, Plainfield, to raise money,	89
to act to regulate fences,	114
to act to regulate gunpowder magazines,	115
to act to ascertain the times and places of holding certain courts,	115

	Page.	TOW
Supplement—to act for organization of State Lunatic Asylum,	157	<hr/>
to act to incorporate societies for promotion of learning,	158	
to act to facilitate communication from Elizabethtown through Morristown, &c.,	160	
to act concerning roads,	162	
to act to establish and regulate pilots,	170	
to act relative to insurance companies,	183	
to act concerning promissory notes, &c.,	194	
to act to incorporate Newark Savings Institution,	199	
to act to incorporate Jersey City,	200	
to act relative to borough of Princeton,	ib.	
to act for preservation of sheep,	234	
to act to regulate fees,	235	
to act to authorize inhabitants of Bloomfield to raise money,	238	
to act to incorporate city of Trenton,	239	
to act for instruction of indigent deaf and dumb,	249	
to act to amend act relative to township of Van Vorst,	ib.	
to act respecting conveyances,	273	
to act to authorize the establishment of manufacturing companies,	280	
to act concerning wills,	ib.	
to act to prevent abatement of suits and reversal of judgments,	281	
to act to regulate fees,	283	
to act to incorporate townships,	291	
to act to alter the time of holding charter election in Newark,	307	
Supreme court—act relative to,	50	
Swartwout pond—act to protect fish in,	290	
Swedesborough—act to prevent swine running at large in village of,	300	
Swine running at large in Lumberton—act to prevent, in Carpenters Landing, &c.—act to prevent,	159 300	

T.

Third Baptist Church of Middletown—act to change name of,	3
Titus, Joseph—act to confirm will of,	156
Town of Beverly—act to incorporate,	184

	Page
VOT Town of Fieldsborough—act to incorporate,	286
_____ Township—of Franklin, part of, annexed to Middlesex county,	5
of Plainfield, Vernon, and Independence, act to repeal part of act to authorize voting by ballot in,	9
of Northampton, part of, annexed to Pemberton,	198
of Howell, act respecting public schools in,	233
of Bloomfield, inhabitants authorized to raise money in,	238
of Westampton, act to establish,	241
of Van Vorst, supplement to act to amend act relative to,	249
of Hopewell authorized to vote by ballot,	277
of Hope, Chester, and Knowlton, act repealed authorizing voting by ballot in,	282
of Ocean, act to repeal act authorizing voting by ballot in,	306
of Pompton, act to authorize voting by ballot in,	304
Townships—supplement to act incorporating,	291
Traphagen, Henry—act for relief of children of,	309
Treasurer authorized to audit certain accounts,	316
Trenton—supplement to act to incorporate city of, act respecting public schools in,	239 250
Trustees of New Hope Delaware Bridge Company—act to appoint,	245
Tucker, Ebenezer—act to confirm partition of real estate of,	51
Turkey—act to prevent swine from running at large in village of,	300
Turnpike company—act to incorporate Glassborough and Carpenters Landing,	10
act to incorporate Gloucester,	173
V.	
Van Nuys, Lawrence V. D. V.—act for relief of,	134
Van Vorst—act to authorize raising money by tax in, supplement to act to amend act relative to township of,	198 249
act to prevent swine running at large in township of,	30
Vernon township—act to repeal part of act authorizing voting by ballot in,	9
act concerning public schools in,	206
Voters—act respecting qualifications of,	291

W.	Page.	<u>YOU</u>
Washington Manufacturing Company—supplement to act to incorporate,	9	
Washington Monument—joint resolution authorizing governor to furnish stone for,	317	
Westampton—act to establish township of,	241	
Will of Jacob Miller—act to confirm,	33	
of Joseph Titus, act to confirm,	256	
Wills—supplement to act concerning,	280	
Woodbury—act to prevent swine running at large in village of,	300	
Woodstown—act to prevent swine running at large in village of,	ib.	
Y.		
Young, Nelson V.—act to confirm acknowledgment of deeds by,	88	

