ACTS

ACCESSION NO. 33617
PROPERTY OF
CATALOGUED

OF THE

EIGHTY-SEVENTH LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

NINETEENTH UNDER THE NEW CONSTITUTION.



NEWARK, N. J.
PRINTED BY E. N. FULLER, DAILY JOURNAL OFFICE.
1863.

ACTS

OF THE

EIGHTY-SEVENTH LEGISLATURE.

CHAPTER I.

A further supplement to the act entitled "An act revising and amending an act to incorporate the city of Paterson," passed March fourteenth, one thousand eight hundred and fifty-one.

WHEREAS, the citizens of Paterson, desiring that the calls of the government for troops, to be furnished by said city, to aid in suppressing the rebellion, should be filled with volunteers rather than with drafted men, did, by petition and otherwise, recommend and advise the mayor and aldermen of said city to offer and pay bounties to secure that object; and whereas, the said mayor and aldermen, pursuant to such recommendation and advice, and for the purpose so expressed, have paid the sum of thirty-eight thousand five hundred dollars, which, with the interest thereon, amounts to forty thousand dollars; and whereas, it is necessary that provision should be made for the payment of such indebtedness, and it is desirable that the same should be gradually paid off—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the mayor and aldermen of the city of Paterson, to provide for the payment of the said indebtedness, by issuing bonds under their corporate seal and the signature of the said mayor, for an amount of money not exceeding forty thousand dollars, in such sums, and payable at such time or times, as the said mayor and aldermen shall deem proper, bearing interest Mayor and aldermen may issue bonds. Not to exceed $40,000.

New Jersey State Library

at a rate not exceeding seven per cent. per annum, payable semi-annually, and with coupons attached, and to pledge the property and credit of said city for the payment of the same; which bonds it shall be lawful for the mayor and aldermen, and their successors, to sell and assign; *provided*, that no bond shall be sold by the said mayor and aldermen for less than par; *and provided further*, that the bonds to be issued by virtue of this act shall be redeemable at a period of time not to exceed twenty years from the passage hereof.

Proviso.

Interest to be paid by tax.

2. *And be it enacted*, That the said mayor and aldermen shall have power and authority to provide by taxation for the payment of said bonds and the interest thereon, and that they shall yearly and every year, until the bonds so to be issued shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the time and in the manner that other taxes in said city are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due, and to pay and discharge the principal, at the several times it shall become due and payable; *provided*, that not less than one thousand dollars, nor more than five thousand dollars of the principal of said bonds shall be made redeemable in any one year.

Proviso.

Acts confirmed.

3. *And be it enacted*, That it shall be the duty of the said mayor and aldermen to apply the net proceeds of the said bonds to the payment and satisfaction of the indebtedness incurred as aforesaid by the payment of bounties to volunteers, and that the payment of the same by the said mayor and aldermen be, and the same is hereby ratified and confirmed; and that the third and fourth sections of the act entitled "A further supplement to the act entitled 'an act to incorporate the city of Paterson, approved March nineteenth, eighteen hundred and fifty-one,'" and which supplement was approved February twelfth, eighteen hundred and fifty-eight, be and the same are, so far as they in any wise affect this act, hereby repealed.

Repealer.

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

ANTHONY RECKLESS,
President of the Senate.

JAMES T. CROWELL,
Speaker of the House of Assembly.

Approved February 2, 1863.

JOEL PARKER.

CHAPTER II.

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

Inventory and lists to be recorded by surrogate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases arising after the passage of this act, the inventory and list of creditors, with statement of claims required to be filed by assignees under the act to which this is a supplement, and the supplements thereto, shall be proved before the surrogate of the proper county, and recorded by him in a book to be provided for that purpose, and to be called "assignees' book;" and that for taking proof of such inventory and list, and for the recording thereof, the surrogate shall be entitled to the same fees as are allowed by law for like services in relation to inventories of deceased persons.

Fees.

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

Approved February 4, 1863.

CHAPTER III.

AN ACT concerning actions of replevin.

Supreme court commissioner to approve bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any supreme court commissioner of this state to approve of replevin bonds to be hereafter given to any coroner in actions of replevin depending in any court of this state, and also to approve of the sufficiency of the sureties therein named; and such approval, which shall be endorsed by the commissioner on the bond, shall have the same force and effect as like approval by a judge, as now required by law, and thereupon

the coroner may proceed to serve the writ of replevin according to law.

Securities to justify.

2. *And be it enacted*, That before the commissioner shall endorse his approval on such bond, he shall require the sureties named therein to justify before him in usual form, and shall thereupon immediately file the affidavits of justification with the clerk of the court whence the writ of replevin issued.

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

Approved February 4th, 1863.

CHAPTER IV.

AN ACT explanatory of an act entitled "An act to renew the charter of the Farmers' and Mechanics' Bank of Rahway, and to increase the capital stock thereof," approved the second day of February, one thousand eight hundred and sixty.

Preamble.

WHEREAS, doubts have arisen as to whether, under the provisions of the act entitled "An act to renew the charter of the Farmers' and Mechanics' Bank of Rahway, and to increase the capital stock thereof," approved the second day of February, one thousand eight hundred and sixty, the provisions of the fourth section of said act can take effect until the expiration of the time limited for the continuance of said corporation before the passage of said act; therefore,

Explanation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the said fourth section of the said act shall be held and taken to apply to all elections and meetings of the stockholders of said corporation hereafter to be held, as fully and to all intents and purposes as they would have applied if the said provisions had been incorporated in the original charter of said corporation.

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

Approved February 4, 1863.

CHAPTER V.

A further supplement to the act entitled "An act to incorporate the Sussex Mine Railroad Company," approved March the ninth, eighteen hundred and forty-eight.

May extend branch roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Sussex Railroad Company, and it is hereby authorized and empowered to construct a branch railroad from some convenient point on the present line of their railroad to some convenient point at or near to Franklin Furnace, in the county of Sussex, and from thence, if the said company shall deem it expedient, in a northerly direction to such other point in said county as may be deemed most for the public good, and to construct spurs or branches from their present railroad, and from the branch road hereby authorized, to any other point or place in said county; *provided always*, that no branches or spurs shall be constructed under the authority of this act, except such as shall be commenced within five years after its passage.

Privileges and restrictions.

2. *And be it enacted*, That for the purpose of carrying into effect the objects of this act, the said company shall be and it is hereby invested with all the rights, powers, authority and privileges given by the act to which this is a supplement, and the several supplements thereto, and subjected to all the duties, restrictions and liabilities contained in said act and supplements, and not inconsistent with this act; and if, under the powers conferred by the eighth section of the supplement approved February the fifth, eighteen hundred and fifty-three, the said company shall deem it expedient to open separate subscriptions, and create separate stock, and open and keep separate accounts for the said branches or spurs authorized by this act, or either of them, it shall be lawful to create and issue the said separate stock in such manner that the same, and the branch railroad or spur for the construction of which it shall be issued, together with the locomotives, cars, and other stock, apparatus and machinery, used in the constructing and operating of such branch or spur, shall not be liable to the payment of any part of the debts of said company not contracted for the construction or operating of such

Separate stock and liability.

branch or spur, and that the debts contracted in the construction or operating of such branch or spur shall be a lien only upon such branch or spur, together with the locomotives, cars, and other stock, apparatus and machinery used in the construction or operating of the same, in the same manner as if the said branch or spur was owned and operated by a separate and distinct company.

Contract with other roads.

3. *And be it enacted*, That it shall be lawful for the said company to contract with any other corporation, or with any individual, for the transportation of milk, lime, plaster and coal, from any point on their road, or any of its branches, to New York city, or any intermediate point, or to any point on the line of the Morris and Essex Railroad, as now used, or as it may be hereafter extended, upon such terms as may be agreed upon between the contracting parties.

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

Approved February 4, 1863.

CHAPTER VI.

A supplement to an act entitled "An act to incorporate the Elizabeth Orphan Asylum Association."

Overseers and guardians may place children in the Asylum.

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 overseer of the poor of the city of Elizabeth, by the consent of said corporation, to place any poor child who is or shall become chargeable to said city, and for any mother or guardian of any poor child whose father is dead, or whose father has for the space of one year neglected to support the said child or make provision therefor, to place such poor child in the care and custody of said corporation, by writing under his or her hand and seal; and if any person or persons shall entice away or take or cause to be taken away from such care and custody any child heretofore placed, or which shall hereafter legally be placed therein, without the written consent of such corporation, through its proper officers, every such person so offending shall, on due proof thereof before any justice

Penalty for taking them away,

of the peace of the county of Union, be punished by fine not less than twenty nor more than fifty dollars, or by imprisonment in the county jail not less than three nor more than six months; and all fines imposed under the provisions of this act shall be paid to the treasurer of said corporation for its use; and such child so enticed or taken away shall be restored to the care and custody of the said corporation.

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

Approved February 4, 1863.

CHAPTER VII.

A further supplement to an act entitled "An act to incorporate the Newark Lime and Cement Manufacturing Company," passed February twentieth, eighteen hundred and forty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to incorporate the Newark Lime and Cement Manufacturing Company," passed February twentieth, eighteen hundred and forty, shall be and hereby is continued and extended for and during the term of twenty years. Act extended for twenty years.

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

Approved February 4, 1863.

CHAPTER VIII.

A further supplement to the act entitled "An act to regulate the practice of the courts of law," approved April fifteenth, one thousand eight hundred and forty-six.

When the minutes to be held the record of judgment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any civil cause which has been heretofore or shall hereafter be finally determined, until the clerk of the court shall enter the warrants of attorney, declaration, pleadings, proceedings, and judgment in such cause, as is required by the seventy-seventh section of the act to which this is a supplement, the entry of the verdict or rule for judgment in the minutes of the court, shall be held and taken in the court in which the same is obtained, to be the record of the judgment in such cause, and the same shall be received in evidence in said court, as such judgment, as fully as if the record had been made up and signed as by said section required.

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

Approved February 4, 1863.

CHAPTER IX.

AN ACT to confirm the acknowledgments and proofs of deeds and other instruments in writing taken by Garret S. Boice.

Preamble.

WHEREAS, it appears to the legislature that Garret S. Boice was duly appointed, on the nineteenth day of March, in the year eighteen hundred and sixty-two, one of the commissioners to take the acknowledgments and proofs of deeds for the fifth ward, Jersey City, county of Hudson, and state of New Jersey, and was commissioned and sworn into office by virtue of said commission; and whereas, it

appears that said Garret S. Boice thereafter removed his residence out of said fifth ward, and after such removal, from ignorance of the laws of this state, continued to take acknowledgments and proofs, by reason of which defective acknowledgments and proofs innocent persons may be subject to great loss—therefore,

Acknowledgments of Garret S. Boice to be valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several acknowledgments and proofs of deeds and other instruments of writing, taken and certified by the said Garret S. Boice as commissioner after his removal out of said fifth ward, be and the same are hereby confirmed and declared valid and effectual, in like manner as though the same had been taken and certified by him while residing in the said ward for which he had been appointed.

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

Approved February 4, 1863.

CHAPTER X.

AN ACT to legalize certain acts of the township committee and inhabitants of the township of Raritan, in the county of Monmouth, in raising money for volunteers for the war.

Preamble.

WHEREAS, the township committee of the township of Raritan, in the county of Monmouth, upon notice given, did call a meeting of the inhabitants of said township, on the twenty-seventh day of August, eighteen hundred and sixty-two, and the said meeting thus assembled did unanimously vote to borrow a sufficient sum of money to pay a bounty of fifty dollars to volunteers for the war; and whereas, the credit of the said township was pledged at said meeting, by vote, for the payment of said sum so directed to be raised, and to that end the same was directed to be assessed and collected from the taxable property of said township; and whereas, at a subsequent meeting of said inhabitants, after eight days' notice, it was voted that five thousand dollars be assessed and collected for the purposes

aforesaid, and the proceedings of the former meetings were ratified in all things; and the said assessment having been made and partially collected, and doubts having arisen as to the legality of the said doings of the township committee and inhabitants of the said township of Raritan —therefore,

Vote of township to be valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the acts and doings of the township committee and the inhabitants of the township of Raritan, in the county of Monmouth, mentioned in the preamble to this act, to raise money by assessment and collection, a sum sufficient to pay a bounty of fifty dollars to volunteers for the war, to make up the quota of men from said township, are made valid in all respects, and binding upon the inhabitants and taxable property in said township.

Collector to collect bounty

2. *And be it enacted*, That the collector of the said township of Raritan have full power and authority to collect the said sum so assessed as aforesaid, in the manner now prescribed by the act relative to the collection of taxes in said township, and shall be liable for neglect of duty in respect to said tax, as he is by law for neglect of duty in respect to other taxes.

Public act.

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

Approved February 4, 1863.

CHAPTER XI.

AN ACT for the erection of a true meridian line standard in each county of the state, and for the protection of the same.

Freeholders to erect a pillar with true meridian.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the board of chosen freeholders of each county of the state, within the space of six months next ensuing after the passage of this act, or in case any new county shall be created at any time hereafter, then within six months of the time when the act creating said county shall have become a law, to

erect at some public spot adjacent to each court house of each county, a good and substantial pillar, upon whose summit there shall be firmly and immoveably placed a brass plate, in which shall be indented a line, indicating the true meridian; and to enclose and protect the same properly, the said pillar and enclosure to be subject to the custody of the county clerk, to be free to the access of any surveyor of lands, or civil engineer, residing in said county, or engaged in surveying therein, for the purpose of testing the variation of the compass for the time being; and to cause the said meridian line to be verified at any time when required so to do by order of the circuit court of the said county; and that the expense of the said erection, enclosure and verification shall be provided for by the said board of chosen freeholders, after the mode in which other expenses chargeable to the county are provided.

Penalty for injuring or destroying.

2. *And be it enacted*, That any person or persons who shall wilfully erase, alter, deface, displace, destroy or otherwise injure said line, or plate, or pillar, or any part thereof, or destroy, break down or carry away the enclosure aforesaid, or any lock, bar, bolt, or any part thereof, the said person or persons so offending shall be deemed to be guilty of felony, and upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine not less than fifty, and not exceeding five hundred dollars, or by imprisonment in the penitentiary of the state, during a term not less than one, nor more than three years, or both, at the discretion of the court.

Approved February 4, 1863.

CHAPTER XII.

AN ACT to authorize the inhabitants of the township of Manchester, in the county of Passaic, to raise money by issuing bonds, and for other purposes.

Preamble.

WHEREAS, most of the inhabitants of the said township being desirous that the call of the government for troops to support its authority and suppress rebellion, should be filled with volunteers rather than with drafted men, did recommend and request the township committee of said township

to offer bounties for that purpose; and whereas, the said township committee, acting upon said recommendation and request, has paid for bounties the sum of sixteen hundred dollars; and whereas, it is deemed desirable that the indebtedness so created should be gradually paid off—therefore,

Township committee may issue bonds, not to exceed $1,600.

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 Manchester, in the county of Passaic, to provide for the payment of the said indebtedness by issuing bonds, in the name of "The inhabitants of the township of Manchester, in the county of Passaic," under the respective hands and seals of the said township committee, or any three of them, for an amount of money not exceeding sixteen hundred dollars, in such sums, and payable at such time or times, as the said township committee shall deem proper, bearing interest at a rate not exceeding seven per cent. per annum, payable annually, and to pledge the property and credit of the said township for the payment of the same; which bonds it shall be lawful for the said township committee and their successors, to sell and assign; *provided*, that no bond shall be sold by the said township committee for less than its par value; *and provided further*, that the bonds so to be issued shall be redeemable at a period of time not to exceed six years from the passage hereof.

Proviso.

Township committee may raise money by taxation to pay interest, &c.

2. *And be it enacted*, That the township committee of the said township of Manchester shall have power and authority to provide by taxation for the payment of the said bonds and the interest thereon; and that the said township committee shall yearly and every year until the bonds to be issued by the authority hereof shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the time and in the manner that other taxes in the said township are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal, at the several times it shall become due and payable; and that the township collector of said township, or other person for that purpose appointed, shall, when such tax or any part thereof shall be collected, pay the same to the township committee of said township; and that all such moneys so to be raised by virtue of this act, shall be inviolably applied by said township committee to pay the interest and principal of said bonds as the same shall become due and payable; *provided*, that not less than three hundred dollars,

Principal.

Proviso.

nor more than six hundred dollars, of the principal of said bonds to be issued as aforesaid, shall be made redeemable in any one year.

Application. 3. *And be it enacted*, That it shall be the duty of the said township committee to apply the net proceeds of the bonds that may be issued by virtue of this act, to the payment and satisfaction of the debt and liabilities incurred in said township by the township committee thereof paying bounties to volunteers as aforesaid.

Acts confirmed. 4. *And be it enacted*, That the debt and liabilities incurred in said township of Manchester, in consequence of the payment of bounties to volunteers, as mentioned in the preamble hereto, and the action of the said committee thereupon, are hereby ratified and confirmed.

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

Approved February 4, 1863.

CHAPTER XIII.

AN ACT to incorporate a Rural Cemetery in the county of Hudson.

Stockholders. 1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That all persons who shall become stockholders or lot owners pursuant to this act, are hereby constituted a body corporate, by such name as the directors hereinafter named shall select, for the purpose of establishing a public burial ground in the county of Hudson.

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

May acquire land, not to exceed 100 acres. 3. *And be it enacted*, That the said corporation may acquire, take and hold a tract of land in the county of Hudson, not exceeding one hundred acres, and may sell and otherwise dispose of such land in lots or parcels, to be used exclusively

as a cemetery, or for a place for the burial of the dead; but all moneys received for or on account of the said capital stock shall be first applied by the said corporation to the payment of the purchase money of the land acquired by the said corporation.

Powers of directors.

4. *And be it enacted*, That after such corporation shall have acquired the said tract of land, and caused the same to be properly mapped into lots, plots and avenues, the directors shall from time to time affix to the several plots and lots such price as they shall deem reasonable, having a view to the future maintenance of such cemetery, and any stockholder shall have the right, at any time, to surrender his stock and take in lieu thereof a plot or plots for burial purposes, and pay the balance of the purchase money, if any, in cash, to create a fund out of which said cemetery shall be improved and embellished.

Real estate not subject to taxation.

5. *And be it enacted*, That the real estate of said company and the said lots and parcels, when conveyed by the said corporation, upon the surrender of the stock, or when sold to individual proprietors, shall be exempt from all taxation or assessment whatsoever, and shall not be liable to be sold on execution, or subject to attachment, or applied to the payment of debts by assignment under any insolvent or bankrupt laws, but may be conveyed under such regulations as the said directors may adopt.

Commissioners named.

6. *And be it enacted*, That John Griffith, Peter Bentley, Hartman Van Wagenen, J. M. Cornelison, Augustus A. Hardenberg, Hozea F. Clark and Jacob Van Winkle shall be commissioners to receive subscriptions to the said capital stock, at such times and places as they or a majority of them may determine, and ten per cent. upon the amount of the subscription shall be paid to them at the time of subscribing, for which they shall give a certificate; and when twenty thousand dollars shall be subscribed, and ten per cent. paid to the said commissioners, the said commissioners shall give

How corporation organized

personal notice to said stockholders, of the time and place of a meeting at which an election shall be held for seven directors, being stockholders, and such election shall then and there be made, by such of the stockholders as shall attend, either in person or by proxy, each share of the capital stock entitling a stockholder to one vote; and the said commissioners or any three of them, shall be inspectors of the first election of directors, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription

books, moneys and property of said corporation to the said directors; the directors first chosen shall fix upon the time and place of holding the first meeting of directors; a new election of directors, being stockholders or holders of a lot or plot in said cemetery, of the value of one hundred dollars, shall be had annually, on the second Tuesday of April in each year, at which election any person holding a lot or plot in said cemetery of the value of one hundred dollars, or stock to that amount, shall be entitled to one vote, either in person or by proxy, and a majority of the votes cast shall be necessary to a choice.

Annual election of directors.

7. *And be it enacted*, That the directors of said company shall appoint from their number a president and such other officers and agents (not being directors) as they may deem necessary for the purposes of the company, and shall fix the compensation to be paid them, and shall make and establish all needful rules and regulations in relation to the cemetery and its affairs, and shall make up and declare annually to the stockholders or lot owners a statement of the receipts and expenditures of the year preceding, and the general condition and prospects of the company.

President and other officers.

Duties.

8. *And be it enacted*, That said directors may call in the subscriptions to the capital stock at such times, and in such sums, and upon such notice, as they may deem reasonable; and a failure to comply with such notice on the part of any stockholder, shall, at the option of the directors, or a majority of them, cause a forfeiture of all moneys thereon and all rights by virtue of his subscription to said stock.

Subscriptions, how called in.

9. *And be it enacted*, That the said company shall have, use and exercise all the rights and privileges incident to a corporation, for the purposes herein stated, and shall be exempt from all taxes, assessments and charges upon their capital stock and the property which they may acquire, take hold.

Capital stock not taxed.

10. *And be it enacted*, That the directors of the said company shall cause a map to be made of any land they may acquire, showing the external boundaries thereof, and file the same in the clerk's office of said county; and it shall not be lawful for any municipal authority, or for any surveyors of highways, or any other person, to lay out or project any street, road or avenue upon or over such tract of land.

Map to be made and filed

11. *And be it enacted*, That said company shall have the right at any time to redeem the stock issued to the stockholders, by giving ninety days' notice and paying the money

Stock may be redeemed.

advanced and interest thereon at the rate of seven per cent. per annum, during the time the same shall be held; and all moneys received from the sale of the company's property shall be used exclusively in paying for the same and in beautifying and improving the roads and avenues, and making such other improvements as the directors shall from time to time order and direct to be made.

How funds appropriated.

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

Approved February 5, 1863.

CHAPTER XIV.

AN ACT to authorize the inhabitants of the township of Acquackanonk, in the county of Passaic, to raise money by issuing bonds, and for other purposes.

Preamble.

WHEREAS, the inhabitants of the township of Acquackanonk being desirous that the call of the government for troops to be supplied by said township, to aid in suppressing the present rebellion, should be filled by volunteers rather than by drafted men, and, by resolutions adopted at public meetings of said inhabitants, recommend and request the township committee of said township to offer and pay bounties for that purpose; and whereas, the said township committee, pursuant to said recommendation and request, has paid the sum of thirteen thousand dollars; and whereas, it is desirable that such sum shall be paid off gradually—therefore,

Committee may issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of the township of Acquackanonk, in the county of Passaic, to provide for the payment of the said indebtedness, by issuing bonds in the name of "The inhabitants of the township of Acquackanonk, in the county of Passaic," under the respective hands and seals of the said township committee, or any three of them, for an amount of money not exceeding thirteen thousand dollars, in such sums and payable at such time or times as the said township committee shall

Not to exceed $13,000.

deem proper, bearing interest at a rate not exceeding seven per cent. per annum, payable annually, and to pledge the property and credit of the said township for the payment of the same, which bonds it shall be lawful for the said township committee, and their successors, to sell and assign; *provided*, that no bond shall be sold by the said township committee for less than its par value; *and provided further*, that the bonds so to be issued, shall be redeemable at a period of time not to exceed five years from the passage hereof.

Payment by taxation.

2. *And be it enacted*, That the said township committee shall have power and authority to provide by taxation for the payment of said bonds and the interest thereon; and the said township committee shall yearly and every year, until the bonds to be issued by authority hereof shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the time and in the manner as other taxes in the said township are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due, and to pay and discharge the principal at the several times it shall become due and payable; and that the township collector of said township, or other person for that purpose appointed, shall, when such tax or any part thereof, shall be collected, pay the same to the township committee of said township, and that all such moneys so to be raised by virtue of this act, shall be inviolably applied by said township committee, to pay the interest and principal of said bonds, as the same shall become due and payable; *provided*, that not less than one thousand dollars nor more than five thousand dollars of the principal of said bonds, to be issued as aforesaid, shall be made redeemable in any one year.

Money so raised to be applied to pay bonds and interest.

Proviso.

Money so raised to be applied to liquidate liabilities.

3. *And be it enacted*, That it shall be the duty of the said township committee to apply the net proceeds of the bonds that may be issued by virtue of this act, to the payment and satisfaction of the debt and liabilities incurred in the said township of Acquackanonk, by the said township committee paying bounties to volunteers as aforesaid, and to no other purpose.

Acts ratified.

4. *And be it enacted*, That the debt and liabilities incurred in the said township of Acquackanonk, in consequence of the payment of bounties to volunteers by the township committee thereof, as mentioned in the preamble to this act, and all proceedings of the said township committee thereon, be and the same are hereby legalized, ratified and confirmed; and that said sum so assessed shall be collected in the same man-

ner as other taxes in said township are collected, and paid in the manner prescribed in the second section of this act.

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

Approved February 5, 1863.

CHAPTER XV.

AN ACT to incorporate the Eagle Glass Manufacturing Company at Port Elizabeth, in the county of Cumberland.

Corporators named.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Townsend, Nathaniel Stratton, Benjamin F. Lee, Joseph E. Oliver, and George B. Cooper, and such other persons as may be associated with them, shall be, and they are hereby constituted and declared a body corporate and politic in fact and law, by the name of "The Eagle Glass Manufacturing Company," and by that name shall have continued succession, and shall be capable of purchasing, holding, leasing, mortgaging, and conveying any lands, tenements, goods and chattels necessary or proper for the objects of the said corporation hereby created.

Capital stock, $50,000.

2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with the privilege from time to time of increasing the same to any sum not exceeding one hundred thousand dollars, divided into shares of one hundred dollars each, each stockholder being entitled, in person or by proxy, to as many votes as he holds shares of stock, which shares shall be deemed personal property, and transferable in such manner as the said company by its by-laws may direct; that ten dollars on each share of stock shall be paid at the time of subscribing; said stock to be subscribed for and further paid in, at such times and in such installments as the directors may from time to time appoint and direct; *provided*, that no installment shall be for more than ten dollars on each share, or called in at intervals of less than one month, and that notice shall be given thereof in one newspaper published in said county at least three weeks, once in each next preceding the time of payment.

Shares, $100.

How installments paid.

Proviso.

3. *And be it enacted*, That the property and affairs of the said company shall be managed and conducted by a board of directors not less than three nor more than five in number, shareholders in said company, who shall be chosen annually, at such time and place in the county of Cumberland, in such manner and upon such notice as the by-laws of said company shall direct, who shall serve for one year and until others are chosen in their stead; and that Samuel Townsend, Benjamin F. Lee and Joseph E. Oliver shall be the first directors of this company, under this charter, to continue in office until others are elected and appointed in their stead; that the directors of said company shall choose one of their own number to be president, and may appoint such other officers and agents as they may deem expedient, fill vacancies in their own board until the next annual election, collect installments on stock when called for, or declare the stock forfeited, and all previous payments made thereon, in case of non-payment when duly called for, if they deem it expedient. First directors. May fill vacancies.

4. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, in which shall be regularly entered all the transactions and accounts of said company; and also books for the transfer of the stock of the company, which shall at all times, at reasonable hours, be open for the inspection of the stockholders of said company; that the directors shall make an annual report to the stockholders of the affairs of the company, of the amount of stock actually paid in, and of the assets and debts of the company, and no dividends shall be declared except from the actual profits of the company. Books to be kept and report made annually.

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

6. *And be it enacted*, That it shall be lawful for the legislature of this state, at any time hereafter, to amend, alter, and repeal this act. Reserved powers of Legislature.

Approved February 5, 1863.

CHAPTER XVI.

AN ACT to enable the owners and possessors of the meadow, marsh and swamp lands on New Port or Antuxet creek, in the county of Cumberland, to make a dam across the said creek, and to erect and maintain banks, dikes, dams and water works sufficient to prevent the tide from overflowing the same.

Owners of meadows may construct a dam.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the owners and possessors of the meadow, marsh and swamp lands now under water or exposed to the overflow of the tides in New Port or Antuxet creek, in the county of Cumberland, to make and construct a dam across said creek, at such place or places as shall seem most beneficial to all parties interested, with such sluices, sluice-races, and other water works, and of such materials, character and dimensions, as they may deem necessary or proper to exclude the tide from said meadows and swamps, and to drain, irrigate, and otherwise improve the same; and after the said dams, banks and water works shall be so made and constructed, the same to maintain and keep in suitable and proper repair, in manner and form as hereinafter described.

And maintain the same.

Officers, how elected.

2. *And be it enacted*, That the owners and possessors of said meadow shall be known as the New Port Meadow Company; and it shall be lawful for the said owners and possessors, their agents and representatives, to meet at the New Port Academy, in the town of New Port, township of Downes, in the county of Cumberland, on the first Monday of April, Anno Domini one thousand eight hundred and sixty-three, and annually thereafter, on the same day, and between the hours of one and five o'clock in the afternoon of said day, to choose, by ballot or otherwise, and by a plurality of votes, such person or persons as they may think proper for managers, and a treasurer and clerk, for and until the next annual meeting thereafter; and a notice, signed by any of the said company, and left at the residence or dwelling of each owner, or by advertising the same in three of the most public places in the neighborhood of said meadows, at least one week previous to the time of the first meeting aforesaid, shall be considered a legal notice for said meeting; and at such election

for officers, the mode of voting shall be in person or by proxy, in the following ratio: every owner of meadow in said company shall be entitled to one vote for any quantity not exceeding five acres, which he, she or they may possess, and one vote for each and every five acres, not exceeding twenty acres, and one vote for each and every additional ten acres.

Powers of managers.

3. *And be it enacted*, That for the purpose of making and constructing said dams and water works, the said managers shall have full power to take and use any earth, mud or sod, or other material, in any part of said meadow or marsh land, the most convenient thereto, and to have free egress and ingress for themselves, and their hands and teams, through any part thereof, doing no unnecessary damage to the owner or owners thereof, and making him, her or them proper compensation therefor, to be determined by agreement of the parties; and if they cannot agree, then by two judicious and disinterested men in the neighborhood, mutually chosen by the parties; and in the event they cannot agree upon any appraisement or the damages, then the said appraisers may choose a third person of the neighborhood, being a freeholder and disinterested, to join them therein, any two of whom agreeing, their appraisement, made and certified in writing, shall be binding and conclusive to the parties, and shall be paid by the said company to the person or persons injured as aforesaid, they, the said appraisers, giving five days' notice, in writing, to the parties in question, of the time and place of meeting to determine said appraisement.

How to take or acquire materials.

Special meetings.

4. *And be it enacted*, That whenever the managers of said company, for the time being, shall deem it necessary to call a special meeting of the company, they shall give at least seven days notice thereof to its members, by advertisements, under their hands, set up in three of the most public places in the neighborhood of the said meadow, designating the time, place, and object of such meeting.

Compensation of officers.

5. *And be it enacted*, That all the officers chosen, or to be chosen, by the said meadow holders, shall be entitled to receive from said company a reasonable compensation for all services required of them by this act.

Directions and restrictions.

6. *And be it enacted*, That all the rest of the proceedings and operations of said company, of every nature and kind soever, shall be performed and conducted in the same way and under the same powers, and with the same limitations and restrictions, as if this company had been created and formed under the act of the legislature of this state, entitled "An

act to enable the owners of tide-swamps and marshes to improve the same, and the owners of meadow already banked in and held by different persons, to keep the same in good repair," passed the twenty-ninth day of November, one thousand seven hundred and eighty-eight, and the several supplements thereto.

Repealer. 7. *And be it enacted*, That all other acts of this state, inconsistent with the provisions of this act, so far as they relate to this meadow, be and the same are hereby repealed.

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

Approved February 9, 1863.

CHAPTER XVII.

AN ACT to authorize the people of the township of Holmdel, in the county of Monmouth, to raise by tax an amount necessary to pay the bounties advanced to the Nine Months' Volunteers of said township.

Preamble. WHEREAS, the inhabitants of the township of Holmdel, in the county of Monmouth, did advance to the Nine Months' Volunteers for the United States service, from said township, the sum of six thousand dollars, to aid the state in filling her quota of men called for by the governor, and relieve themselves from the odium of a draft and the severity of a conscription; and whereas, it is necessary that a law should be passed by the legislature to legalize the raising of said sum by taxation—therefore,

Money to be raised by assessments to pay advances. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of said township be, and the same are hereby authorized to raise, by assessment on the taxable property in said township, a sum sufficient to liquidate the amount advanced and expended in raising said volunteers.

2. *And be it enacted*, That the said assessment shall be made and collected at the same time and in the manner as other taxes are assessed and collected.

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

Approved February 9, 1863.

CHAPTER XVIII.

A further supplement to the act entitled "An act to incorporate the Newark Mutual Fire Assurance Company," passed the fourth day of November, eighteen hundred and eleven.

Extension of charter.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement, and the supplement thereto, passed the first day of December, Anno Domini eighteen hundred and forty-five, and the further supplement thereto, passed the twenty-fifth day of January, Anno Domini, eighteen hundred and fifty-five, and all the provisions thereof, except so far as the same shall be modified, amended, altered or repealed by this act, shall be and the same are hereby extended and continued in force for and during the term of thirty years from and after the passing of this act.

Name altered.

2. *And be it enacted*, That the said "The Newark Mutual Fire Assurance Company," shall hereafter be known and designated by the name and style of "The Newark Mutual Fire Insurance Company," and by that name have and exercise all the powers and privileges conferred by the said original act and the supplements thereto, and be liable to all the duties and obligations therein contained.

Directors to be divided into classes.

3. *And be it enacted*, That at the first meeting of the directors, after the passage of this act, they shall divide themselves into three classes, one class to consist of five members, and two classes of four members each, one class of which shall serve as directors for one year, one class for two years, and one class for three years; and at each annual election thereafter, there shall be elected, by the members, directors to supply the class whose term of service has expired, who shall serve for three years.

Scrip may be cancelled.

4. *And be it enacted*, That it shall and may be lawful for the directors of said company to purchase, redeem and cancel so much of the scrip and certificates representing the

capital stock or funds of the company, as shall be necessary to reduce the same to one hundred and fifty thousand dollars.

Regulation of policies.

5. *And be it enacted*, That it shall and may be lawful for the directors of the said company to give the holders of the policies hereafter issued by said company, the right to participate, or not, in the profits of the company, to such extent, in such manner, and upon such terms and conditions, as a majority of the board of directors shall deem advisable and prescribe.

Certain acts and parts repealed.

6. *And be it enacted*, That so much of said original act and the supplements thereto as requires the board of directors of said company to issue certificates or scrip, representing the capital stock or funds of the company, to the persons insured therein, for the amount of the premium or premiums, or any part thereof, paid by them to said company; and so much thereof as requires the seal of the company to the policies; and also so much thereof as directs the payment of deposit money, and the signing of the deed of settlement or articles of association of said company by the insured; and all such other parts of said original act, and the several supplements thereto, as are inconsistent with the provisions of this supplement, be and the same are hereby repealed.

Proviso.

7. *And be it enacted*, That nothing in this act contained shall be so construed to alter or change any contracts heretofore made by the said company, but the same shall continue and be in force the same as if this act had not been passed; and that this act shall take effect immediately.

Approved February 9, 1863.

CHAPTER XIX.

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

Four commissioners for Orange.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful to appoint four commissioners for taking the acknowledgment

and proof of deeds in the town of Orange, in the county of Essex.

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

Approved February 9, 1863.

CHAPTER XX.

AN ACT to authorize Richard Stanton and others to dam off Bower's Creek, in the township of Fairfield, county of Cumberland.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Richard Stanton and Robert Howell, or others, parties interested, to dam off Bower's creek, in the township of Fairfield, at or near Howell's landing, constructing in said dam a good and sufficient sluice or flood-gate; *provided*, that the person or persons constructing the said dam, sluices or flood-gates, first get the consent in writing of the property owners on said creek above the said landing for the construction of the same. Bower's creek may be dammed. Proviso.

Approved February 9, 1863.

CHAPTER XXI.

AN ACT to authorize the Mayor and Common Council of the city of Newark to borrow a sum or sums of money, not exceeding in the whole fifty thousand dollars.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and common council of the city of Newark to issue bonds under their corporate seal, and the signature of the mayor of said city, for an amount not exceeding fifty thousand dollars, to be designated and styled "Volunteer Aid Bonds," bearing Mayor, &c., may issue bonds for $50,000, at 7 per cent. interest.

interest, payable semi-annually at a rate not exceeding seven per centum per annum, with coupons attached, and payable at such time or times as may be agreed upon by the common council, not exceeding fifteen years from the date thereof, pledging the credit and the whole property of said city for the payment of the same; which bonds it shall be lawful for the said the mayor and common council of the city of Newark to sell at public or private sale, as the proceeds of the same be needed.

How proceeds appropriated.

2. *And be it enacted*, That it shall be the duty of the said mayor and common council of the city of Newark to apply the net proceeds of said bonds to the support of the families of persons residing in the city of Newark who may volunteer or who may have volunteered in the military service of the United States, or who may be called into military service by the government of this state or of the United States, for the maintenance or defence of the state or federal government, and for no other purpose whatever.

Payment secured by taxation.

3. *And be it enacted*, That the common council shall have power to provide by tax for the payment of said bonds, and the interest thereon, and that none of the limitations, restrictions or conditions in the thirty-fifth section of the act entitled "An act to revise and amend the charter of the city of Newark," approved March eleventh, eighteen hundred and fifty-seven, shall be held to be applicable or in any wise to affect this act, but this act shall be and remain as effectual, to all intents and purposes, as if the said section had not been enacted.

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

Approved February 9, 1863.

CHAPTER XXII.

A supplement to an act entitled "An act against usury," approved April tenth, eighteen hundred and forty-six.

Legalizing certain contracts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement to the act

against usury, approved on the second day of March, in the year of our Lord one thousand eight hundred and fifty-four, shall be construed in all courts and places to legalize all contracts made since said supplement went into operation, and all contracts hereafter to be made within the limits specified in said supplement, for the loan or forbearance of money, upon which interest has been or shall be taken or reserved at the rate of seven per centum per annum; *provided*, either of the contracting parties, at the time of making the contract, did or shall reside either in the county of Hudson or the county of Essex, or the city of Paterson, or out of the state. Proviso.

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

Approved February 9, 1863.

CHAPTER XXIII.

A supplement to an act entitled "An act relating to the courts of the several counties in this state," approved March thirteenth, eighteen hundred and fifty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement, and the same are hereby repealed, so far as the same relates to the county of Mercer, and that this act shall take effect immediately. Mercer county excepted.

Approved February 9, 1863.

CHAPTER XXIV.

AN ACT to authorize the township committee of the township of Ewing, in the county of Mercer, to raise by taxation the amount paid by them to procure volunteers from said township.

Preamble. WHEREAS, the town committee of the township of Ewing, Mercer county, have expended the sum of two thousand nine hundred and fifteen dollars and thirty cents in the payment of bounties to volunteers in the nine months' military service of the United States; and whereas, the inhabitants of said township, at a town meeting regularly called on the fifteenth of September last, resolved by a unanimous vote that the amount of money expended by the said town committee, in payment of bounties as aforesaid, should be raised by tax, and there is a doubt whether, according to the existing laws, it would be lawful to raise the amount expended for bounties by assessment—therefore,

Assessors may assess for $2,915. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assessor of the said township of Ewing shall, immediately after the passage of this act, proceed to assess the said sum of two thousand nine hundred and fifteen dollars and thirty cents, expended in the payment of bounties to volunteers, &c., as above, upon the real and personal property of the tax payers of said township, according to the valuation thereof at the last regular assessment, and hand the same forthwith to the collector of

Mode, and how collected. the township of Ewing; and the collector of the said township shall immediately give four weeks' notice, by advertisements set up in at least four of the most public places in the said township, of the said tax, and within that time shall demand payment of the tax or sum assessed on each individual in said township, in person or by notice left at his or her place of residence; and in case of the non-payment of the said taxes, or any of them, at the time appointed, the collector shall make out a list of the delinquents, with the sums due from them, respectively, thereto annexed, and deliver the same to a justice of the peace in said township, on or before the twentieth day of March next, who shall proceed therein and

issue his warrant in the same manner as is directed and required by law in the collection of other township moneys, who shall proceed thereon as now required by law in other cases.

2. *And be it enacted*, That the assessor of the said township of Ewing shall be entitled to receive two cents, and no more, and the collector of the said township shall be entitled to receive eight cents, and no more, for each name in the duplicate for assessing, levying and collecting the said tax. Fees of assessor and collector.

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

Approved February 9, 1863.

CHAPTER XXV.

A supplement to an act entitled "An act to prevent fraudulent trusts and assignments," approved March seventh, eighteen hundred and fifty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement, and of all supplements thereto, shall apply to all judgments that now are, or hereafter shall be docketed in any of the courts of common pleas of this state; and that the plaintiff in such docketed judgments shall be entitled to all orders, rules, writs, processes and decrees provided by said act, upon filing the petitions and making the affidavits and proofs required by said act. Extension of provisions.

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

Approved February 9, 1863.

CHAPTER XXVI.

A supplement to an act entitled "An act to incorporate the Manufacturers' Fire and Marine Insurance Company of Newark, New Jersey," approved February twenty-fourth, eighteen hundred and fifty-two.

Name changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "Manufacturers' Fire and Marine Insurance Company of Newark, New Jersey," shall hereafter be known and designated by the name of "The Peoples' Mutual Fire and Marine Insurance Company of Newark, New Jersey," and by that name and style have and exercise all the powers and privileges conferred by the act to which this is a supplement, and be liable to all the duties and obligations herein contained.

Powers.

2. *And be it enacted*, That all persons who shall insure with the said corporation may participate in its profits during the period they remain insured by the same, upon such terms and conditions as the directors by their by-laws shall fix and determine; and the power hereby conferred shall be deemed and taken to be, in addition to the powers possessed by the said corporation, and insurances may be taken without the parties participating in the profits of the company, if desired by the insured.

Act continued in force for twenty years.

3. *And be it enacted*, That this act shall continue in force for the term of twenty years from the passage thereof, and that so much of the original act to which this act is a supplement as this act does not repeal, shall be also continued in force for the term of twenty years from the date of the passage of this act.

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

Approved February 9, 1863.

CHAPTER XXVII.

A further supplement to the act entitled "An act to incorporate the town of Phillipsburg, in the township of Phillipsburg, in the county of Warren," approved March eighth, eighteen hundred and sixty-one.

WHEREAS, the common council of the township of Phillipsburg are indebted in the sum of one thousand dollars, money borrowed on the faith of said incorporation, for the purpose of paying bounties to volunteers from said town, called by an order of the president of the United States, bearing date August fourth, eighteen hundred and sixty-two, for volunteers to serve nine months; and whereas, said money has been paid in bounties as aforesaid, and said common council have requested the aid of the legislature in the premises—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of the town of Phillipsburg to raise by tax, from year to year, such sum or sums of money as shall be necessary to pay said loans. Money to be raised by tax to pay loans.

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

Approved February 11, 1863.

CHAPTER XXVIII.

AN ACT to authorize "the Board of Chosen Freeholders of the county of Bergen" to raise money, issue bonds, and for other purposes.

WHEREAS, the inhabitants of the several townships of said county, being desirous that the late call of the administration for troops to prosecute the existing war should be filled with volunteers rather than with drafted men, did recommend and request that bounties should be offered for that Preamble

purpose, and that the board of chosen freeholders of said county should pay the same; and whereas, it was announced in said call that if any county should raise more volunteers than its quota, such excess would be credited to said county on any future call for troops; and whereas, in consequence of the liberal bounty offered and paid, said county raised more troops than its full quota by voluntary enlistments; and whereas, it is right and proper that the indebtedness so created shall be faithfully and honorably paid—therefore,

Board of Freeholders may issue bonds to amount of $150,000.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said county of Bergen to provide for the payment of the said indebtedness by issuing bonds in the corporate name, and under the corporate seal of said county, and to be signed by the director of the board of chosen freeholders of said county, and attested by the county collector, for an amount of money not to exceed the sum of one hundred and fifty thousand dollars, in such sums, and payable at such time or times as the said board of chosen freeholders shall deem proper, and bearing interest at a rate not to exceed seven per centum per annum, payable semi-annually, and to pledge the property and credit of the said county for the payment of the same; which bonds it shall be lawful for the board of chosen freeholders, and their successors, to sell and assign; *provided*, that no bond shall be sold by the said corporation for less than its par value; *provided further*, that the bonds so to be issued shall be redeemable within ten years from the passing of this act.

Proviso.

May provide by taxation for payment.

2. *And be it enacted*, That the said corporation shall have power and authority to provide by taxation for the payment of the said bonds, and the interest thereon and on said indebtedness, and shall yearly and every year, until the bonds to be issued by the authority thereof shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the time and in the manner that other taxes in the said county are assessed and collected, a sum of money sufficient to pay the interest on the said bonds and indebtedness, as the same shall become due and payable, and to pay and discharge the principal, at the several times it shall become due and payable, and that all such moneys so to be raised by virtue of this act shall be exclusively applied to the payment of the interest and principal of said bonds and indebtedness, as the same may become due and payable; *provided*, that not

Proviso.

less than ten thousand dollars nor more than twenty thousand dollars of the principal of said bonds and indebtedness shall be made redeemable in any one year.

Mode of assessment, and ratio.

3. *And be it enacted*, That the taxes authorized to be levied and collected by this act shall be apportioned among the several townships in said county, as follows: so much thereof as may be required to pay the principal of the bonds and indebtedness, and interest thereon, issued and incurred to pay the bounties of volunteers to fill the regular quota of said county, under said call, in the ratio of the number of volunteers each township was required to furnish, and so much thereof as may be required to pay the principal of the bonds and indebtedness, and interest thereon, issued and incurred to pay the bounties of volunteers in excess of said quota, shall be apportioned upon the same basis as other county taxes are.

How proceeds appropriated.

4. *And be it enacted*, That it shall be the duty of the said corporation to apply the proceeds of the bonds that may be issued by virtue of this act, to the payment and satisfaction of the debt and liabilities incurred in paying bounties to volunteers as aforesaid.

Former act confirmed.

5. *And be it enacted*, That the debt and liabilities incurred by said corporation, in consequence of the payment of bounties to volunteers, as mentioned in the preamble hereto, and the action of the said corporation thereupon, are hereby ratified and confirmed.

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

Approved February 11, 1863.

CHAPTER XXIX.

AN ACT supplementary to the act entitled "An act to incorporate the Moorestown and Mount Laurel Turnpike Company."

May extend their road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Moorestown and Mount Laurel Turnpike Company are hereby authorized and em-

powered to construct about one mile, more or less, of turnpike road, from the present terminus of their turnpike, in the village of Crossroads, on and along the public highway, to Haines' Mills, both in the township of Medford, and county of Burlington, and in all the details to be governed by the provisions of the first above named act, to which this is a supplement, and that the capital stock of said company be increased, so as to meet the expenses of this turnpike road extension.

Approved February 11, 1863.

CHAPTER XXX.

A supplement to the act entitled "An act to authorize the inhabitants of the township of Union, in the county of Essex, now Union, and the inhabitants of the township of Tewksbury, in the county of Hunterdon, to vote by ballot at their annual town meetings," passed February twenty-fourth, eighteen hundred and forty-three.

Town meeting regulated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the judge of election elected at the last, or any future town meeting hereafter held in the township of Union, in the county of, formerly Essex, now Union, shall preside at and conduct the election at the next annual town meeting, and the clerk of the township shall be the clerk thereof, and the officers of said election shall be eligible to any office at said election except that of justice of the peace.

Plurality of votes.

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

Township committee to fill vacancies.

3. *And be it enacted*, That the township committee of said township shall fill all vacancies that may occur, unless they shall deem a special town meeting for such purpose advisable.

4. *And be it enacted*, That so much of the act to which this is a supplement, and all other acts which conflict with this act, are hereby repealed.

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

Approved February 11, 1863.

CHAPTER XXXI.

AN ACT to authorize the inhabitants of Pequannock, in the county of Morris, to raise money.

WHEREAS, many of the citizens of the township of Pequannock, in the county of Morris, have, during the past year, advanced and loaned to said township various sums of money, which were used in paying bounties to volunteers, and for which the lenders received the certificates of the town committee of said township, to be paid out of the township funds when and as soon as the same could be raised by a tax authorized for that purpose; and whereas, it is just and right that said moneys, so expended, shall be raised and paid in the same manner as other township expenses are raised and paid—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the said township of Pequannock be and they are hereby authorized to raise by tax such sum of money as will be sufficient to repay the amount loaned to said township and expended for the purposes specified in the preamble to this act, with the interest which has accrued or which may accrue thereon. Township may raise money by tax.

2. *And be it enacted*, That it shall and may be lawful for the assessor of the said township, who may be elected at the next annual meeting thereof, and the said assessor is hereby directed to assess upon the taxable property of said township, at the same time that the other taxes of said township are assessed, and in addition thereto, such sum of money as shall be certified to him by the town committee of said township, or a majority of them, to be necessary for the repayment of said loans, with the interest thereon, which amount, so assessed, shall be levied and collected by the same persons, in the same manner, at the same time, and under like fees, fines and penalties as other township taxes are levied and collected, and thereupon said loans to said township shall be paid by the collector thereof, out of any township funds in his hands, on the presentation and surrender of said certificates. Assessor to assess to repay loans.

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

Approved February 11, 1863.

CHAPTER XXXII.

AN ACT to authorize the Mayor and Common Council of the city of Hudson to borrow a sum or sums of money, not exceeding in the whole twenty-six thousand dollars, to legalize certain bonds already issued.

May issue bonds to amount of $15,000.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and common council of the city of Hudson to issue bonds under their corporate seal and the signature of the mayor of said city, for an amount not exceeding fifteen thousand dollars, to be designated and known as "Volunteer Aid Bonds," bearing interest payable half yearly, at a rate not exceeding seven per cent. per annum, with coupons attached, and payable at such time or times as may be agreed upon by the common council, not exceeding ten years from the date thereof, which bonds it shall be lawful for the said mayor and common council to sell at public or private sale, as the proceeds of the same may be needed.

Proceeds, how applied.

2. *And be it enacted*, That it shall be the duty of the said the mayor and common council of the city of Hudson to apply the net proceeds of said bonds to the support of the families of persons, residing in the city of Hudson, who have volunteered in the military service of the United States for the maintenance of the federal government or the defence of this state, and to the repayment of money borrowed for bounties for such volunteers, and to no other purpose.

Former issues made valid.

3. *And be it enacted*, That the bonds already issued by the said the mayor and common council of the city of Hudson, to raise money for the support of the families of volunteers engaged in the military service of the United States, amounting in the whole to the sum of eleven thousand dollars, are hereby declared legal and valid.

May levy taxes to repay interest and principal.

4. *And be it enacted*, That the said mayor and common council of the city of Hudson shall have power to provide by tax for the payment of said bonds and the interest thereon, and that none of the restrictions, limitations or conditions contained in the thirty-third section of the act entitled "An act to incorporate the city of Hudson," approved April eleventh, eighteen hundred and fifty-five, shall be held to affect in any wise this act, but this act shall be and remain as

effectual, to all intents and purposes, as if the said section had not been enacted.

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

Approved February 11, 1863.

CHAPTER XXXIII.

AN ACT to authorize the Board of Chosen Freeholders of the county of Hudson to issue bonds to fund the floating debt of the said county, and to raise money for other purposes for which they are required to raise or pay money.

Board of Freeholders may borrow money to pay floating debt.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of the county of Hudson to borrow such sum or sums of money, from time to time, as they may think necessary for the payment of the floating debts of the county, and for such other purpose or purposes as the said board of chosen freeholders of the county of Hudson now are or hereafter shall be authorized by law to raise money or to provide money, and to cause the bonds of the said county to be issued for the same to an amount not exceeding in the whole the sum of one hundred thousand dollars.

Commissioners of the loaning fund.

2. *And be it enacted*, That, by the said board of chosen freeholders of the county of Hudson, for the time being, and by every succeeding board, at the first annual meeting in each year of said board, or at any special meeting called for that purpose, there shall be appointed, from among the members of said board, by a majority, one freeholder, who, together with the director of said board and the county collector for the time being, respectively holding said offices, shall have the charge of issuing said bonds as hereinafter provided, and also of the money to be raised for the payment thereof, and who shall be known as the commissioners of the loaning fund; said commissioners shall, if required so to do by the said board, enter into bonds to the county in such sums as said board shall require for the faithful performance of their duties under this act, and shall also make report at the final meeting in each year of said board, or oftener, if

required, of the state of the said fund, the amount of bonds issued, and the amount of the same paid.

Bonds to issue, and in what manner.

3. *And be it enacted*, That whenever, at any stated meeting of said board, or at any special meeting held for that purpose, it shall be resolved to borrow any sum of money for the purpose authorized by this act, it shall be the duty of said commissioners to cause bonds to be prepared, in sums of five hundred or one thousand dollars each, or both, as they shall deem best, payable in from one to twenty years after date, with interest, not exceeding seven per centum per annum, payable half-yearly, which bonds shall be given in the name of the board of chosen freeholders of the county of Hudson, for and in behalf of the inhabitants of the said county, and they shall be signed by the then director of the board, with the seal of the said board affixed, and countersigned by the remaining two of the commissioners aforesaid; said bonds shall be numbered and registered by the county collector, and together with the coupons attached, may be made payable at such place as the said commissioners shall determine and designate therein, and the same may be made payable to order or to bearer; and the same when so issued shall be deemed and taken to be public stock created under the laws of this state, and can be deposited with the treasurer of this state, under and subject to the provisions of the act entitled "An act to authorize the business of banking," approved February twenty-seventh, eighteen hundred and fifty, and the supplements thereto.

Tax to be laid to pay interest and principal.

4. *And be it enacted*, That in order to provide for the payment of the interest and principal moneys of said bonds, as the same shall become due and payable, there shall be raised by tax, at the same time and in the same manner as the county taxes are raised, five thousand dollars, to be paid on the principal, together with the accrued interest, annually, in addition to the other moneys raised by taxes in said county of Hudson, which said sum, so annually raised, shall be under the care and management of the said commissioners of the said fund, whose duty it shall be to apply so much of the same as may be necessary for the purpose, to the payment of the interest accruing, from time to time, on said bonds, and to use and apply the balance thereof as a fund for the payment of the principal moneys of said bonds, as the same shall respectively become due.

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

Approved February 11, 1863.

CHAPTER XXXIV.

AN ACT to legalize certain acts of the township committee and inhabitants of the township of Woodbridge, in the county of Middlesex, in raising money for nine months' volunteers for the war.

Preamble. WHEREAS, the inhabitants of the township of Woodbridge, in the county of Middlesex, did, on the twenty-fifth day of August, one thousand eight hundred and sixty-two, assemble and organize themselves into a meeting, and the said meeting, thus assembled, did unanimously vote to borrow a sufficient sum of money to pay a bounty of sixty (60) dollars to each nine months' volunteer to the war; and whereas, the credit of the said township was pledged at said meeting, by vote, for the payment of said sum so directed to be borrowed, and to that end the amount required was directed to be assessed and collected from the taxable property of said township; and whereas, at a subsequent meeting of said inhabitants, after eight (8) days' notice being given by the township clerk, at the written request of the township committee, it was voted that six thousand (6,000) dollars, or as much thereof as may be required, be assessed and collected for the purposes aforesaid, and the said assessment having been made and partially collected, and doubts having arisen as to the legality of the said doings of the township committee and the inhabitants of the said township of Woodbridge—therefore,

Acts of Woodbridge confirmed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the acts and doings of the township committee and the inhabitants of the township of Woodbridge, in the county of Middlesex, mentioned in the preamble to this act, to raise money by assessment and collection, a sum sufficient to pay a bounty of sixty dollars to each nine months' volunteer for the war, to make up the quota of men from said township, are made valid in all respects, and binding upon the inhabitants and taxable property in said township.

Collector to be collector and pay over money. 2. *And be it enacted*, That the collector or special collector of the township of Woodbridge have full power and authority to collect the said sum so assessed as aforesaid, in the man-

ner now prescribed by the act relative to the collection of taxes in said township, and to pay such sum already collected, or hereafter collected, to the township committee of said township, or upon their order, to the treasurer of the township bounty fund, to be appropriated to the payment of all sums borrowed by the said treasurer, and expended for bounties by him, and the remainder, if any there should be, to be appropriated to the payment of the bounty tax of all volunteers from said township.

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

Approved February 11, 1863.

CHAPTER XXXV.

A supplement to the act entitled "An act revising and amending the act to incorporate the city of Paterson," approved February twentieth, eighteen hundred and sixty-two.

Preamble.

WHEREAS, by virtue of said act, a large quantity of land in said city has been sold for taxes, and no adequate provision has been made for the cancellation of such tax title by other than expensive suits at law, frequently of greater expense than the value of the land sold; for remedy whereof,

Purchaser must remove upon tender of purchase money, &c., within twelve months.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon the tender of payment, by the owner, mortgage occupant, judgment creditor, or any person having a legal or equitable interest in any lands sold for taxes in the city of Paterson, his, her or their agent or attorney, or by any attorney of law in this state, acting in his, her or their behalf, under the act to which this is a supplement, of the sum of money and costs of sale at such tax sale, upon the lands sought to be redeemed, with the sum provided in said act for the deed, together with twelve per cent. interest thereon, it shall be the duty of the holder or purchaser of such tax title, his, her or their assignee or assignees, to execute to the owner, at his request, or upon

the request of the mortgage occupant, judgment creditor, or any person having a legal or equitable interest in such land, his, her or their agent or attorney as aforesaid, in behalf of the person or persons having the legal title to such land, a good and sufficient deed, duly signed, sealed, acknowledged and delivered, and sufficient in law to pass real estate, of the term of years of the estate sought to be released from such tax sale; *provided however*, that the expense of drawing such deed, and acknowledging the same, not exceeding two dollars, shall be paid by the party or parties applying for such release, their agent or attorney, together with twelve per cent. interest on the amount paid for such land at the tax sale; and also, that the tender of payment as aforesaid shall be made within twelve months from the date of the deed of such sale. Proviso.

2. *And be it enacted*, That in case of the holder or holders of any such tax title, his, her or their assignee or assignees, upon such tender as aforesaid, for three days thereafter upon demand made and tender as aforesaid, shall neglect or refuse to execute such deed as aforesaid; or in case the owner or holder of such tax title, his, her or their assignee or assignees, shall have removed out of the county of Passaic, or cannot be found therein, then it shall be lawful, upon an affidavit duly filed in the clerk's office of said county, that such tender of payment had been made, and that the owner or owners of such tax title had neglected and refused to execute such release, or that upon diligent inquiry within said county, the owner or owners of such tax title could not be found in said county, and upon filing such affidavit with the clerk of said county, within one year from the date of such tax sale, such affidavit, and the sum of money paid for such tax title at the tax sale thereof, together with interest thereon, at twelve per cent. per annum, and the cost provided in said act for drawing the deed of sale, that the filing of such affidavit and depositing such money with the clerk of said county, shall effectually bar, defeat and set aside the tax title of the land thus sought to be redeemed. Proceedings in case purchaser removes from the county.

3. *And be it enacted*, That the clerk of said county shall, upon the filing of such affidavit and deposit of money as aforesaid with him, write across the record of such tax deed, in the usual manner of cancelling mortgages, in the words following, to wit: "This tax title is defeated and cancelled of record and set aside, by deposit of —— dollars and —— cents," and shall be signed by the clerk of said county for the time; and that thereupon, any person so redeeming said Proceedings therein.

land, his agent or attorney, or any person for him, her or them, may enter into, possess and enjoy the land so redeemed, as fully, to all intents and purposes, as though no such tax sale had been made.

Conditions.

4. *And be it enacted*, That when the owner or holder of any such tax title to land, his, her or their assignees, that before such sale may have been mapped, plotted and laid out as building lots, has inclosed different parcels of such land so sold for taxes by a fence, occupying any other line or lines than the survey of such lots would show, or has inclosed one or more parcels for agricultural purposes, such owner or owners, holder or holders, of the tax title to such lots, his, her or their assignees shall not be entitled to receive any compensation for the construction of such fence, nor claim that the same is a lien upon such land, or demand compensation therefor, but may remove the same.

Fees of clerk.

5. *And be it enacted*, That the clerk of said county, for the services designated in this act, shall be entitled to receive the following fees and no more, to wit:

For search for such sale and record thereof,	fifty cents.
Filing affidavit,	ten cents.
Receiving and paying deposit tender,	fifty cents.
For entering cancellation,	twenty-five cents.

And the same shall be deducted from the sum of money so deposited with him; and the remainder paid to the person or persons entitled to receive the same.

Sales when no bidder.

6. *And be it enacted*, That whenever any lands or real estate shall be offered for sale by virtue of the provisions of this act, or of any previous act in relation to the city of Paterson, and it shall happen that no person bids for the same, it shall be struck off to the city of Paterson, for the term of fifty years, and all the provisions of this act relating to such sale, shall apply to the said city, in the same manner as to any other purchaser.

Clerk to keep books.

7. *And be it enacted*, That the clerk of said city shall keep, in a book to be provided for that purpose, a record of all sales of land, which record shall contain an abstract of the declarations of such sales; such book shall be deposited in the office of the clerk of said city.

Repealer.

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

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

Approved February 11, 1863.

CHAPTER XXXVI.

A supplement to the act entitled "An act to incorporate the Perth Amboy and Woodbridge Railroad Company," approved March ninth, eighteen hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Perth Amboy and Woodbridge Railroad Company are hereby authorized to make a new survey for the railroad mentioned in the act to which this is a supplement, and to lay out and construct the said railroad according to the same; *provided*, a new survey be deposited in the office of the secretary of state, when the route of said railroad shall be determined; and the said company are also authorized to survey, lay out and construct a branch, from some point on their line south of the village of Woodbridge to Arthur Kull or Staten Island Sound; and for the purpose of constructing the said railroad and branch, the said company shall be and are hereby invested with all the powers, rights and privileges, and subjected to all the duties and restrictions granted to them by their original act of incorporation. May make a new survey. May make road. Privileges.

2. *And be it enacted*, That the periods mentioned in the eighteenth section of the act to which this is a supplement, within which the said railroad shall be commenced and completed, are hereby extended to authorize and allow the said company to complete the said railroad at any time before the fourth day of July, eighteen hundred and sixty-six. Time extended.

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

Approved February 11, 1863.

CHAPTER XXXVII.

A supplement to the act entitled "An act to incorporate the Newark Firemens' Insurance Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Newark Firemens' In- Name changed.

New Jersey State Library

surance Company shall hereafter be known and designated by the name of "The Firemens' Mutual Insurance Company," and by that name have and exercise all the powers and privileges conferred by the act to which this is a supplement, and be liable to all the duties and obligations therein contained.

Conditions.

2. *And be it enacted*, That all persons who shall insure with the said corporation may participate in its profits during the period they remain insured by the same, upon such terms and conditions as the directors by their by-laws shall fix and determine: and the power hereby conferred shall be deemed and taken to be in addition to the powers possessed by the said corporation, and insurances may still continue to be taken without the parties participating in the profits of the company, if desired by the insured.

Number of directors.

3. *And be it enacted*, That the said company, by its by-laws, may designate the number of directors of said company; *provided*, that the number at any time shall not be less than fifteen, and by its by-laws may designate the number of directors necessary to constitute a quorum for the transaction of business.

Money, how invested.

4. *And be it enacted*, That the tenth section of the act to which this is a supplement is hereby so amended as to enable said company to invest their capital stock, funds or money, in any public stocks or other securities created by the laws of the United States, or of the states of New Jersey, New York, Pennsylvania, Massachusetts, Connecticut, Ohio, or by the incorporated cities, townships or counties of said states.

Regulations.

5. *And be it enacted*, That the president and a majority of the directors to be elected, as provided in the fifth section of said act, shall reside in the state of New Jersey, and so much of said section as is inconsistent herewith, and also so much of the thirteenth section as provides for the payment of a tax to the Newark Fire Department Fund, be and the same are hereby repealed.

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

Approved February 13, 1863.

CHAPTER XXXVIII.

AN ACT to authorize the township of Hackensack, in Bergen county, to raise money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of Hackensack, Bergen county, be authorized to raise the sum of six thousand dollars to defray the expenditures required to meet the payment of monthly bounties of six dollars per month, for nine months, to the wives and dependent widows of the volunteers who enlisted in conformity to the resolutions, passed August twenty-fifth and September ninth, at the town meetings of said township. Township authorized to raise $6,000.

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

Approved February 16, 1863.

CHAPTER XXXIX.

A further supplement to the act entitled "An act for the preservation of sheep."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the supplement to the above mentioned act for the preservation of sheep, approved March twenty-fourth, eighteen hundred and fifty-two, be and the same are hereby extended to the township of Readington, county of Hunterdon. Provisions extended to Readington.

2. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of the supplement aforesaid, be and the same are hereby repealed. Repealer.

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

Approved February 16, 1863.

CHAPTER XL.

AN ACT to incorporate the Association of Exempt Firemen, in the city of Hoboken.

Corporate name and powers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Theodore Van Tassel, Thomas Mickens, James Houseman, William G. Shepherd, Andrew Mount, William H. Wilson, Peter Ritter, and such other persons as may become associated with them, be and they are hereby constituted and made a body politic and corporate, to be known in fact and law, as the "Association of Exempt Firemen of the city of Hoboken," and by that name they and their successors shall be capable of sueing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever, and they and their successors, respectively, may have and use a common seal, and have power to make, alter and renew the same at pleasure; and by their common seal may make, enter into, and execute any contract or agreement touching the objects of said incorporation, and may acquire and hold real and personal estate necessary for the objects of the incorporation; *provided*, the same shall not exceed the sum of five thousand dollars.

Proviso.

Object.

2. *And be it enacted*, That the purpose of said association shall be to aid the fire department of Hoboken in the extinguishment of fires; and the members of said association, when on duty, shall be subject to and under the control of the chief and assistant engineers of the fire department of the city of Hoboken, the same as any fire company of said city.

Officers.

3. *And be enacted*, That the members of said association shall have power, at their annual meeting, to be held on the second Tuesday of April, to elect, from among their number, a president, vice president, secretary and treasurer, who shall hold their offices until others are elected in their stead; they shall also have power to elect, at said annual meeting, one trustee of the Hoboken Fire Department Fund, who shall hold his office for three years; and in addition thereto, at the first annual meeting after the passage of this act, may elect two trustees of the Hoboken Fire Department Fund, one of whom shall hold his office for the term of one year, and one

Trustee of Hoboken Fire Department Fund.

for the term of two years; and the said trustees, when elected, shall be entitled to all the rights and privileges that are now granted by law to the members of the board of trustees of the Hoboken Fire Department Fund, and said association shall be entitled to a representation in said board of trustees, in the same manner as if the said association were one of the fire companies of the city of Hoboken, anything in the act creating the board of trustees of the Hoboken Fire Department Fund to the contrary notwithstanding. Duties and powers.

4. *And be it enacted*, That the said association shall have power to make and prescribe such by-laws, rules and regulations as to them may seem needful; *provided*, the same shall not be inconsistent with this act, or the constitution of this state. By-laws.

5. *And be it enacted*, That the property and effects of the said association, held or used for the purposes designed by this act, shall not be subject to the payment of any tax, under the laws of the state. Exempt from taxation.

6. *And be it enacted*, That this act shall continue in force for thirty years; *provided always*, that the Senate and General Assembly may, at any time hereafter, amend, repeal or modify this act, as they shall think proper.

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

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

Approved February 16, 1863.

CHAPTER XLI.

AN ACT to confirm the laying out of the westerly part of the city of Hoboken, according to the map of the tract of land belonging to the estate of John G. Coster, deceased, made by Daniel Ewen and Austin D. Ewen, city surveyors, New York, in November, eighteen hundred and sixty, and filed in the office of the clerk of Hudson county, and to close and vacate all roads and parts of roads within the limits of the said tract, so as to conform to the said map.

WHEREAS, the tract of meadow land belonging to the estate Preamble.

of John G. Coster, deceased, and comprising the western part of the city of Hoboken, has been plotted and laid out, with streets and avenues over the same, according to a certain map entitled "map of property situate at Hoboken, Hudson county, New Jersey, belonging to the estate of John G. Coster, deceased, surveyed and laid out into lots, November, eighteen hundred and sixty, by Daniel Ewen, Austin D. Ewen, city surveyors, New York," which is on file in the office of the clerk of the county of Hudson, and such streets and avenues and the arrangement and direction of the same have been made to correspond with the streets and avenues running through and across the eastern portion of the said city—therefore,

Plotting and laying out confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the aforesaid plotting and laying out of that portion of the said city of Hoboken which is comprised within the limits of the said tract of land, be and the same are hereby ratified and confirmed, and that such portion of the said city be laid out with streets and avenues according to the said map.

Roads vacated.

2. *And be it enacted*, That all roads or parts of roads running over the said tract land different from the streets and avenues laid down upon said map, be and the same are hereby vacated and discontinued; *provided however*, that the road now running across the said tract of land to West Hoboken, and known as the "West Hoboken road," may be used as the same now is until one of the streets contiguous to the same laid down upon the said map shall be actually opened and rendered fit for use; *and provided also*, that when any of the roads or parts of roads now running across said property shall be altered or closed, the streets or avenues opened in place thereof shall be regulated and improved so as to afford equal facilities for the public for passage over the same as such roads or parts of roads may give to the public previous to such vacation; *provided also*, that so much of the avenue known as Newark avenue, and shown upon said map, from the point of contact with the southerly line of Ferry street to the westerly line of said property, and also the road leading from the westerly line of said property to the bridge at or near the foot of Bergen Hill, shall in no event be reduced to less than eighty feet in width.

Proviso.

Regulations.

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

Approved February 16, 1863.

CHAPTER XLII.

AN ACT to incorporate the "Paterson Rolling Mill Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Sherman Jaqua, George A. Jaqua, Henry S. Jaqua, Peter I. Terhune, Peter Doremus, and the survivors of them, and all such persons as may hereafter be associated with them, or the survivors, their successors and assigns, shall be and they are hereby constituted a body politic and corporate, in fact and in name, by the name of the "Paterson Rolling Mill Company," for the purpose of manufacturing and rolling iron, and the business incident thereto. Corporators and corporate name.

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, one of whom to be president, who shall hold their office for one year; and that the said directors shall be chosen on the first Monday in January, in every year, at such place and time as shall be directed by the by-laws of said corporation, and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in one or more newspapers published in the city of Paterson, in the county of Passaic, by such of the stockholders as shall attend for that purpose, either in person or by proxy, and each stockholder shall be entitled, either in person or by proxy, or by power of attorney, to as many votes as he or she shall hold shares of the capital stock of said company, and the persons having the greatest number of votes, being stockholders, shall be directors, and the directors chosen at one election shall be capable of serving, by virtue thereof, until another election shall have been had; and the directors so chosen may appoint such officers and superintendents, and assign such compensation as they shall think fit, not less than a majority of the whole number being present when the same shall be done; and if it at any time happen that any vacancy or vacancies occur by death, resignation, or otherwise, among the directors named in this act, or those hereafter to be elected, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or the majority of them, shall appoint; and until other directors are chosen from the stockholders, the Directors. When chosen. Election, how conducted. Officers appointed. Vacancies filled.

First directors

first directors shall be Sherman Jaqua, George A. Jaqua, Henry S. Jaqua, Peter I. Terhune, Peter Doremus, and the survivor or survivors of them, who shall hold their office until the first Monday in January next, or until others are legally chosen.

Capital stock $75,000, shares $50 each.

3. *And be it enacted*, That the capital stock of said company shall not exceed the sum of seventy-five thousand dollars, which shall be divided into shares of fifty dollars each, but as soon as the sum of twenty-five thousand dollars of the said capital stock shall have been subscribed and paid, or satisfactorily secured to be paid, it shall and may be lawful for the said company to commence their said business, and with that capital conduct and carry it on until they 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 stockholders of said company, respectively, all such sums of money by them subscribed, at such time and in such proportion as they shall deem proper, not exceeding ten dollars on each share at any one time, under pain of forfeiting the shares of the said stockholders, and all previous payments thereon; if such payments shall not be made within sixty days after a notice shall have been published, for the space of thirty days, in one or more newspapers published in the said city of Paterson, in the county of Passaic.

May commence when $25,000 is subscribed and paid.

Installment called in.

Subscription of stock.

4. *And be it enacted*, That the subscription of the said stock shall be open at Congress Hall, in the city of Paterson, for any number of days not exceeding thirty, under the direction of the board of directors, or such of them as shall be designated for that purpose.

Stock, &c., to be personal estate.

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

Failure to elect not to forfeit charter.

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

Quorum.

7. *And be it enacted*, That a majority of the directors for

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

Books of account.

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

Dissolution.

9. *And be it enacted*, That the said company may be dissolved at any general meeting of the stockholders specially convened for that purpose; *provided*, at least three-fourths in value of the stockholders shall be present or represented therein; and upon such dissolution, the directors for the time being, and the survivors or survivor of them, shall be trustees for settling all the affairs of the said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interests in the stock, unless the stockholders, at such general meeting, shall appoint other persons, not less than three nor more than five in number, for such purpose, in which case the persons so appointed, or the survivors or survivor of them, shall be trustees for the purpose aforesaid.

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

Approved February 16, 1863.

CHAPTER XLIII.

A supplement to the act entitled "An act to incorporate the Somerville Mutual Fire Insurance Company," approved April first, eighteen hundred and forty-five.

Charter extended for 25 years.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to incorporate the Somerville Mutual Fire Insurance Company," approved April first, eighteen hundred and forty-five, be and the same is hereby continued and extended for and during the term of twenty years from and after the time limited in the said act for its continuance; and it shall be lawful for the legislature at any time to amend, modify or repeal the same;

Proviso.

provided, that no contract made by said corporation before such repeal shall be affected thereby, and the said corporation shall have a reasonable time to bring their accounts to a final settlement.

Provisions.

2. *And be it enacted*, That this act shall take effect immediately upon the expiration of the term limited for the continuance of the act to which this is a supplement.

Approved February 16, 1863.

CHAPTER XLIV.

AN ACT granting to Alexander C. Blair the right, title, interest and estate of the state of New Jersey in and to a lot of land in Morris township, Morris county.

Preamble.

WHEREAS, it has been represented that Thomas Martin, of the township of Morris, in the county of Morris, was, in his lifetime, the owner of a small lot of land, situate in the said township of Morris, lately in the possession of one Alexander C. Blair; that said Thomas Martin made his last will and testament in writing, subscribed by three attesting witnesses, bearing date the tenth day of December,

eighteen hundred and forty, now deposited and remaining in the office of the surrogate of the county of Morris, but never proved; that in and by the said will the said Thomas Martin did give to his wife Sally the use of his house and lot of land, (being the same lot above referred to,) during her lifetime, and, after her death, he did "give and bequeath" his "said house and lands" to his "son James Martin, to him, his heirs and assigns forever;" that the said testator's son, James Martin, died intestate, without ever having been married, and leaving no brother or sister, or so far as is known any heir him surviving; that Sally, the widow of the said testator, intermarried with the said Alexander C. Blair and lived with him upon said lot until she died; that, so far as is known, the title to said lot of land and premises, for the want of heirs of the said James Martin, deceased, has escheated to the state of New Jersey; that said Alexander C. Blair has long been in possession of said lot of land and premises; that he is in very indigent circumstances; that said lot and premises are of very small value, and, if sold by proceedings in escheat, would produce little if any more than sufficient to defray the legal expenses of such proceedings—therefore,

The interest of the State vested in Alexander C. Blair.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all of the right, title, interest, and estate of the state of New Jersey in and to the said lot of land and premises, be and the same are hereby granted and conveyed to the said Alexander C. Blair, his heirs and his assigns, for his and their own use forever.

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

Approved February 16, 1863.

CHAPTER XLV.

AN ACT to authorize the inhabitants of the township of West Milford, in the county of Passaic, to raise money by issuing bonds, and for other purposes.

Preamble.

WHEREAS, the inhabitants of the said township being desirous that the call of the government for troops to sup-

port its authority and suppress rebellion, should be filled wtih volunteers rather than with drafted men, did recommend and request the township committee of said township to offer bounties for that purpose; and whereas, the said township committee, acting upon said recommendation and request, have paid for bounties the sum of five thousand five hundred dollars; and whereas, it is deemed desirable that the indebtedness so created should be gradually paid off—therefore,

Township committee may issue bonds not exceeding $5,500.

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 West Milford, in the county of Passaic, to provide for the payment of the said indebtedness by issuing bonds in the name of the inhabitants of the township of West Milford, in the county of Passaic, under the respective hands and seals of the said township committee, or any three of them, for an amount of money not exceeding five thousand five hundred dollars, in such sums, and payable at such time or times as the said township committee shall deem proper, bearing interest at a rate not exceeding seven per cent. per annum, payable annually, and to pledge the property and credit of the said township for the payment of the same, which bonds it shall be lawful for the said township committee and their successors to sell and assign; *provided*, that no bond shall be sold by the said township committee for less than its par value; *and provided further*, that the bonds so issued shall be redeemable at a period of time not to exceed six years from the passage hereof.

Proviso.

May provide by taxation for payment.

2. *And be it enacted*, That the township committee of the said township of West Milford shall have power and authority to provide by taxation for the payment of the said bonds and the interest thereon; and the said township committee shall yearly and every year, until the bonds to be issued by the authority hereof shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the time and in the manner that other taxes in the said township are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable,

Payment regulated.

and to pay and discharge the principal at the several times it shall become due and payable; and that the township collector of said township, or other person for that purpose appointed, shall, when such tax or any part thereof shall be collected, pay the same to the township committee of said township; and all such moneys so to be raised by virtue of

this act shall be inviolably applied by said township committee to pay the interest and principal of said bonds, as the same shall become due and payable; *provided*, that not less than one thousand dollars nor more than two thousand dollars of the principal of said bonds to be issued as aforesaid shall be made redeemable in any one year. Proviso.

3. *And be it enacted*, That it shall be the duty of the said township committee to apply the net proceeds of the bonds that may be issued by virtue of this act to the payment and satisfaction of the debt and liabilities incurred in said township by the township committee thereof paying bounties to volunteers as aforesaid. Duty of township committee.

4. *And be it enacted*, That the debt and liabilities incurred in said township of West Milford, in consequence of the payment of bounties to volunteers, as mentioned in the preamble hereto, and the action of the said committee thereupon, are hereby ratified and confirmed. Debt ratified.

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

Approved February 16, 1863.

CHAPTER XLVI.

A further supplement to the act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on and after the first Monday in May next, the council of the city of Hoboken shall be composed of three councilmen instead of two from each ward of said city, who shall be elected annually, in the same manner and at the same time as is now prescribed for the election of councilmen by the act to which this is a supplement, and shall each hold his office for the term of one year. Three councilmen in each ward.

2. *And be it enacted*, That after the first Monday in May next, no councilman shall receive any pay or compensation for any time spent by him in the business of the said city. Not to receive compensation.

3. *And be it enacted*, That the terms of office of the present Terms of office.

councilmen of the said city of Hoboken shall all expire on the first Monday in May next; and that so much of the act to which this is a supplement, and all other acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act be deemed a public act, and shall take effect immediately.

Approved February 16, 1863.

CHAPTER XLVII.

AN ACT to authorize the people of the township of Marlboro, in the county of Monmouth, to raise by tax an amount necessary to pay the bounties advanced to the Nine Months' Volunteers.

Preamble. WHEREAS, the inhabitants of the township of Marlboro, in the county of Monmouth, did advance to the nine months' volunteers for the United States service from said township, the sum of four thousand five hundred dollars, to aid the state in filling her quota of men called for by the governor, and relieve themselves from the odium of a draft and the severity of a conscription; and whereas, it is necessary that a law should be passed by the legislature to legalize the raising of said sum by taxation—therefore,

Township may raise money by taxation. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of said township be and the same are hereby authorized to raise, by assessment on the taxable property in said township, a sum sufficient to liquidate the amount advanced and expended in raising said volunteers.

Mode of collection. 2. *And be it enacted*, That the said assessment shall be made and collected at the same time and in the same manner as other taxes are assessed and collected.

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

Approved February 16, 1863.

CHAPTER XLVIII.

AN ACT to confirm the acts of the Board of Chosen Freeholders of the county of Union, and authorizing them to issue bonds.

WHEREAS, the chosen freeholders of the county of Union have since the first day of April last borrowed money from time to time, amounting to the sum of seventy-two thousand two hundred dollars, which said money has been expended in paying bounties to volunteers who have enlisted from the said county of Union for the war, and for other purposes incident to the war, and for the general expenses of the county, and have issued coupon bonds for the said sum of seventy-two thousand two hundred dollars, drawing an interest of seven per cent., payable semi-annually; and whereas, it is necessary that they should issue further bonds to secure debts already contracted, and necessary to be contracted for the purposes aforesaid, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all bonds heretofore issued by the said corporation shall be and are hereby declared to be valid in law, against the said corporation the same as if they had been issued by an express act of the legislature for that purpose. Bonds issued to be lawful.

2. *And be it enacted*, That it shall be lawful for the said corporation to issue, from time to time, their coupon bonds, with interest not exceeding seven per cent. per annum, for the further sum of two thousand eight hundred dollars, for any debts they may now owe or hereafter to be incurred by them, for the purposes mentioned in the preamble of this act. May issue coupon bonds for $2,800.

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

Approved February 16, 1863.

CHAPTER XLIX.

AN ACT to discharge the surviving trustee of the late Robert Morris, deceased, from the performance of certain trusts, and to appoint other trustees, and to empower them to sell such parts of the real estate of said deceased as remains unsold.

Preamble. WHEREAS, in and by a certain act of the legislature of the state of New Jersey, passed November third, eighteen hundred and thirty-six, entitled "An act to confirm the sale of certain real estate of the late Robert Morris, deceased, by the surviving trustee, and to appoint trustees to sell such parts of the real estate of said deceased as remains unsold," upon petition of William Van Hook, surviving executor of James Boggs, deceased, who was the surviving executor of the will of Robert Morris, deceased, and surviving trustee of said estate of said Robert Morris, deceased, the title to the then remaining part of the residuary real estate of said Robert Morris, deceased, devised in trust in and by said will of said Robert Morris, deceased, and the title to all the real estate which was held by the said James Boggs and one Robert Boggs, as executors and trustees of said Robert Morris, or the survivor of them, as part of the estate of said Robert Morris, deceased, was passed over, conveyed to, and vested in the said William Van Hook and John S. Blauvelt, and the survivor of them; and said trustees, or the survivor of them, were thereby authorized to grant, bargain, sell and convey the same, or any part thereof, from time to time, at public or private sale, and in such manner, and to such purchaser or purchasers, as they, or the survivor of them, should think discreet and proper and for the best interest of the several persons entitled to the proceeds thereof, under the said will of the said Robert Morris, deceased; and whereas, it was also, among other things, provided, and enacted in and by the said act of the legislature, that the proceeds of the sales of said real estate should, by the trustees last aforesaid, or the survivor of them, from time to time, after deducting therefrom all costs, charges, fees and expenses incident to the creation or execution of said trust, to be paid over to said executors, &c.,

of said James Boggs, deceased, or either of them, to be by them administered and distributed according to the directions of the said last will of the said Robert Morris, deceased, among the several persons entitled; and that the said trustees, last named, or the survivor of them, should from time to time make and state an account of the execution of the said trust, and report the same to the chancellor of this state, for the time being, to be by him from time to time allowed, corrected, and finally confirmed, as in and by the provisions of said act, and the preamble thereto, will fully appear; and whereas, the said John S. Blauvelt departed this life more than three years ago; and whereas, the said William Van Hook, the surviving trustee, created in and by the provisions of said act, hath become very aged and infirm, being more than seventy years old, and physically incompetent to the inspection, examination and proper disposition of said remaining real estate, as such trustee, (which real estate is situate in different portions of the several counties of Monmouth, Ocean, Morris and Sussex, respectively,) and resides out of the state of New Jersey; and whereas, the said William Van Hook hath been, upon his own petition therefor, by the supreme court of the state of New York, having cognizance and jurisdiction of the person of said William Van Hook, and of the subject matter of said executorship of said James Boggs, deceased, and in and by the final judgment and decree of said court, dated eighth May, eighteen hundred and fifty-four, removed from the executorship of the estate of said James Boggs, deceased; and whereas, no account of the execution of said trust by said act of the legislature created, has ever been made and reported to the chancellor of this state, by the said trustees, or by the said William Van Hook, as surviving trustee, or otherwise, as required by said act; and whereas, Charles S. Boggs, Mary R. Blauvelt, J. Lawrence Boggs, Julia C. Manwaring and Robert M. Boggs, of Middlesex county, and Maria B. Olden, of Mercer county, New Jersey, and Thomas Boggs, Henry Boggs and R. Beaumont Boggs, by their attorney, Thomas Boggs; Richard Tremain, Thomas Tremain and Samuel Boggs, all of Halifax, Nova Scotia, persons interested in, and entitled to the proceeds of said real estate remaining unsold, have petitioned the legislature of this state to pass an act discharging said William Van Hook, as such surviving trustee, and to appoint Charles S. Boggs and J. Lawrence Boggs, two

of the devisees of the will of said Robert Morris, deceased, and interested in said real estate, trustees for the sale and conveyance of such lands and real estate of said Robert Morris as may remain unsold, and to empower them to make and give a good title to said lands; and whereas, the situation of said lands and the kind and character thereof are such that the same ought very soon to be prepared for sale, by surveys and maps thereof being had and made, and to be disposed of, and sold, at an early day—therefore,

William Van Hook discharged from trusteeship.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said William Van Hook be and he hereby is, henceforth discharged and removed from the further execution and performance of the trusts conferred upon and reposed in him under and by the terms of said act of the legislature of the state of New Jersey, passed November third, eighteen hundred and thirty-six, as to the sale and disposition of said real estate; and the power and authority thereby given to grant, bargain, sell and convey the said real estate described and referred to in said act, be, and from the date of the passage of this act, henceforth are wholly revoked and taken away from the said William Van Hook, as such surviving trustee created by said act.

Charles S. Boggs and J. Lawrence Boggs constituted trustees.

2. *And be it enacted*, That all the title to all the remaining part of the said residuary real estate of the said Robert Morris, deceased, devised in trust in manner aforesaid, and the title to all the real estate which was held by the said Robert Boggs and James Boggs, or the survivor of them, as part of the estate of said Robert Morris, deceased, be and the same is hereby passed over, conveyed to and vested in Charles S. Boggs and J. Lawrence Boggs, of Middlesex county, state of New Jersey, and the survivor of them; and the said trustees, or the survivor of them, be and are hereby authorized to grant, bargain, sell and convey the same, or any part thereof, from time to time, at public or private sale, and in such manner, and to such purchaser or purchasers, as they, or the survivor of them, shall think discreet and proper, and for the best interest of the several persons entitled to the proceeds thereof under the will of the said Robert Morris, deceased.

Duties of trustees.

3. *And be it enacted*, That the proceeds of the sale of said real estate shall, by the trustees aforesaid, or the survivor of them, from time to time, after deducting therefrom all costs, charges, fees and expenses incident to the creation or execution of said trust, be paid over to, and distributed, according to the

directions of the said last will of the said Robert Morris, deceased, among the several persons entitled; and that the said trustees, or the survivor of them, shall from time to time make and state an account of the execution of the said trust, and report the same to the orphans' court of Middlesex county, to be from time to time allowed, corrected, and finally confirmed.

Confirmation.

4. *And be it enacted*, That all deeds and conveyances made and executed under and by virtue of this act, shall be as good and valid, and shall be sufficient to pass the estates and interests that thereby may be granted, as fully and effectually as if the same were made and executed by the said Robert Morris, or any of his trustees or executors, or the survivor of them.

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

Approved February 16, 1863.

CHAPTER L.

AN ACT to authorize the inhabitants of the several townships in the counties of Cumberland and Burlington, and the township of Union, in the county of Ocean, to raise money.

Township authorized to raise money at town meetings to pay advance to volunteer fund.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants composing the several townships of the counties of Cumberland and Burlington, and the township of Union, in the county of Ocean, are hereby authorized and empowered, each at their next annual town meeting, to raise by tax, in the same manner as other moneys are raised for township purposes, and in such sums as they may think necessary for the purpose of refunding any moneys that may have been advanced by the inhabitants of any one of the townships of said county, as a township bounty fund, that has been paid to volunteers in the United States service, in the army or navy of the government, and for no other purpose.

Money, how paid over.

2. *And be it enacted*, That upon the order of the township committee of each township, the collector shall pay over to the subscribing parties the amount subscribed and paid, which

shall be shown by the subscription list, or the testimony of some person authorized at a public meeting of the inhabitants, to receive the same.

Approved February 18, 1863.

CHAPTER LI.

AN ACT to authorize the board of chosen freeholders of the county of Gloucester, and the several townships thereof, to raise and borrow money.

Preamble.

WHEREAS, the rebellion now existing in the United States of America has involved the said county of Gloucester and the several townships thereof considerably in debt, in the payment of bounties and maintenance of the families of the soldiers who have volunteered in the service of this state and the United States; and whereas, doubts have arisen as to the legal right of the said board and the township committee to borrow or raise money by imposing taxes for the liquidation of the same—therefore,

Board of freeholders may authorize townships to raise money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said board of chosen freeholders shall have the power to direct any sum to be raised by the several townships thereof that may be necessary to pay off and discharge the debts already incurred by the said board for such bounty and maintenance, and that the said board be hereby authorized to borrow any further sum which may be needful for the further maintenance of the families of such as are now, or may hereafter volunteer or be drafted in such service.

Town meetings to order assessors to raise money.

2. *And be it enacted*, That the town meeting of the several townships in the county of Gloucester be authorized, at their next or any subsequent annual town meeting, to order the assessor of the township to raise such sums as have already been paid to volunteers in the service of this state or the United States as bounty to induce them so to volunteer.

Money, how assessed and collected.

3. *And be it enacted*, That the money so to be raised either by the said board of chosen freeholders or the annual town meeting, shall be assessed, levied and collected by the same

township officers, at the same time and in the same manner as the state, county and township taxes are or have been assessed and collected, and pay the same over in like manner as county and township taxes are paid, and that no extra compensation shall be charged for so assessing, collecting and paying over the same.

4. *And be it enacted*, That the board of chosen freeholders of the said county of Gloucester be authorized to borrow any amount contemplated by this act, in anticipation of the levying and collecting the same as aforesaid, by making bonds and warrants of attorney to the lender, in any convenient sum, signed by the director of the said board and the county collector, which shall be considered as legally binding the said county; and that the money so ordered to be raised by the said board shall be applied to the paying off the bonds so made by order of the said board. Freeholders may borrow money.

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

Approved February 18, 1863.

CHAPTER LII.

AN ACT to amend the charter of the Woodbury Fire Association in the county of Gloucester, passed December twenty-fifth, eighteen hundred and twenty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the owners of dwelling houses and other buildings, and all occupants thereof, and all holders of store or household goods, all lumber or wood, or the contents of barns and other outbuildings, or manufactured or unmanufactured materials of any description, liable to injury by fire, situate in the present limits of the borough of Woodbury, in the county of Gloucester, be and hereby are created and declared to be a body politic and corporate, under the name and style of "The Woodbury Fire Association." Name of incorporation.

2. *And be it enacted*, That the capital stock of said association, vested in real and personal estate, shall not in the aggregate exceed the sum of eight thousand dollars, and shall Capital stock $8,000.

Objects. be solely and exclusively applied to procuring, maintaining and repairing such engines, engine houses, hose, ladders, buckets, fire hooks, wells, pumps, reservoirs of water, and other implements and machines, together with houses for storage and preserving all such fire apparatus, and to such other incidental expenses as shall, in the opinion of the board of wardens hereinafter named, be best calculated to secure said town from fire.

3. *And be it enacted*, That the amount of capital stock at any time held by said association shall be determined by said board of wardens, by an inventory of the property on hand and belonging to said association, at its actual cash value at the time of making such inventory.

Annual meeting. 4. *And be it enacted*, That the members of this association shall assemble on the fourth Monday in February, eighteen hundred and sixty-three, at seven o'clock P. M., at the court house in Woodbury, without further notice, and on the first Monday in January thereafter of each succeeding year, at such place as the board of wardens shall determine, notice of the time and place of such meeting being previously published in a newspaper printed at Woodbury, or by advertisements set up in three of the most public places within the boundaries aforesaid by said board, at least six days next before the day of such meeting; and the said members so assembled shall, at the first and every succeeding annual meeting, elect by ballot or viva voce, (as a majority of the members present shall first decide,) by a plurality of votes, a president, secretary, treasurer, and five fire wardens, who shall together constitute a board of wardens, one or more assessors, also three commissioners of appeal to hear and determine all complaints with reference to assessments made by virtue of this act, who shall respectively hold their offices for one year, and until their successors are duly elected; and the said members then and there assembled shall also determine by majority of votes what amount of money shall be raised by assessment for the use of the association for the ensuing year, not, however, to exceed in amount the sum of one thousand dollars in any one year; *provided*, that nothing in this act shall be construed to effect the amount of money ordered to be raised by tax at the last annual meeting for the present year.

Election of officers.

Mode of proceedings.

Powers and duties. 5. *And be it enacted*, That the said board of wardens, when so authorized by resolution adopted by a majority of the votes at an annual or special meeting of said association, and entered upon its minutes, shall have power, in cases of exigency,

to borrow for the use of said association any sum not exceeding one thousand dollars in any one year, which sum shall not be increased until the same is first paid; and the said association shall provide for the payment of the same by tax; and any promissory note or notes, bond or bonds, or other instrument of writing, under the common seal of said association, and of the signature of the president of said board, shall be valid, and bind the said association and its property for the payment thereof.

Wardens.

6. *And be it enacted*, That the active powers of this association shall be vested in said board of wardens, and they shall take charge of and keep in repair the property of said association; and the said board of wardens shall have power to fill all vacancies in their own body, or in any office under this association, until the next annual meeting; also to call special meetings of the members of the association whenever in their opinion it shall be necessary.

Treasurer to give bond.

7. *And be it enacted*, That it shall be the duty of the board of wardens to require and take from the treasurer, before he enters upon the duties of his office, security in an amount double the sum voted to be raised.

Assessors, oath and duties.

8. *And be it enacted*, That it shall be the duty of the assessor or assessors, before entering upon their duties, to take an oath or affirmation before some justice of the peace of said county of Gloucester, that he or they will take a fair and correct list of all buildings and other property, as specified in section first, within the aforesaid limits liable to destruction by fire, with the names of the owners or occupants of such buildings and property, and the value thereof, and shall assess such sum thereon in the name of the occupant as may be deemed just and equitable, (the value of buildings and other property to be in separate columns,) in proportion to the whole sum ordered to be raised by the members of said association at their annual meeting; and in case of unoccupied buildings, the said assessment shall be made in the name of the owner or owners thereof, such assessor or assessors in all cases making such valuation as may be just, on account of the various dangers and hazards to which such buildings and property as aforesaid may be subject by reason of their local situation, the materials composing the same, or any other circumstance; which list or lists and estimate shall be made out and completed between the first day of March and the twentieth day of April in each and every year when an as-

sessment shall be ordered, and shall, immediately after the said twentieth day of April, be delivered over to the treasurer.

Notice of assessment.

9. *And be it enacted*, That it shall be the duty of the treasurer, immediately after receiving the list or lists of assessments as before described, to give to each individual or body politic or corporate, within ten days after receiving said assessment, a printed or written ticket containing in detail the amount of tax assessed upon buildings and other property, together with the time and place of meeting of the commissioners of appeals.

Commissioners of appeals.

10. *And be it enacted*, That the commissioners of appeal shall meet on the second Monday in May in each and every year, at some convenient place named by the treasurer, within the boundaries aforesaid, and having first taken an oath faithfully and impartially to perform the duties assigned to them, or affirmation before some justice of the peace of the county of Gloucester; and when a majority of the commissioners are present, shall then and there determine, in a summary way, all complaints of any person or persons who feel aggrieved by any assessment so made as aforesaid, at which meeting the assessor and treasurer shall also attend, and the treasurer shall lay before the said commissioners the list or lists and estimates by him received from the assessor or assessors.

Notice to pay tax.

11. *And be it enacted*, That after the appeals to the commissioners shall have been determined, the treasurer shall immediately give public notice in a newspaper printed in the borough, or by handbills posted up in three of the most public places within said boundaries, that if the taxes so assessed are not paid within thirty 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 the non-occupancy of any building, the assessment shall remain as a lien upon it, which lien shall be filed by the treasurer with the clerk of the county of Gloucester for record.

Delinquents names to be returned to justice.

12. *And be it enacted*, That in case of non-payment of taxes, within the time specified in said notice, the said treasurer shall make out a list of the delinquents, whether individuals or corporations, with the amount of tax payable by them, respectively, thereto annexed, and shall deliver the same to some justice of the peace of the township in which said association is situated, accompanied by his oath or affirmation that he has given the public notice required by the preceding section.

13. *And be it enacted*, That the justice of the peace be-

fore whom such return shall be made, within five days after the reception of said list of delinquents, shall deliver to the treasurer of the association a warrant to levy the tax so in arrear, with costs; and the said justice and treasurer shall proceed, in like manner, and under like penalties and liabilities, to levy the tax so in arrear, as is directed in the act entitled, "An act concerning taxes," approved April the fourteenth, eighteen hundred and forty-six; and the said treasurer and justice shall be entitled to like fees as for like services under said act; and the treasurer shall be authorized to perform the duties required to be done in and by this act, as fully as a constable elected at an annual town meeting. Justice to issue warrant.

14. *And be it enacted*, That in the prosecution of liens for taxes remaining unpaid, this association shall be vested with the same powers, and be subject to the same restrictions as are contained in the act entitled "An act to make taxes a lien on real estate, and to authorize sales for the payment of the same," approved March the seventeenth, eighteen hundred and fifty-four; and that the terms township, township committee and clerk, made use of in said act, shall be construed to comprehend association, board of wardens, and secretary of said association. Lien on real estate.

15. *And be it enacted*, That no person shall be qualified to vote or hold office by virtue of this act, who is not a member of the association hereby created, and residing within its boundaries. Who may vote.

16. *And be it enacted*, That if any person shall vote at any annual or special 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 of Gloucester, in the name and for the use of the association; *provided*, that any body politic or corporate may vote through its presiding officer, whether he be a member of this association or not. Penalty for illegal voting.

17. *And be it enacted*, That the said association shall have power to raise and organize, from among its members and other persons residing within said limits, such engine, hose, or hook and ladder companies as the public good may from time to time require. Powers of association.

18. *And be it enacted*, That said company or companies of firemen shall have power to make such rules or by-laws for their regulation and government, not inconsistent with the constitution and laws of this state, as they may deem proper, and enforce the same by fines, collectable by law, in an ac- Rules and by-laws.

tion of debt, with costs, before any justice of the peace of the county of Gloucester, in the name of this association, and for the use of the said company or companies, respectively; *provided*, that such by-laws shall not be in force until approved by the said board of wardens.

Penalty for false alarms or malicious mischief.

19. *And be it enacted*, That any person who shall maliciously create or knowingly continue any false alarm of fire within said limits, shall on due proof thereof before any justice of the peace of said county, be subject to be punished by fine, in any sum not exceeding ten dollars, or by imprisonment in the county jail, not exceeding ten days; and that any person or persons who shall in any manner wilfully injure, deface, or destroy any building, engine, pump, ladder, or other property of said association, on due proof thereof in manner aforesaid, shall be punished by fine not exceeding twenty dollars, and shall also pay double the amount of the costs of repairing said damage or injury; and that all fines and other moneys recovered under this section shall go, the one half to the informer, and one half to the treasurer, for the use of the association.

General Powers.

20. *And be it enacted*, That this 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 fourteenth, eighteen hundred and forty-six, so far as the same are applicable.

Repealer and proviso.

21. *And be it enacted*, That all acts or parts of acts heretofore passed inconsistent with this act, be and the same are hereby repealed; *provided always*, that this repealing clause shall not in any wise be construed to repeal any by-law or resolution heretofore passed, made or done by "Woodbury Fire Association" not repugnant to this act, but the same shall continue, and be in force and executed under this act, by any 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 the bond given by the treasurer of said association, but the same may be sued in the same manner, with the like effect, as if this act had not been passed.

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

Approved February 18, 1863.

CHAPTER LIII.

A further supplement to the act entitled "An act concerning crimes."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person shall steal, or rip, or cut, or break, with intent to steal, any glass or woodwork belonging to any building whatsoever, or any lead, iron, brass, copper, or other metal or composition of metals, or any utensil or fixture, whether made of metal or other materials, in whole or in part, respectively, fixed in or to any building whatsoever, or anything made of metal or wood, or of both, fixed in any land being private property, or for a fence to any dwelling house, garden or area, or in any street, square or other place dedicated to public use or ornament, every such offender shall be guilty of a misdemeanor, and on conviction therefor shall be liable to be punished in the same manner as in the case of simple larceny, if the value of the thing so stolen or ripped, cut or broken, with intent to steal, shall be twenty dollars or upwards, in the same manner as if convicted of stealing goods and chattels of that value, and if they be under the price or value of twenty dollars, in the same manner as if convicted of stealing goods and chattels under that price and value. Stealing lead, iron, &c., from house, fence, &c., larceny.

2. *And be it enacted*, That in case of any such thing being fixed in any square, street or other like place, it shall not be necessary to allege the same to be the property of any person. Regulation.

3. *And be it enacted*, That if any person shall receive or buy any such article or thing so stolen as aforesaid, knowing the same to have been stolen, the person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding two hundred dollars, or imprisonment at hard labor not exceeding three years, or both, at the discretion of the court. Receivers guilty of a misdemeanor.

Approved February 18, 1863.

CHAPTER LIV.

AN ACT respecting ancient deeds.

When may be read in evidence.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where a deed of lands, tenements or hereditaments shall, for a period of thirty years or more, have stood on record, in any of the lawful books of records of deeds in this state, the record of such deed, or a duly certified copy thereof, shall, if corroborated, before, or after the same shall have been read in evidence, by evidence of ancient, or modern, corresponding enjoyment, or other equivalent or explanatory proof, be as good evidence and have the same force and effect as if the original deed were produced, notwithstanding any informality, or defect in the proof or acknowledgment of such deeds.

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

Approved February 18, 1863.

CHAPTER LV.

AN ACT to authorize the inhabitants of the township of Rockaway, in the county of Morris, to raise money.

Preamble.

WHEREAS, the inhabitants of the township of Rockaway, in the county of Morris, did, by a committee of its citizens, whereof the members of the township committee formed a part, advance to the nine months' volunteers for the United States service from said township, various sums of money to aid the state in filling her quota of men, called for by the governor, and relieve themselves from the odium of a draft and the severity of a conscription; and whereas, the said committee, in order to carry into effect the purpose of their organization, were obliged to borrow the sum of four hundred dollars, and for that sum to give the notes, bonds or obligations, in writing, of a portion of such committee,

payable, with interest, on demand; and whereas, it is necessary that a law should be passed by the legislature to legalize the raising of said sum, and interest thereon, by taxation; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the said township of Rockaway be and they are hereby authorized to raise by assessment and tax on the taxable property in said township, the said sum of four hundred dollars, borrowed for the benefit of said township, and expended for the purpose specified in the preamble to this act, with the interest which has accrued, or which may accrue thereon. To raise $400.

2. *And be it enacted*, That the said assessment shall be made, levied and collected by the same persons, in the same manner, at the same time and under the like fees, fines and penalties as other township taxes are levied and collected, and thereupon the said sum of four hundred dollars, with interest which has accrued or may accrue thereon, shall be paid by the collector thereof, out of any township funds in his hands, on the presentation and surrender, by the lawful holders, of the notes, bonds, certificates or obligations issued and given by the committee mentioned in the preamble to this act, or by such number of them acting for and on the part of said committee. Money how raised and appropriated.

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

Approved February 18, 1863.

CHAPTER LVI.

AN ACT to authorize the people of the township of Ocean, in the county of Monmouth, to raise by tax an amount necessary to pay the bounties advanced to the nine months' volunteers of said township.

WHEREAS, the inhabitants of the township of Ocean, in the county of Monmouth, did advance to the nine months' volunteers for the United States service from said township, the sum of five thousand three hundred dollars, ($5,300.00,) to aid the state in filling her quota of men called into ser- Preamble.

vice by the governor, and relieve themselves from the odium of a draft and the severity of a conscription; and whereas, it is necessary that a law should be passed by the legislature to legalize the raising of said sum by taxation—therefore,

May assess and raise money to repay.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of said township be and the same are hereby authorized to raise by assessments on the taxable property in said township, a sum sufficient to liquidate the amount advanced and expended in raising said volunteers.

How collected.

2. *And be it enacted*, That the said assessment shall be made and collected at the same time and in the same manner as other taxes are assessed and collected.

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

Approved February 18, 1863.

CHAPTER LVII.

AN ACT to authorize the inhabitants of the township of Pompton, in the county of Passaic, to raise money by issuing bonds and for other purposes.

Preamble.

WHEREAS, the inhabitants of the said township being desirous that the call of the government for troops to support its authority and suppress rebellion, should be filled with volunteers rather than with drafted men, did recommend and request the township committee of said township to offer bounties for that purpose; and whereas, the said township committee, acting upon said recommendation and request, have paid for bounties the sum of five thousand dollars; and whereas, it is deemed desirable that the indebtedness so created should be gradually paid off—therefore,

Township committee may issue bonds to repay advances.

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 Pompton, in the county of Passaic, to provide for the payment of the said indebtedness by issuing bonds in the name of the inhabitants of the town-

ship of Pompton, in the county of Passaic, under the respective hands and seals of the said township committee, or any three of them, for an amount of money not exceeding five thousand dollars, in such sums and payable at such time or times as the said township committee shall deem proper, bearing interest at a rate not exceeding seven per cent. per annum, payable annually, and to pledge the property and credit of the said township for the payment of the same, which bonds it shall be lawful for the said township committee and their successors to sell and assign; *provided*, that no bond shall be sold by the said township committee for less than its par value; *and provided further*, that the bonds so issued shall be redeemable at a period of time not to exceed six years from the passage hereof.

May provide by taxation to raise money to pay interest and principal.

2. *And be it enacted*, That the township committee of the said township of Pompton shall have power and authority to provide by taxation for the payment of the said bonds and the interest thereon; and the said township committee shall yearly and every year, until the bonds to be issued by the authority hereof shall be redeemed and paid off, order and cause to be assessed and collected, by tax, at the time and in the manner that other taxes in the said township are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable; and that the township collector of said township, or other person for the purpose appointed, shall, when such tax or any part thereof shall be collected, pay the same to the township committee of said township; and all such moneys so to be raised by virtue of this act shall be inviolably applied by said township committee to pay the interest and principal of said bonds as the same shall become due and payable; *provided*, not less than nine hundred dollars nor more than fifteen hundred dollars of the principal of said bonds to be issued as aforesaid shall be made redeemable in any one year.

Proviso.

Money appropriated.

3. *And be it enacted*, That it shall be the duty of the said township committee to apply the net proceeds of the bonds that may be issued by virtue of this act, to the payment and satisfaction of the debt and liabilities incurred in said township by the township committee thereof paying bounties to volunteers as aforesaid.

Debt ratified.

4. *And be it enacted*, That the debt and liabilities incurred in said township of Pompton, in consequence of the payment

of bounties to volunteers, as mentioned in the preamble hereto, and the action of the said committee thereupon are hereby ratified and confirmed.

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

Approved February 18, 1863.

CHAPTER LVIII.

AN ACT to indemnify William M. Babbitt, esquire, clerk of the Court of Chancery, for expenses incurred by him for the people of the state of New Jersey.

Preamble.

WHEREAS, by reason of a vacancy in the office of chancellor of the state, during the period commencing the fourth day of February, Anno Domini eighteen hundred and fifty-nine, and ending on the seventeenth day of March, Anno Domini eighteen hundred and sixty, the business in the office of the clerk of said court was stopped for the same period; and whereas, William M. Babbitt, esquire, clerk of said court, did, during said period, for the benefit and advantage of the people of the state of New Jersey, and without emolument or advantage to himself, keep open his said office, and employ a clerk to attend to the wants of parties desiring to inspect the records thereof, at an expense of one thousand three hundred and fifty dollars; and whereas, it is proper that he should be indemnified for said expense—therefore,

Treasurer to pay W. M. Babbitt $1350 and interest.

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 directed to pay to the said William M. Babbitt, esquire, the said sum of thirteen hundred and fifty dollars, with interest thereon from the said seventeenth day of March, Anno Domini eighteen hundred and sixty, to the date of the passage of this act.

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

Approved February 19, 1863.

CHAPTER LIX.

A supplement to an act entitled "An act to erect an election district in the township of Newton, in the county of Camden," approved March eleventh, eighteen hundred and fifty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the election contemplated in the third section of the act to which this is a supplement, shall be held at the school house in the village of Stockton, on the second Wednesday of March, annually, at which time and place there shall be elected by ballot, by the legal voters of the precinct, two of the justices of the peace, one of the constables, one of the surveyors of highways, one of the overseers of highways, one of the overseers of the poor, one of the pound keepers, one of the commissioners of appeal, and two of the committeemen of the township, and three judges of election, and one clerk of election, to act as officers of the precinct. When election to be held. What officers chosen.

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

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

Approved February 19, 1863.

CHAPTER LX.

AN ACT to incorporate the Rankin Mills.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Rankin, Horatio N. Peters, William Benjamin, John Gaynor and Theodore Little, and all such persons as may be hereafter associated with them, their successors and assigns, be and they are hereby created a body corporate and politic, in fact and in law, by the name of "the Rankin Mills," for the purpose of manufacturing Corporators. Name of corporation "Rankin Mills."

Object of incorporation.

cotton, wool, silk, and other fibrous materials, and the various kinds of knit or woven goods, in their several branches, in the city of Newark, and of selling the same, and carrying on the business incident thereto, and by that name they and their successors shall have succession, and continue a body corporate and politic, and shall in law be capable of contracting and being contracted with, sueing and being sued, impleading and being impleaded, answering and being answered unto, in all courts of law and of equity, or in any place whatever, and of doing and causing to be done all acts needful for the

Powers.

proper management of the funds and property of the said corporation, and carrying on the business for which the said corporation is hereby created; to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors, by the same name, may be capable to acquire, purchase, receive, have, hold and enjoy, and again to sell, or otherwise to dipose of, such personal and real estate as may be useful or necessary for the said corporation to carry on the manufacturing operations before mentioned, and such other real estate as shall have been bona fide mortgaged or pledged to them by way of security, or conveyed to them in satisfaction of debts or liabilities previously created in their business, or purchased at sales upon judgments which shall have been obtained for such debts or liabilities; *provided always*, that the funds of said corporation, or any part thereof, shall not be used in banking operations.

Five Directors

2. *And be it enacted*, That the stock, property and concerns of said corporation shall be managed and conducted by five directors, being stockholders, one of whom shall be president, who shall hold their offices for one year; and that the said

When annual election.

directors shall be chosen on the first Thursday of January in every year, at such time as shall be directed by the by-laws of said corporation; and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in one or more newspapers published nearest the place where said election shall be made, by such of the stockholders as shall attend for that purpose, either in

Mode of conducting.

person or by proxy; and each stockholder shall be entitled, in person or by power of attorney, to as many votes as he shall hold shares of the capital stock of said company; and the persons having the greatest number of votes, being stockholders, shall be directors; and the directors chosen at one election, shall be capable of serving, by virtue thereof, until another shall be had; and the directors so chosen, may ap-

point such officers, superintendents and agents, and assign such compensation as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done; and if it shall at any time happen that any vacancy or vacancies occur by death, resignation or otherwise, among the directors, officers or superintendents, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; and the first directors shall be William Rankin, Horatio N. Peters, William Benjamin, John Gaynor and Theodore Little, who shall hold their offices until the first Thursday of January next, or until others are legally chosen. Other Officesr. First directors

3. *And be it enacted*, That the capital stock of said company shall not exceed two hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each; but as soon as the transfer and conveyance of the property, effects, assets and real estate hereinafter mentioned, from the Newark Knitting Company to this company, shall be effected, which together represent one hundred and thirty thousand dollars of capital of this company, it shall and may be lawful to and for this company to commence their business, and with that capital conduct and carry it on until they shall deem it expedient to extend their operations and the capital necessary for that purpose, which a majority of the directors are authorized to do, from time to time, to the amount herein before mentioned; and it shall be lawful for the directors of the said company to call and demand from the said stockholders, respectively, all such sums of money by them subscribed, in addition to the said sum of one hundred and thirty thousand dollars, at such times, and in such proportions, as they shall deem proper, under pain of forfeiting the shares of the said stockholders and all previous payments thereon, if such payments shall not be made within sixty days after a notice shall have been published for the space of thirty days in one or more newspapers published in or near the place where such payment shall be required to be made. Capital stock $250,000. Shares of $100 each. Transfer of Newark Knitting Company's effects. Installments how called in.

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

How property of Newark Knitting Company transferred.

5. *And be it enacted*, That when and as soon as the consent in writing of two-thirds of the stockholders of the Newark Knitting Company shall have been procured and filed in the office of said company, the property, effects and assets, of whatever kind and description, (except the real estate) of said company, shall, by virtue of said consent, and of this act, be immediately transferred to, and vested in the company hereby incorporated; and the real estate of said Newark Knitting Company shall and may, by a deed made and executed by said company, be conveyed to this company; and said property, effects, assets and real estate, shall be deemed and taken as capital of this company, to the amount of one hundred and thirty thousand dollars; and the stockholders of said Newark Knitting Company shall be stockholders of this company, for the amount of stock held by them in said company; and the company hereby incorporated, shall pay all the debts, and be liable for all the contracts and obligations of the said Newark Knitting Company; and after the consent aforesaid shall be filed, and the said property and real estate be transferred and conveyed, the said company shall cease and expire, saving only, and reserving the right and power to perform all acts necessary to settle and adjust all unfinished business of said Newark Knitting Company.

Corporation not to be dissolved for failure to elect.

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

Quorum.

7. *And be it enacted*, That a majority of the directors for the time being shall form a board for transacting the business of said corporation, and shall have power, when authorized by a majority in interest of the stockholders, to reduce the amount of capital of said corporation, and to ordain, establish and put in execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the government, management and disposition of the stock, effects and concerns of the said corporation, and to execute and carry into effect the powers herein given; *provided*, the same are not contrary to the laws and constitution of the United States or of this state.

Proviso.

8. *And be it enacted*, That the directors shall make certificates of stock in this company to the stockholders of the

Newark Knitting Company; and they shall at all times keep, or cause to be kept, proper books of account, in which shall be regularly entered all the transactions of the said corporation, which books shall at all times be open to the inspection of the stockholders of the said company, or their legal attorney or attorneys; and no transfer of stock shall be valid or effectual, until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

Certificates to issue to stockholders of the Newark Knitting Company

Books to be open to inspection.

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

Approved February 23, 1863.

CHAPTER LXI.

AN ACT to raise bounty money for volunteers for the war, in Middletown township, in Monmouth county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the citizens of the township of Middletown, county of Monmouth, be hereby authorized to raise, by taxation, a sum of money sufficient to pay the bounties that were advanced during the past year, to the men who volunteered in the service of the United States for the term of nine months, and the interest on said bounties, and the expenses incident to the collection and paying out of the same.

May raise money to pay bounties.

2. *And be it enacted*, That the citizens of said township may vote to raise the said sum, and to elect the officers necessary for the assessment, collection and paying out of the same, at their next annual town meeting, or at a town meeting to be held at such time and place as the town committee shall direct.

May lay and collect tax to repay.

3. *And be it enacted*, That the said sum shall be raised by a poll tax, and a tax on the real and personal property in the said township.

By poll tax and on real and personal estate.

4. *And be it enacted*, That the said poll tax shall be the same as that now directed to be raised by the statutes of this state, and the remainder of the said sum shall be assessed in

Select poll tax

the same proportion as the ordinary town and county taxes are now assessed.

5. *And be it enacted*, That the above named officers shall receive such compensation for their services as the town committee of the said township shall direct.

Provisions.

6. *And be it enacted*, That all the laws of this state in relation to taxes not inconsistent with the provisions of this act, shall apply to the taxation of the above named sum.

7. *And be it enacted*, That this act shall take effect immediately, and be taken and held to be a public act.

Approved February 23, 1863.

CHAPTER LXII.

A further supplement to the act entitled "An act to incorporate the New Jersey Railroad and Transportation Company."

Railroad track to remain.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the first section of the act approved on the third day of April, eighteen hundred and fifty-five, being a supplement to the same act to which this is a supplement, as provides and requires "that within one year from the completion and use of the bridge authorized by said supplemental act, the present railroad bridge over the Passaic river near Centre street, in the city of Newark, and the railroad tracks between said bridge and Market street shall be removed," be, and the same is hereby repealed; but the said present railroad bridge shall within the one year aforesaid, have a draw constructed therein in such a manner as to give, when open, a passage for vessels, to be not less than sixty feet wide, to be placed in a line with the main course and channel of the river, and in such position as will best conduce to the passage of vessels through the same, and when said draw shall be so constructed it shall be lawful to retain the said bridge where it now is.

Draw to bridge.

Approved February 23, 1863.

CHAPTER LXIII.

AN ACT to extend the provisions of an act entitled "An act to prevent horses, cattle, sheep and swine from running at large in the township of Clinton, in the county of Essex, and in the township of Rahway, in the county of Union," to the townships of Bernards and Bedminster, in the county of Somerset.

Cattle act extended to Bernards and Bedminster.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of an act entitled "An act to prevent horses, cattle, sheep and swine from running at large in the township of Clinton, in the county of Essex, and the township of Rahway, in the county of Union, approved March fourth, eighteen hundred and fifty-eight, be and the same are hereby extended to the townships of Bernards and Bedminster, in the county of Somerset.

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

Approved February 23, 1863.

CHAPTER LXIV.

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

Railroad when constructed in relation to plank road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the railroad authorized in the act to which this is a supplement, may lawfully be constructed four hundred feet from and not nearer to the plank road, at the division line of the lands of John R. Vreland and George R. Vreland, and five hundred feet from and not nearer to the said plank road, at the New York Bay Cemetery, and six hundred feet from and not nearer to said plank road at George Vreland's road, and ten hundred feet from

and not nearer to said plank road, on the line between Stephen Vreland and Albert Brown's; and said railroad shall not be constructed at any point south of the last mentioned line nearer than nine hundred feet of the said plank road, except for the purpose of crossing the same, and that said railroad may be constructed at the distance of nine hundred feet at any point south of said last mentioned line.

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

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

Approved February 23, 1863.

CHAPTER LXV.

A further supplement to the act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

Preamble. WHEREAS, associations for life assurance are highly beneficial, and tend to the support and maintenance of destitute families when deprived of their only dependence and head; and whereas, such associations existing under the laws of this state should receive the same encouragement and protection in their benevolent work which are extended to like associations of other states by the laws thereof, and be subject to no greater burdens than are imposed on like associations with which they are obliged to come in competition—therefore,

Tax to be one half per cent. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the tax to be imposed upon associations or corporations whose business is that of assurance upon lives, shall be one-half of one per cent. on the amount of premiums received for such assurances during the year next preceding the time appointed for the payment of such tax, and the amount thereof shall be based upon the returns of the amount of premium received during the previous year by such association or corporations respectively, which returns shall be made to the assessor in the township or city where the company is located, upon the oath of the

president, secretary, or treasurer of said association or corporation, and no other tax or assessment shall be imposed upon any such association or corporation; *provided always*, that the amount of tax shall not be less than five thousand dollars in any one year, and that if any such association or corporation shall, besides the said business of life assurance, carry on any other business at the same time, such other business, or the capital or funds with which the same shall be conducted or carried on, shall be taxed in the same manner as if it were the sole business of the said association or corporation; *provided*, that no association or corporation shall be entitled to the benefit of this act until, by an instrument duly executed under its corporate seal, filed in the office of the secretary of state of this state, it shall have signified its assent to this act as a part of its original charter.

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

Approved February 23, 1863.

CHAPTER LXVI.

AN ACT to set off a part of the township of Milburn to the township of South Orange, in the county of Essex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Milburn, in the county of Essex, that lies northeast of the following described bounds, to wit: beginning at the point where the boundary lines of the townships of South Orange and Milburn meet on the boundary line of the county of Union, thence running in a northwesterly direction to a pin-oak tree standing in the east corner of William H. Elphinstone's door-yard, thence in a direct line to George W. Cooke's mill dam on the west branch of Rahway river, thence up said river to the South Orange line, shall be set off from the township of Milburn, and shall become a part of the township of South Orange.

2. *And be it enacted*, That in case any tax shall be authorized by loan to be laid upon the taxable inhabitants of the present township of Milburn, for the payment of bounties

to volunteers, the taxable inhabitants and property of so much of said township as shall be set off by this act to said township of South Orange, shall be and are hereby made liable to pay the part or proportion of said tax for volunteers, which would have been assessed upon them if this act had not been passed; and in order to ascertain such part or proportion, the assessor of the said township of Milburn shall certify under his hand the amount of the taxable property shown by the assessment roll of the year eighteen hundred and sixty-two, in the part so set off by this act, and also the amount of the taxable property in the remaining part of said township of Milburn.

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

Approved February 25, 1863.

CHAPTER LXVII.

A supplement to an act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," approved April fourteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time for holding the town meeting in the township of West Windsor, in the county of Mercer, shall be changed from the second Monday in April to the second Tuesday in March annually.

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

Approved February 25, 1863.

CHAPTER LXVIII.

A supplement to the act entitled "An act relative to the geological survey of this state," approved March fifteenth, eighteen hundred and sixty.

Preamble. WHEREAS, since the passage of the act above named, William Kitchell, therein named, has died without having completed the geological survey of this state as authorized and directed by said act; and whereas, the State Agricultural Society has asked authority to take possession of the wood cuts, field maps, apparatus, and other materials appertaining to and heretofore used and collected during the progress of said survey, the use of which by said act was given to the said William Kitchell, in order that the said survey may be continued and completed by Professor George H. Cook, or some other suitable person, under the direction and patronage of said society, pursuant to the said act—therefore,

State Agricultural Society may take possession of maps, &c. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the president and secretary of the New Jersey State Agricultural Society, or either of them, be and they are, or either of them is hereby authorized to take and receive possession of the wood cuts, field maps, apparatus, and other materials appertaining to and heretofore used and collected during the progress of said survey, and allow the same to be used by the said George H. Cook, or any other person who may be selected and appointed by said society to complete the said survey, according to the terms and conditions specified in the act to which this is a supplement, said articles to remain the property of the state, and to be returned to the state treasurer by the said society, when said survey may be completed, or sooner, if required by the legislature.

Approved February 25, 1863.

CHAPTER LXIX.

A further supplement to the act entitled "An act for the punishment of crimes," approved April sixteenth, eighteen hundred and forty-six.

WHEREAS, great danger is liable to be incurred by the acts of unauthorized persons in attempting to control the running and management of railway cars, to the manifest peril of life and property—therefore,

Penalty for interfering with cars.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons, unauthorized or unemployed by the individuals or corporations managing or owning any railway cars in this state, shall maliciously or wantonly, for the purpose of hindering or delaying such car or cars, let down or apply the brakes of any car, or pull the bell-rope, or convey to the engineer, conductor, or others employed in the management of such cars, any such signal as is or may be used for regulating the running and management of such cars, such person or persons shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment not exceeding one year, or by a fine not exceeding one hundred dollars, or both, at the discretion of the court.

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

Approved February 25, 1863.

CHAPTER LXX.

AN ACT to authorize the building of a bridge over the Mullicus river, at Lower Bank.

Bridge where located.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the boards

of chosen freeholders of the counties of Atlantic and Burlington to build and construct, or cause or permit to be built and constructed, a bridge across the Mullicus river, commencing at the terminus of the road running from Capt. J. Johnston's store to the river, at Lower Bank, in Washington township, Burlington county, to a point on the opposite side of the river, in the township of Mullicus, county of Atlantic, meeting and connecting with a road now being constructed by the Egg Harbor Association from Egg Harbor City to said river, and to place in said bridge a draw or swing of at least thirty-five feet in width, of such construction as to impede as little as possible the navigation of said river.

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

Approved February 25, 1863.

CHAPTER LXXI.

AN ACT to incorporate the Elizabeth Horse Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edward G. Brown, Robert S. Green, Samuel L. Moore, Abel S. Hatfield, John Kean, Joseph C. Hinchman, Jacob Davis, John R. Armstrong, George W. Harris and Frederick F. Glasby, and such other persons as may hereafter be associated with them, shall be and are hereby ordained, constituted and declared a body politic and corporate in fact and in law, by the name of the "Elizabeth Horse Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the object of the said corporation. Names of corporators.

2. *And be it enacted*, That the amount of the capital stock of the said corporation shall be twenty-five thousand dollars, with the privilege to increase the same to fifty thousand dollars, and shall be divided into shares of twenty-five dollars Capital stock $25,000.

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.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places, in the city of Elizabeth, as they or a majority of them think proper, giving at least twenty days' notice of the same in one of the newspapers published in the city of Elizabeth, and at the time of subscribing ten per centum shall be paid for each share subscribed for to the commissioners, or some one of them, and as soon as twenty thousand dollars of the capital stock shall be subscribed, said commissioners shall give like notice for a meeting of the stockholders, to choose five directors, a majority of whom shall be residents of this state, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote, and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting all expenses previously incurred to the said directors, and the time and place of holding the first meeting of said directors shall be fixed by the said 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.

Corporation not dissolved by failure to elect.

4. *And be it enacted*, That in case it shall happen that an election of directors should not be made during the day when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, in the manner pro-

vided by law in such cases, and the directors for the time being shall continue to hold their office until others shall have been chosen in their places.

Stock to be called in.

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

Powers and objects.

Regulation of track.

6. *And be it enacted*, That the said corporation shall have power and authority to construct a railroad, with the necessary turn-outs, from the railroad depot in Morris street along Morris street to Broad street, thence along Broad to Water street, thence along Water street to Elizabeth avenue, thence along Elizabeth avenue to Third street, thence along Third street to Livingston street, thence along Livingston street to the steamboat dock at Elizabethport, and also to continue their track along Third street to the proposed Central railroad track; *provided*, that the right to construct the said railroad through any of the said streets shall not vest in the said corporation until the consent of the city of Elizabeth shall be first had and obtained of the city council.

How tracks laid.

7. *And be it enacted*, That the track laid by the said company shall be the same width as the wagon track now established by law, and said track and rails shall in all cases be laid level with the surface or face of the streets through which the same may pass, and in conformity with the grades of said streets as the same now are or hereafter may be established by the city council, so that said railroad shall not present any unnecessary obstructions to or in any way interfere with wagons or vehicles turning or crossing said streets; *and further*, that the said company shall pave between the rails of their track or tracks, turn-out or turn-outs, and for three feet on the outer side of said rail, which pavement, tracks and turn-outs shall be laid in conformity with the ordinances of the said city and under the supervision of

Turn outs.

the city council; and that the said company shall, at all times, in all things, be subject to the provisions of the charter and ordinance of the city now being or hereafter to be in force; and when required by the common council, shall pay such tax per car to the city as shall be directed, not exceeding one dollar per month for each car.

May hold real estate.

8. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and termini of their railroad, and at any other place or places in the city of Elizabeth, not exceeding two acres at each place, or five acres in the aggregate, and may erect and build thereon houses, warehouses, stables and machine shops, and such other buildings and improvements as may be necessary for carrying on the objects of their incorporation.

Dividends to be made.

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

Powers, &c.

10. *And be it enacted*, That the president and directors of said corporation shall have power to have constructed, or to purchase with the funds of said corporation, all such machinery, horses, cars, wagons, carriages or other vehicles, for the transportation of persons or any species of property on their railroad as they may think fit, reasonable, expedient or right, (but no steam power shall be used as a motive or propelling power on said railroad, except that known as the dummy engines,) and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons or property thereon as they from time to time may think reasonable and proper; *provided*, that not more than five cents shall be demanded or received for conveying any person from any one point to another on said road.

Penalties.

11. *And be it enacted*, That if any person or persons shall wilfully or maliciously impair, injure, destroy or obstruct the use of said railroad, or any of its necessary works, carriages, animals or machines, such person or persons shall forfeit and pay therefor, to the said corporation, three times the amount of damages sustained by means of such injury, to be recovered in the name of the said corporation, with costs of suit, in any court having cognizance of the same.

Company may borrow money

12. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct, repair or equip said road, and to secure the payment thereof by bond

or mortgage, or otherwise, on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum.

13. *And be it enacted*, That the office of said company shall be in the city of Elizabeth, and if the said railroad shall not be commenced within one year and be completed at the expiration of five years from the fourth day of July next ensuing, then and in that case this act shall be void. Limitation.

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

Approved February 25, 1863.

CHAPTER LXXII.

AN ACT to confirm the acknowledgments and proof of deeds taken before Samuel S. Marcy, commissioner appointed for the Lower Township, in Cape May county.

WHEREAS, on the eighth day of February, Anno Domini eighteen hundred and fifty-six, Samuel S. Marcy was appointed commissioner of deeds for the Lower Township, in the county of Cape May; and whereas, the said Samuel S. Marcy, at the time of said appointment, resided in the city of Cape Island, (and not in the Lower Township,) and continued to reside in said city during the term of his said office, and exercised the duties of said office during said term; and whereas, doubts have arisen as to the legality of his official acts in the premises—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the acts of the said Samuel S. Marcy, as commissioner aforesaid, done and performed during his said official term, shall be as valid and effectual in law, to all intents and purposes, as if the said Samuel S. Marcy had resided in the Lower Township during said official term. Acts of Samuel S. Marcy legalized.

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

Approved February 25, 1863.

CHAPTER LXXIII.

A supplement to the act entitled "An act to incorporate the town of Bergen," approved March the eleventh, eighteen hundred and sixty-two.

Preamble. WHEREAS, the town of Bergen, by the corporation thereof, have, pursuant to an ordinance passed by them on the twenty-fifth day of August, eighteen hundred and sixty-two, appropriated the sum of fifteen thousand dollars in bounties for enlistments, to volunteers from said town for the military service of the national government; and whereas, the said councilmen have, pursuant to said ordinance, borrowed said sum of money from numerous persons upon the bonds, scrip or other evidences of indebtedness issued in the name of the town of Bergen, payable in three years from the dates thereof, with interest semi-annually; and whereas, express provision for such indebtedness and the payment thereof is desired by said corporation—therefore,

Action of township legalized. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the appropriation of fifteen thousand dollars, for the purpose set forth in the preamble to this act, by the town of Bergen, together with the bonds, scrip or other evidences of indebtedness issued for the same, be and they are hereby ratified and confirmed.

Binding on the township. 2. *And be it enacted*, That the said amount of fifteen thousand dollars shall be deemed and taken as a debt of the said town, over and above any loans now authorized by the aforesaid act, and the act to amend the same, anything therein contained to the contrary notwithstanding.

May raise the amount by taxation. 3. *And be it enacted*, That it shall be lawful for the said councilmen to raise by tax yearly, in the same manner as taxes for other purposes are levied and collected in said town, and over and above the amount they are now authorized to collect for town purposes, a sufficient sum to pay the interest on said indebtedness: and at the time said bonds, scrip or other evidences of indebtedness become due and payable, the said councilmen may borrow on the bonds of the corporation a sum sufficient to redeem said bonds, scrip or other evidences of indebtedness then outstanding, such new bonds to be made

payable, with interest, as follows: one thousand dollars, with interest, in one year from the date thereof; and two thousand dollars, with interest, in each succeeding year, until the whole be paid; such new bonds to be of such denominations, not exceeding one thousand dollars each, as said councilmen shall determine, and the rate of interest thereon not to exceed seven per cent. per annum, and that for the payment of all such bonds and the interest as the same fall due and payable, the said councilmen are hereby authorized to levy, from time to time, and to collect a tax, in the same manner as taxes for other purposes are or may be levied and collected in said town.

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

Approved February 25, 1863.

CHAPTER LXXIV.

A further supplement to the act entitled "An act for the punishment of crimes," approved April sixteenth, eighteen hundred and forty-six.

Penalty for injuring or defacing any monument.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person who shall wilfully or maliciously remove any monument of stone, wood or other durable material, erected for the purpose of designating the corner, or any other point, in the boundary of any lot or tract of land, road or street; or shall wilfully and maliciously deface or alter the marks upon any tree, post or other monument, made for the purpose of designating any point, course or line in the boundary of any lot or tract of land, road or street; or shall wilfully and maliciously cut down or remove any tree upon which any such marks shall be made for such purpose, with the intent to destroy such marks, shall, in every such case, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by a fine not exceeding two hundred and fifty dollars, or imprisonment at hard labor not exceeding two years, or both.

Or milestone.

2. *And be it enacted*, That every person who shall wilfully or maliciously break, destroy or remove any milestone, mile-

board, guideboard or guidepost, or cautionary board, made of wood, stone or metal, erected upon any street, public road, turnpike, plankroad or railroad in this state, or shall wilfully or maliciously deface or alter any inscription upon such stone, board or post, shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in a county jail, not exceeding three months, or by a fine not exceeding fifty dollars, or both.

Approved February 25, 1863.

CHAPTER LXXV.

AN ACT to authorize the trustees of "Flemington School District, Number Eight, of Raritan township," in the township of Raritan, in the county of Hunterdon, and state of New Jersey, to convey certain real estate.

Preamble. WHEREAS, Alexander Bonnell and wife, by their deed, bearing date January first, eighteen hundred and twelve, and recorded in the record of deeds in the said county of Hunterdon, in volume nineteen of deeds, pages two hundred and nine and two hundred and ten, did grant and convey unto Thomas Capner, Jonathan Hill, James Clark, junior, Peter Haward, and John Maxwell, junior, and their successors, trustees of the Flemington Academy Association, in the village of Flemington, a certain lot or parcel of land, in the said deed particularly described, containing forty-five hundredths of an acre of land, more or less, for the consideration of one dollar, therein specified, upon which said lot of land an academy or school house was built by the inhabitants of Flemington and its immediate vicinity; whereas, the association known as the Flemington Academy Association has ceased to exist for more than thirty years, and by the assent of the then trustees the said lot of land and building was then, and has been ever since, used by the said district, now known as Flemington School District, Number Eight, of Raritan township, (incorporated April eleventh, eighteen hundred and fifty-seven, and recorded in volume three of special deeds, in the clerk's office of said county of Hunterdon,) as the property of the com-

mon school of said district; and whereas, another lot has been purchased within the said school district, upon which an academy has been erected by the executors of Daniel K. Reading, deceased, pursuant to a bequest left in the will of said testator, to be presented to the said school district, which academy is sufficient for the accommodation of all the scholars in said school district; whereas, the inhabitants living within the bounds of said School District, Number Eight, at a meeting called for the especial purpose, on the fifth day of April, eighteen hundred and sixty-two, pursuant to a legal notice given of such meeting, it was "resolved that the trustees of Flemington School District, Number Eight, of Raritan township, be and they are hereby authorized to sell and convey the school house and lot of land in the village of Flemington, belonging to said district, and apply the proceeds of the sale of said lot, in the purchase of another lot of land within this district, in conjunction with the executors of Daniel K. Reading, deceased, for the erection of another school house;" the possession of the lot hereby authorized to be sold is to be given to the purchaser thereof, whenever the new school house is finished and surrendered by the executors of Daniel K. Reading, deceased, to the said trustees; whereas, the said trustees, as directors, did advertise the said lot of land to be sold at public sale to the highest bidder, at the house of George F. Crater, in Flemington as aforesaid, on the seventh day of January, eighteen hundred and sixty-three, and in pursuance of said notice, did sell the same to Atkinson J. Holcomb, for the sum of eight hundred and eighty dollars, he being the highest bidder for the same; therefore, to enable the trustees of the said School District, Number Eight, as aforesaid, to make a good and sufficient title for the said lot of land and premises before mentioned, and for the purpose of removing all doubt as to the validity of the same,

Trustees may make title.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas C. Haward, Alexander V. Bonnell and William B. Swallow, the trustees of Flemington School District, Number Eight, of Raritan township, and county of Hunterdon as aforesaid, and their successors in office, be and they are hereby authorized to convey, by good and sufficient deed, the said lot or parcel of land and premises, in the foregoing preamble mentioned, to Atkinson J. Holcomb, his heirs and assigns, in fee simple, upon his

paying to them the said purchase money, eight hundred and eighty dollars, and in case of his failure to comply with the conditions of said sale, to convey said real estate to any other purchaser.

Approved March 2, 1863.

CHAPTER LXXVI.

AN ACT to legalize certain acts of the township committee and inhabitants of the township of South Amboy, in the county of Middlesex, in raising money for the nine months' volunteers for the war.

Preamble.

WHEREAS, the inhabitants of the township of South Amboy, in the county of Middlesex, did, on the twenty-sixth day of August, one thousand eight hundred and sixty-two, assemble and organize themselves into a meeting, and the said meeting, thus assembled, did unanimously vote to borrow a sufficient sum of money to pay a bounty of sixty (60) dollars to each nine months' volunteer to the war; and whereas, the credit of said township was pledged at said meeting, by vote, for the payment of said sum so directed to be borrowed, and to that end the amount required was directed to be assessed and collected from the taxable property of said township; and whereas, at a subsequent meeting of said inhabitants, after eight (8) days' notice being given by the township clerk, at the written request of the township committee, it was voted that five thousand four hundred (5,400) dollars, or as much thereof as may be required, be assessed and collected for the purposes aforesaid, and the said assessment having been made and partially collected, and doubts having arisen as to the legality of the said doings of the township committee and inhabitants of the township of South Amboy—therefore,

Action of trustees to raise money legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the acts and doings of the township committee and the inhabitants of the township of South Amboy, in the county of Middlesex, mentioned in the preamble to this act, to raise money by assessment and col-

lection, a sum sufficient to pay a bounty of sixty dollars to each nine months' volunteer for the war, to make up the quota of men for said township, are valid in all respects, and binding upon the inhabitants and taxable property in said township.

2. *And be it enacted*, That the collector or special collector of the said township of South Amboy have full power and authority to collect the said sum so assessed as aforesaid, in the manner now prescribed by the act relative to the collection of taxes in said township, and to pay such sum already collected, or hereafter collected, to the township committee of said township, or upon their order, to the treasurer of the township bounty fund, to be appropriated to the payment of all sums borrowed by the said treasurer, and expended for bounties by him, and the remainder, if any there should be, to be appropriated to the payment of the bounty tax of all volunteers from said township. May assess and raise the amount so borrowed.

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

Approved March 2, 1863.

CHAPTER LXXVII.

AN ACT to authorize the township of Princeton, in the county of Mercer, to raise by taxation the amount paid by them to procure volunteers from said township.

WHEREAS, the town committee of the township of Princeton, Mercer county, have expended the sum of three thousand dollars in the payment of bounties to volunteers in the nine months' military service of the United States; and whereas, the inhabitants of said township, at a town meeting regularly called on the nineteenth day of August, eighteen hundred and sixty-two, resolved, by a unanimous vote, "that the town committee of Princeton township be and are hereby authorized to borrow a sum of money not exceeding five thousand dollars, for the purpose of paying a bounty of fifty dollars to each person from the township who will volunteer for the purpose of avoiding any draft Preamble.

upon our citizens during the war; and, that in order to avoid any question as to the legality of raising money for the purpose aforesaid, the township committee are hereby authorized, if they deem it necessary, to memorialize the legislature to legalize these proceedings"—therefore,

Money raised by assessment

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assessor of the said township of Princeton shall, immediately after the passage of this act, proceed, after being sworn, to assess the sum of three thousand dollars, expended in the payment of bounties to volunteers, and the interest on said sum expended, and the expense incident to the assessing, collecting and paying out of the same, upon the real and personal property of the tax payers of said township, according to the valuation thereof at the last regular assessment, together with a poll tax of

Poll tax.

fifty cents on each white male inhabitant of said township, above the age of twenty-one years, who is not enlisted in the military service of the United States, and hand the same forthwith to the collector of the township of Princeton; and the collector of said township shall enter into bonds for the faithful performance of the duty hereby enjoined upon him, and shall immediately thereafter give two weeks' notice, by advertisement set up in at least eight (8) of the most public places in the said township, of the said tax, and of the day and place when and where he will receive the same, and within that time shall demand payment of the tax or sum assessed on each individual in said township, in person or by notice left at his or her place of residence; and in case of the nonpay-

Proceedings to collect tax.

ment of the said taxes, or any of them, at the time appointed, the collector shall make out a list of the delinquents, with the sum due from them respectively thereto annexed, and deliver the same to a justice of the peace in said township, on or before the eighth day of April next, who shall proceed thereon and issue his warrant in the same manner as is directed and required by law in the collection of other township moneys; and said collector shall require the payment of twelve (12) per cent. per annum additional on each tax from the date of said warrant, together with thirty-six cents cost.

Fees.

2. *And be it enacted*, That the assessor of the said township of Princeton shall be entitled to receive six cents, and no more, and the collector of the said township shall be entitled to receive six cents, and no more, for each name in the duplicate, for assessing, levying and collecting the said tax.

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

Approved March 2, 1863.

CHAPTER LXXVIII.

A supplement to an act entitled "An act for the relief of the Rahway school for colored children," approved January thirtieth, eighteen hundred and forty-nine.

Regulation of school fund.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Rahway school for colored children shall be conducted as heretofore, under the care of the "Preparative Meeting of the Society of Friends," and the trustees of said school shall be entitled to receive their pro rata share of the money raised for school purposes in the city of Rahway.

Approved March 2, 1863.

CHAPTER LXXIX.

AN ACT for the relief of Euphemia Hall, an indigent blind person.

Preamble.

WHEREAS, it is represented by the principal of the Pennsylvania Institution for the instruction of the Blind, that Euphemia Hall, a blind pupil of said institution from the county of Mercer, in this state, is an orphan, without a home or near relatives; that she has passed the full term of eight years authorized by law in said institution; that owing to her tender age when admitted, she has not yet completed her instruction, and if now discharged will be incapable of self support; that it would be greatly to her advantage to receive further instruction, and that she is

capable of making good progress in the acquisition of knowledge—therefore,

Time extended two years.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the term of instruction of the said Euphemia Hall, at the said institution, shall be extended for the further term of two years from the first day of January, eighteen hundred and sixty-three, and that the expense of the same shall be paid out of the state treasury, in the same manner as is prescribed by the act entitled "An act to provide for the instruction of indigent blind persons, inhabitants of this state," approved April tenth, eighteen hundred and forty-six.

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

Approved March 2, 1863.

CHAPTER LXXX.

AN ACT to create from part of the town of Orange, in the county of Essex, a new township, to be called the township of East Orange.

oundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the town of Orange contained within the following bounds, to wit: beginning at a point on the line between the town of Orange and the township of South Orange, where the centre of Centre street, in said town of Orange, would intersect said line; thence in a northerly or northeasterly direction to a point on the north side of Main street, in the said town of Orange, where the line between the lands of Cabel G. Harrison and Nathan W. Parsons, near the corner of Baldwin and said Main street, would intersect the north side of said Main street; thence in a northerly or northeasterly direction to a large oak tree on the lands of and near the residence of William Patterson; thence in a northerly or northwesterly direction to a point on the east side of Park street, in said town of Orange, where the angle in said street, near the residence of Aaron Williams, would intersect said point; thence on in the direction of the last mentioned line, to the west side of

said Park street; thence in a northerly or northeasterly direction to a point in the centre of the bridge over the Nishayne brook, where the south side of Dodd street (or the street running from David Riker's store to the Orange Cemetery) would intersect said point; thence in a northerly or northeasterly direction, to a point in the centre of the north side of the bridge near the residence of Henry Stuckey, and thence in the line of the last mentioned line, to the line between the town of Orange and the township of Bloomfield, thence along the line between the said town of Orange and the said township of Bloomfield, to the line between the town of Orange and the city of Newark; thence along the line between the said town of Orange and the said city of Newark, to the line between the town of Orange and the township of South Orange; thence along the line between the said town of Orange and the said township of South Orange, to the place of beginning, be and the same is hereby set off into a new township, to be called the township of East Orange. East Orange.

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

3. *And be it enacted*, That the inhabitants of the township of East Orange shall hold their first town meeting at the shop of Stephen W. Tichenor, in the said township of East Orange, on the second Monday in April ensuing.

4. *And be it enacted*, That the town committee of the township of East Orange, together with an equal number of the common council of the town of Orange, shall meet on the third Monday in April next ensuing, at the Park House, in the town of Orange, at ten o'clock in the forenoon, and may adjourn from time to time, as a majority of them may direct, and then and there proceed, by writing, signed by a majority of those present, to allot and divide between the said town of Orange and the said township of East Orange, all properties and moneys on hand, due, or to become due, in proportion to the taxable property and ratables, as taxed by the assessors within their respective limits at the last assessment; and the inhabitants of the township of East Orange shall be liable to Division of property of the two townships.

pay their just proportion of the debts, if any there be due; and if any of the persons comprising either of the committees of the said town of Orange or the township of East Orange, shall neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and the decision of a majority of those present shall be final and conclusive.

5. *And be it enacted*, That the inhabitants of the township of East Orange shall be liable to be assessed (in proportion to the taxable property and ratables as taxed by the assessors within their respective limits at the last assessment) for their just proportion of the tax, (the whole not exceeding the sum of forty thousand dollars) for which certificates were issued by the town of Orange; *provided*, the legislature of the state does pass an act authorizing the common council of the town of Orange to issue bonds for the redemption of said certificates; the said bonds being given for the purpose of redeeming the certificates which were given for raising volunteers for the United States service.

Three school districts.

6. *And be it enacted*, That the territory in the township of East Orange shall be comprised and divided into three school districts, as follows: all the territory lying east of the centre of Cherry street, from the Bloomfield line to the Main street, and on from the said point on Main street to the east side of the town farm on the South Orange line, shall be the eastern school district; all the territory lying north of a line drawn from the junction of Cherry street and the Bloomfield line to the junction of Park and Washington streets, and on through the centre of Park street to the line between the town of Orange and the township of East Orange, shall be the Franklin school district; all the remaining territory in said town shall be the Ashland school district; and the said districts shall hold elections for school trustees in their respective school districts, according to the provisions of the general school law, on the first Monday in April, at the usual hour.

Election by ballot.

7. *And be it enacted*, That an act entitled "An act to authorize the inhabitants of the township of Orange and other townships to vote by ballot at their town meetings," approved March twenty-eighth, eighteen hundred and forty-five, be extended to the township of East Orange.

8. *And be it enacted*, That Aaron B. Harrison be and is hereby appointed judge of election, and Charles Crane clerk of election, and they are hereby authorized to hold the first town election.

9. *And be it enacted*, That the person who shall, at the first town meeting held for the election of town officers, be elected superintendent of public schools for the said township of East Orange, is hereby authorized and empowered to collect and receive from the town superintendent of the town of Orange, within twenty days after his election, all moneys apportioned and due to the several public school districts or parts thereof heretofore belonging in the said town of Orange and now included in the township of East Orange; and it shall be the duty of the said town superintendent of the town of Orange, to make out and deliver to the superintendent of the township of East Orange a statement of the amount due to each school district in the said township of East Orange. Money, &c., handed over.

10. *And be it enacted*, That the said township of East Orange shall constitute a part of the second assembly district in the county of Essex.

11. *And be it enacted*, That the respective annual amounts assessed in said township of East Orange, for the working and keeping in repair the roads and highways in said township, shall be paid to the township collector in money, and in order to defray the expenses of working the highways and public roads by him, it shall be lawful for the town committee of the said township of East Orange to borrow money, from time to time, in the corporate name of said township, and to secure the payment thereof by bond, note, or other instrument of writing, under the common seal of said township; *provided*, that all loans so made shall be based upon the current taxes of the year, and shall not exceed in any one year the amount raised by the said township for the repairing of said roads, and the town committee of said township of East Orange shall appoint one or more overseers of the highways for said township. Proviso.

12. *And be it enacted*, That an act entitled "An act to prevent horses, cattle, sheep and swine from running at large in the townships of Hackensack and Harrington, in the county of Bergen," approved February twelfth, eighteen hundred and fifty-two, be and the same is hereby extended to the said township of East Orange.

13. *And be it enacted*, That the township committee of the said township of East Orange shall have power, in addition to said act last above entitled, by a majority of their whole number, to pass all such ordinances, by-laws and regulations as they shall judge proper for any or all of the following purposes, namely: to establish and regulate one or more Powers of town committee.

pounds, and to restrain and regulate the running at large or grazing in the streets or public places of horses, cattle, swine, or other animals, and to authorize the impounding and sale of the same for the penalty incurred, and the costs of impounding, keeping and selling the same.

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

Approved March 4, 1863.

CHAPTER LXXXI.

AN ACT to incorporate the Union Works Manufacturing Company, in the county of Passaic.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Smith, Robert Hays, Nathaniel Lane, Robert McCullough, Philip Raferty, and the survivors of them, and all such persons as may be associated with them or the said survivors, their successors and assigns, be and they are hereby appointed a body corporate and politic in name, by the name and style of "The Union Works Manufacturing Company," for the purpose of manufacturing brass, copper and iron tubing for locomotives, and for the purpose of manufacturing woollen, cotton, silk or flax machinery, or of woollen, cotton or silk goods, and the business incident thereto.

Directors chosen.

2. *And be it enacted*, That the stock, property and concerns of said corporation shall be managed and conducted by five directors, a majority of whom shall be residents of the state of New Jersey, and being stockholders, one of whom shall be president, who shall hold their office for one year, or until other directors shall be chosen; and the directors shall be chosen on the first Monday in May in each year, at such place and time as shall be directed by the by-laws of said corporation, and public notice thereof shall be given not less than ten days previously, in some newspaper published in the county of Passaic, and each stockholder shall be entitled, at such election, either in person or by proxy, to as many votes as he or she shall hold shares of the capital stock of said

corporation; and the persons having or receiving in such elections the greatest number of votes, being stockholders, shall be directors, and the persons chosen at one election shall be capable of serving by virtue thereof until another election shall have been held; and the directors so chosen may appoint such officers and superintendents, and assign such compensation as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done, and all vacancies occurring by death, resignation or otherwise, among the directors named in this act, or those hereafter to be chosen, 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 for that purpose; and that the said persons named in the first section of this act, and the survivors of them, shall be the first directors of the said corporation, and shall hold their offices until the first Monday in May, Anno Domini eighteen hundred and sixty-four, or until others are chosen.

Capital stock $100,000.

3. *And be it enacted*, That the capital stock of said corporation shall not exceed the sum of one hundred thousand dollars, which shall be divided into shares of one hundred dollars each; but as soon as fifteen thousand dollars shall have been subscribed and paid, or satisfactorily secured to be paid, it shall be lawful for said corporation to commence their said business, or any part of it, and with that capital to conduct and carry it on until they shall deem it expedient to extend the same; and it shall be lawful for the directors of said corporation, or a majority of them, from time to time, to call for and demand from the stockholders all such sums of money by them subscribed, at such times and for such sums as they shall deem proper, under pain of forfeiting the shares of said stockholders and all previous payments thereon, if such payments shall not be made within thirty days after the day fixed for that purpose, by notice previously published for thirty days in one or more newspapers published in said county of Passaic, designating the amount of such payment per share at the time and place when and where, and the person to whom the same shall be required to be made.

Subscription books to be opened.

4. *And be it enacted*, That the subscription books to the said stock shall be opened until a sum required by law in this incorporation to commence its business shall have been subscribed, under the direction of the board of directors, or some one or more of them, as may be designated by said board for that purpose, and at such time and place as said board may designate.

Property personal estate.

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

Quorum.

6. *And be it enacted*, That a majority of the directors, for the time being, shall form a board for the transacting of the business of said corporation, and shall have power to make such laws and regulations as they shall deem expedient for the government, management and disposition of the stocks, effects, profits and concerns of said corporation; *provided*, that the same are not contrary to the constitution and laws of the United States or of this state.

Books of account to be kept.

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

How corporation dissolved.

8. *And be it enacted*, That the said corporation may be dissolved at any time, by any general meeting of the stockholders specially summoned for that purpose by the president of said corporation, by the direction of the board of directors, or a majority of them; *provided*, at least three-fourths in value of the stockholders shall be present or represented therein, and upon such dissolution the directors for the time being, or the survivors or survivor of them, shall be the trustees for settling all the affairs of said corporation, and dividing the surplus among the stockholders in proportion to their respective interest therein, unless the stockholders at such meeting shall appoint one or more persons for such purpose, in which case the person so appointed shall be trustee for the purpose aforesaid.

Act continue in force thirty years.

9. *And be it enacted*, That this act, unless the corporation shall be dissolved as above provided for, shall continue in force for the space of thirty years; *provided*, that the legislature reserves the right to alter or amend this act whenever the public good may require it.

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

Approved March 4, 1863.

CHAPTER LXXXII.

AN ACT to revise and amend the charter of the City of Elizabeth.

TITLE FIRST.

OF THE BOUNDARIES AND CIVIL DIVISIONS OF THE CITY.

Name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that district of country in the county of Union contained within the boundary lines of the city of Elizabeth, as now established by law, shall continue to be a city by the name of the city of Elizabeth, and all the inhabitants of this state within the limits aforesaid shall continue forever hereafter to be a body corporate and politic, in fact and in name, by the name of "The City of Elizabeth," and by that name they and their successors forever 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 that they and their successors may have a common seal, and alter the same at their pleasure; and also by their corporate name aforesaid, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said corporation, and that the said "The City of Elizabeth" and their successors shall, by virtue of this act, become and be absolutely and completely vested with, possess and enjoy all the lands, tenements, hereditaments, property, rights, causes of action and estate whatsoever, both in law and equity, in possession, reversion or remainder, which at the time of the passage of the charter of the city of Elizabeth, were vested in or belonging to the inhabitants of the township of Elizabeth in their corporate capacity as then incorporated by the name of "The inhabitants of the township of Elizabeth in the county of Essex," according to such estate and interest as the said "The inhabitants of the township of Elizabeth, in the county of Essex," at the time of the passage of the charter of the city of

"The city of Elizabeth."

Elizabeth had, or of right ought to have had, in the same, or which since that time have become vested in and belong to the said "The City of Elizabeth," in its corporate capacity.

Three wards.

2. *And be it enacted*, That the said city of Elizabeth shall continue to be divided into three wards, as heretofore constituted by law, until the city council shall increase the number of the same; and the city council in office after this act shall take effect, and thereafter once in four years, and not oftener, shall revise, and if it shall be needful, alter said wards in such manner as may be most convenient to the inhabitants, and shall re-apportion the members among the several wards according to the principles herein prescribed, and call and make provision for the first election of officers in any new ward.

3. *And be it enacted*, That if any division line between any of the said wards shall intersect any dwelling house, such dwelling house shall be considered as included in and belonging to the ward in which the largest portion thereof shall happen to lie.

TITLE SECOND.

ELECTION AND APPOINTMENT OF CITY AND WARD OFFICERS.

Mayor, duties and compensation.

4. *And be it enacted*, That the mayor shall be the chief executive officer of the said city of Elizabeth, and shall possess the powers and privileges, and perform the duties which are hereinafter specified; he shall be elected for the term of one year, at the annual charter election in the year eighteen hundred and sixty-three, and in every year thereafter, and shall receive such annual compensation for his services, not exceeding three hundred dollars per annum, as the city council shall by ordinance appoint.

City Council.

5. *And be it enacted*, That the city council of the city of Elizabeth shall consist of four members in and for each of the wards of said city, who shall be divided into two classes, as heretofore; and each of the wards of the said city shall, at the annual charter election, elect two persons as councilmen of said ward, who shall hold such office for the term of two years.

Board of school commissioners.

6. *And be it enacted*, That the board of commissioners of public schools of the city of Elizabeth shall consist of two commissioners of public schools in and for each of the wards of said city, who shall be divided into two classes, as hereto-

fore; and each of the wards of said city shall, at the annual charter election, elect one person as commissioner of public schools of said ward, who shall hold such office for the term of two years.

Election by ballot.

7. *And be it enacted*, That an election by ballot shall be held in each of the wards of said city on the second Monday in April next, and on the second Monday in April in every year thereafter, at such places as the city council shall appoint, and of which at least two weeks' previous notice shall be given by the city council, in a newspaper printed and published or circulating in said city; at which time, as herein before specified, there shall be elected in and for the said city one mayor, who shall hold his office for the term of one year; two surveyors of highways, one receiver of taxes, who shall hold their offices respectively for the term of one year; and in and for each of the wards of said city, two councilmen, and one commissioner of public schools, who shall hold their offices respectively for the term of two years; one police justice, who shall hold his term of office for three years; and one assessor, one judge of election, two inspectors of election, one clerk, one commissioner of appeals in cases of taxation, one chosen freeholder, and two constables, who shall hold their offices respectively for the term of one year; *provided*, that in the election of said inspectors of election, no ballot shall contain the name of more than one person to be voted for as an inspector of elections, and in case any ballot voted shall contain the names of more than one person voted for said office, both names shall be rejected; justices of the peace of the several wards of said city shall be elected at the time prescribed by this act for the election of city and ward officers.

Officers to be chosen.

Proviso.

Judges of election.

8. *And be it enacted*, That the aforesaid annual charter election in each ward shall be held and conducted by the judge, inspectors of election, and the clerk of election, at the same hours, in the same manner, and under the same regulations, in all things, as prescribed by law for the state election for members of the legislature, except as hereinafter provided.

Electors.

9. *And be it enacted*, That every person entitled to vote by existing laws of this state at an election for members of the legislature, if held on that day, who is at the time an actual resident of the ward in which he offers his vote, shall be entitled to vote in the ward in which he resides, but not elsewhere, for all or any of the officers to be chosen at such election.

New Jersey State Library

Statement.

10. *And be it enacted*, That the statements of the result of such election in each of the wards of said city, and the certificate thereof, in the manner required by law at the state elections for members of the legislature, shall be made within three days after such election, by proper officers, and shall be filed without delay with the city clerk.

Board of canvassers.

11. *And be it enacted*, That the city council of the said city, for the time being, shall convene on the Monday next succeeding such election, at seven o'clock in the evening, at their usual place of meeting, for the purpose of canvassing the votes given at such election, and the original statement of votes filed with the city clerk shall be produced by the said clerk; the city council shall make a written statement of the whole number of votes given at such election for mayor of said city, and for the several other officers to be elected in and for the said city, and the several wards thereof, the names of the persons for whom such votes were given, and the number of votes given for each, and shall thereupon determine and declare what person or persons have received the highest number of votes for each of the offices mentioned in such statement; the statement and final declaration of the city council shall be certified by the presiding officer and the clerk, and filed in the office of the city clerk; and within one week after the said city council shall have determined what persons have been elected to the several offices in the said city, the city clerk shall cause a written notice of his election to be given to each of the persons so elected.

Plurality.

12. *And be it enacted*, That the person or persons receiving the greatest number of votes of those given in the city for any city office, and of those given in each ward, for any office in that ward, shall be elected to that office; and if at any election for charter officers, authorized by this act, any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes, such officer shall be elected at a special election as hereinafter provided.

Who eligible.

13. *And be it enacted*, That no person shall be eligible to any office at any such election, unless he shall then be an elector and resident of said city; nor shall he be eligible to any office for any ward unless he shall then be an elector and resident of such ward; and when any officer elected at any such election shall cease to reside in said city, or if elected for any ward, shall cease to reside in such ward, his office shall thereby become vacant.

Term, when to commence.

14. *And be it enacted*, That the term of office of the

chosen freeholders of the said city, and the term of office of justices of the peace of the several wards of said city, shall commence at the time or times provided by law; and the term of office of all other officers elected at the annual charter election, as herein provided, shall commence on the first day of May next succeeding such election, or if that is Sunday, then the next day, unless elected to supply a vacancy.

Vacancies, how filled.

15. *And be it enacted*, That whenever a vacancy shall occur in the office of mayor or councilman, by the refusal or neglect of such officer to take the oath of office within the time required by law, by his resignation, death, ceasing to be an inhabitant of the city or ward for which he shall have been elected, or by any other cause, the city council of said city shall immediately appoint a special election to be held in the several wards of said city, or in the ward in which such vacancy has taken place, to supply such vacancy, of which special election the same notice shall be given as is required by this act to be given at the annual charter election of said city; and such special election shall be conducted and the result be determined and certified in the manner prescribed in this act for conducting and determining the result of the annual election of said city for the same office; in case any such vacancy shall occur in the office of mayor or councilman, within three months before the second Monday in April in any year, it shall be within the discretion of the city council to appoint a special election or not, as they shall deem expedient.

When more than one vacancy.

16. *And be it enacted*, That if at any annual election to be held in the said city, there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person voted for, for said office, is intended shall be designated on the ballot.

When to qualify.

17. *And be it enacted*, That if any person who shall be elected to any office at the annual charter election, shall not qualify according to law, for the space of forty days after the first day of May next succeeding such election; or if any person who shall be elected or appointed to fill any vacancy in any of the said offices, shall not qualify according to law, for the space of forty days after such election or appointment, his office shall be deemed vacant.

Common council when to supply.

18. *And be it enacted*, That in case a vacancy shall occur in the office of any of the aforesaid officers, except mayor or councilman, or justice of the peace, by death, resignation,

neglect to qualify according to law, or by any other cause, the city council may, in their discretion, proceed to fill such vacancy by the appointment of a suitable person who is eligible to such office according to the provisions of the thirteenth section of this act.

Elections for county and state officers regulated.

19. *And be it enacted*, That all elections hereafter to be held within the said city, for members of the Senate and General Assembly of this state, for sheriff, clerk, surrogate, and coroners of the county of Union, and for members of Congress and electors of President and Vice President of the United States, or for any other officers of the general or state governments, or officers of said county of Union, to be elected by the people, shall be held in the several wards of the said city, on the day or days which now are or hereafter may be designated for holding such elections at the place therein appointed by the city council for holding the annual charter elections; the polls shall be opened at eight o'clock in the forenoon, and closed at seven o'clock in the afternoon; and the judge and inspectors of election in the several wards shall preside at and conduct all such elections; and the ward clerks of the said wards shall be the clerks of such elections in their respective wards; every person in said city entitled to vote at such elections, shall vote in the ward wherein he actually resides at the time of such elections, but not elsewhere; and in case any person, at any election whatever held in said city, shall vote or offer his vote in a ward in which he is not entitled to vote, he shall be liable to the penalty prescribed in the fiftieth section of the act entitled "An act to regulate elections," approved April sixteenth, eighteen hundred and forty-six, to be sued for and recovered in the name of the ward clerk of the ward where the offence shall be committed, in an action of debt, with costs, and applied to the use of the poor of said city.

Judges of elections.

20. *And be it enacted*, That the said judge and inspectors of election shall take the same oaths, and conduct such elections and make returns thereof, in the same manner as township officers of elections are or may be required by law to do, and shall be vested with the same powers and authority, entitled to the same compensation, and perform the same duties and be subject to the same penalties, as the like officers of the townships of this state are or may be by law vested with, allowed or subject to; and in case of the absence, death, incompetency, or refusal to serve of any of the said officers of election, at any election provided for by this act, such va-

cancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the townships of this state; and the ward clerks of the said wards, respectively, shall procure election boxes for the use of their wards, in such manner, and of such description, as are required to be procured by the township clerks of this state, and be subject to the same penalties as township clerks are subject to, for neglecting to procure such boxes and keep the same in repair.

City clerk and other officers.

21. *And be it enacted*, That the city council shall from time to time appoint, by a majority of the whole number of the members of said city council, a city clerk, city treasurer, street commissioner or street commissioners, city surveyor, sealer of weights and measures, city attorney, chief of police and one or more assistants, one or more overseers of roads, one or more overseers of the poor, and such other subordinate officers not herein named as they shall think necessary for the better ordering and governing the said city, and the carrying into effect the powers and duties conferred and imposed upon the said city council by this act; every person who shall be appointed to any office under the provisions of this act shall be a resident and elector of the said city, and shall continue in office until the office for which he shall have been appointed shall be declared vacant, or until another person shall be appointed to succeed him, and shall enter upon the duties of his office.

Officers must give bonds.

22. *And be it enacted*, That the city treasurer, street commissioner or street commissioners, receiver of taxes, city clerk, city attorney, and such other officers as the city council may require, shall, before they enter on the duties of their respective offices, give bonds to the city, in its corporate name, in such sums and with such sureties as the city council may approve, for the faithful performance of their duties.

Constables to take oath and give bonds.

23. *And be it enacted*, That every constable of the said city shall, before he enters upon the duties of his office, take and subscribe before the city clerk an oath or affirmation, in the form prescribed for constables of townships in the nineteenth section of the act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," using the word "city," instead of the word "township;" and the said clerk shall endorse on the said oath or affirmation, the day and year on which the same was taken and subscribed, and file the said oath or affirmation and endorsement thereon in his office; and further, that every constable of the said city, before he enters upon the

execution of his office, shall enter into bond to the city, in its corporate name, with one or more sureties, to be approved by the said city council, in such sum as the said city council shall direct, in the form, as near as may be, prescribed in the first section of the act entitled "An act respecting constables;" which bond shall be delivered to the city clerk, who is hereby directed and required to record and file the same in his office; and all suits or actions on such bonds shall be conducted and prosecuted in the manner provided by law in such cases.

Oath of allegiance.

24. *And be it enacted*, That every person who shall be elected or appointed to any office, in pursuance of this act, shall, before he enters upon the duties of his office, take and subscribe before the city clerk or the mayor of said city, the oath of allegiance to this state, and likewise an oath or affirmation that he will faithfully and impartially execute the trust reposed in him, according to the best of his ability and understanding, which oaths shall be filed and preserved in the office of said clerk.

TITLE III.

POWERS AND DUTIES OF THE CITY COUNCIL.

City council.

25. *And be it enacted*, That the councilmen of the said city, duly elected by the several wards thereof, shall constitute and be called "The City Council of the City of Elizabeth;" every member of the city council shall, at the time of his election, have been for two years immediately previous a resident of the city.

President and officers, duties and powers.

26. *And be it enacted*, That the city council shall annually elect a president from its own body, and in his absence a president pro tempore, choose officers, appoint its times and places of meeting, determine the rules of its own proceedings, be the sole judge of the election, returns and qualification of its own members, and shall have power to issue writs of subpœna ad testificandum for and administer oaths and affirmations to witnesses, keep a journal of its proceedings, and may punish or expel a member for disorderly conduct or a violation of its rules; but no expulsion shall take place except by vote of two-thirds of all the members elected, nor until the delinquent member shall have had five days' notice of the proceedings, and an opportunity to be heard in his defence.

Clerk.

27. *And be it enacted*, That the city clerk shall be the

clerk of the council, he shall keep accurate minutes of the proceedings of the city council, and shall perform such other duties as shall be prescribed for him.

Quorum.

28. *And be it enacted*, That the majority of the whole number of councilmen shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time, and compel the attendance of absent members; the mayor and the president of the city council shall respectively be authorized to call special meetings of the city council, when the public good shall, in their opinion, render it necessary; and on request of five members of the city council, in writing, addressed to the mayor, it shall be his duty to call a special meeting.

Ordinances, how passed.

29. *And be it enacted*, That no ordinance or resolution shall be passed by the city council except with the concurrence of a majority of all the members of the city council; every ordinance shall be read three times before its final passage, and every ordinance involving the expenditure of money, or affecting personal liberty, shall be published for the space of two weeks in a newspaper printed and published or circulating in the city of Elizabeth, between its second and third reading.

Mayor and veto.

30. *And be it enacted*, That every ordinance passed by the city council shall, before it takes effect, be presented to the mayor by the city clerk, duly certified by the president of the city council and the city clerk; if he approve of it, he shall sign it, if not, he shall return it, with his objections, and file it with the clerk within ten days after he received it; and the said city council shall, at its first regular meeting thereafter, enter the objections at length on its journal, and shall proceed to reconsider the same, and if two-thirds of all the members of the city council agree to pass the same, it shall take effect; but in every such case the votes shall be taken by ayes and noes, and entered on the journal; and if such ordinance shall not be returned within ten days, as aforesaid, it shall take effect in like manner as if he had signed it, and each and every ordinance so passed, as aforesaid, shall be published for the space of two weeks in a newspaper printed and published, or circulating in said city, except those published as directed by the preceding section.

Powers of council.

31. *And be it enacted*, That the city council shall have power within the said city to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws for the following purposes:

Finances. I. To manage, regulate and control the finances and property, real and personal, of the city;

Vice and immorality. II. To prevent vice and immorality, to preserve public peace and good order, to prevent and quell riots, disturbances, and disorderly assemblages;

Nuisances. III. To restrain and suppress disorderly and gaming houses, and houses of ill-fame, all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices;

Licenses. IV. To regulate victualing houses or cellars, billiard tables and bowling saloons;

Theatres. V. To prohibit, restrain and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and exhibitions for money;

Highways. VI. To ascertain and establish the boundaries of all streets, highways, public lanes and alleys in said city, and to prevent and remove all encroachments upon said streets, highways, lanes and alleys;

Highways, Streets, wharves, docks, &c. VII. To regulate, clean and keep in repair the streets, highways, bridges, wharves, docks and slips in said city, and to prevent all obstructions in the Elizabethtown creek or river and Staten Island Sound, near or opposite such wharves, docks and slips; to prevent and remove obstructions and incumbrances in and upon all streets, sidewalks, cross-walks, lanes, alleys, bridges, aqueducts, wharves, docks or slips, in any manner whatever; to prescribe the manner in which corporations or persons shall exercise any privilege granted to them in the use of any street, highway or alley in said city, or in digging up said street, highway or alley for the purpose of laying down pipes, or any other purpose whatever, and to prohibit and prevent any such use or work at such times and seasons of the year as they may designate; to direct and regulate the planting, rearing, trimming, and preserving of ornamental shade trees in the streets, parks, and grounds of the city; and to enforce the removal of snow, ice or dirt from the sidewalks and gutters by the owners or occupants of the premises fronting thereon;

Encroachments on streets. VIII. To prevent or regulate the erection or construction of any stoop, step, platform, bay window, cellar door, area, descent into a cellar or basement, sign, or any post or erection, or any projection or otherwise, in, over or upon any street or avenue, and to remove the same in a summary manner, at the expense of the owner or occupant of the premises;

IX. To prevent and punish horse racing, and immoderate driving or riding in any street, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street, and to regulate the speed and running of locomotive engines and railroad cars through said city; to grant to corporations or persons the right to lay down railroad tracks in the streets, highways and alleys in said city, and to regulate the running of cars thereon; *provided always*, that no such right shall ever be given by the said city council until a majority of the owners of the lands in front of any such railroad, and along which the same may be intended to be run or be constructed, shall first consent in writing to the laying and constructing thereof, and which said consent, in writing, of said land owners, shall also be first filed in the clerk's office of said city; Regulating speed of horses and locomotive engines. Proviso.

X. To prohibit the driving any drove or droves of cattle through any of the streets of the city on the first day of the week, commonly called Sunday, and to regulate the same at other times; Cattle.

XI. To regulate, protect and improve the parks, public burial grounds, and other public grounds in said city; Grounds.

XII. To provide lamps and gas fixtures, and to light the streets, parks, and public places of every description in said city; Lamps.

XIII. To preserve the aqueducts in said city, and to make and regulate wells, pumps and cisterns in the public streets and squares; Aqueducts, &c

XIV. To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, and swine and other animals, geese and other poultry, and to authorize the impounding and sale of the same for the penalty incurred and the costs of keeping, impounding and sale thereof; Pounds.

XV. To regulate and prevent the running at large of dogs, to authorize the destruction of dogs running at large, and to impose taxes upon the owners of dogs; Dogs.

XVI. To regulate or prohibit the keeping of swine; Swine.

XVII. To locate, regulate, and remove slaughter houses, establish and regulate public markets, license and regulate butchers, designate the places, times, and manner of selling meats, fish, fruits and vegetables, and to prohibit persons from selling without license; Slaughter houses.

XVIII. To prescribe and regulate the places of vending Markets.

or exposing for sale hay, straw or wood from wagons or other vehicles;

Animals. XIX. To regulate and prohibit any practice having a tendency to frighten animals or to annoy persons passing in the streets or on the sidewalks in said city;

Vagrants. XX. To restrain and punish drunkards, vagrants, mendicants, and street beggars;

Board of health. XXI. To establish a board of health, to define its powers and duties, and provide for the protection and maintenance of the health of the city;

Nuisances. XXII. To abate and remove nuisances of every kind, and to compel the owner or occupant of any butcher's stall, tallow chandler shop, soap factory, cellar, stable, privy, hog pen, sewer, or other offensive or unwholesome house or place, to cleanse, remove, or abate the same from time to time, in a summary manner, as often as they deem necessary for the health, comfort and convenience of the inhabitants of the city, at the expense of the owner or occupant thereof;

Burial grounds. XXIII. To regulate the burial of the dead, prohibit interments within such limits as it may prescribe, purchase land for public burial places, direct the keeping and return of bills of mortality, and to establish such regulations for conveying the dead through the streets of said city, as the health, quiet, and good order of the city may in their opinion require;

Proviso. *provided*, that they shall not prohibit the interment of bodies in any burial ground now established;

Cartmen and porters. XXIV. To license and regulate cartmen, porters, hack, cab, omnibus, stage and truck owners and drivers, carriages and vehicles used for the transportation of passengers and merchandise, goods or articles of any kind, (or to authorize the mayor to grant such licenses, and to require the owners to mark the same in such manner as the city council shall designate) auctioneers, common cryers, hawkers, pedlers, pawnbrokers, junk-shop keepers, sweeps, and scavengers, and to fix the rate of compensation to be allowed to them, and to prohibit unlicensed persons from acting in such capacities;

Ringing of bells. XXV. To regulate the ringing of bells, and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the street;

Bathing. XXVI. To regulate or prohibit swimming or bathing in the waters of or bounding the city;

Weights and measures. XXVII. To regulate weights and measures in conformity with the standard of weights and measures established by law, and to require every merchant, retailer, trader, and

dealer in merchandise or property of any description, which is sold by measure or weight, to cause his or her weights and measures to be sealed by the city sealer, and to be subject to his inspection;

Police.

XXVIII. To establish, regulate and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and their compensation;

Fire department.

XXIX. To establish, regulate and control a fire department; to regulate and define the manner of the appointment and removal of the officers and members of the fire department, their duties and their compensation; to provide fire engines and other apparatus, and engine houses and other places for keeping and preserving the same, and to provide water for extinguishing fires;

Regulating buildings, in relation to fires, &c.

XXX. To regulate and control the manner of building dwelling houses and other buildings, and to prohibit within certain limits, to be from time to time prescribed by ordinance, the building or erection of any dwelling house, store, stable, or other building of wood or other combustible materials; to regulate the construction of chimneys, and to compel the sweeping thereof, to prevent the setting up or construction of furnaces, stoves, boilers, ovens, or other things, in such manner as to be dangerous; to prohibit the deposit of ashes in unsafe places; to authorize any city officer, or person or persons whom they may designate for that purpose, to examine and inspect by day, any place or places, for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to direct or cause the same to be so; to regulate or prohibit the carrying on of manufactories dangerous in causing or promoting fires: to regulate or prohibit the manufacture, sale or use of fire-works and the use of fire-arms in said city; to regulate or prohibit the keeping and conveying gunpowder, camphene, spirit gas, and other dangerous materials, and the use of lights in barns, stables, and other buildings, to raze or demolish any building or erection when necessary to prevent the extension of a conflagration, and to provide for the ascertainment and payment of just compensation to owners of property destroyed in such cases; to require all such further or other acts to be done, and to regulate or prohibit the doing all such further or other acts, as they may deem proper, to prevent the occurrence and provide for the extinguishment of fires in said city;

Grading streets.

XXXI. To level, grade, curb, gutter and pave, flag or

gravel the sidewalks in any street, highway, lane or alley, and repair the same, to prescribe the manner in which the said work shall be performed, and to cause the expense thereof to be assessed on the property so improved, and collected in the same manner as for regulating, grading and paving streets;

Filling and regulating vacant lots.

XXXII. To direct the digging down, draining, filling up, or fencing of lots, pieces or parcels of ground, in all cases where such digging down, draining, filling up or fencing is necessary to prevent or abate a nuisance, to prescribe the manner in which the said work shall be performed, and to cause the expense thereof to be assessed on such lots, pieces, or parcels of ground, whether improved or unimproved, and collected in the same manner as for regulating, grading, and paving streets: but no special ordinance shall be introduced to authorize or compel the performance of any work or improvement mentioned in this or the last preceding sub-division or paragraph, being sub-divisions thirty-one and thirty-two of the thirty-first section of this act, until public notice shall be given of the intention of the city council to cause said work or improvement to be done and performed, and to that end it shall be the duty of the street commissioner, by direction of the city council, to give notice in a newspaper printed and published or circulating in the city of Elizabeth, of the intention of the city council to cause such work or improvement to be done and performed, briefly describing such work or improvement, and requesting such persons as may object thereto to present their objections in writing at the street commissioner's office, on or before the expiration of two weeks from the date of such notice, and at any time thereafter the city council may proceed to consider such special ordinances as aforesaid;

Taxes.

XXXIII. To adopt all legal and requisite measures for levying and collecting the taxes;

Duties of officers.

XXXIV. To prescribe and define the duties of all officers appointed by the city council, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law;

Compensation

XXXV. To fix and determine a reasonable compensation to be paid to any officer of said city, or other person employed by them, for any service required of him by this act,

or by any ordinance or resolution passed by them, for which no specific fee or compensation is provided by this act, to be paid by the person or persons for whom such service shall be performed, for the use of the city.

By-laws.

32. *And be it enacted*, That the city council shall have power to make, establish, alter, modify, amend and repeal all such other ordinances, rules, regulations and by-laws, not contrary to the laws of this state or of the United States, as they may deem necessary to carry into effect the powers and duties conferred and imposed on them by this act, or by any other law of this state.

Fines and imprisonments.

33. *And be it enacted*, That in all cases where, by the provisions of this act, the city council have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof, either by imprisonment not exceeding ten days, or by fine, not exceeding one hundred dollars, to be recovered with costs, in an action of debt, and in the name of "The treasurer of the City of Elizabeth," for the use of said city, before any police justice thereof, in which action the first process may be either by warrant or summons, and the proceedings shall be those specified in the fiftieth section of this act; *and further*, it shall be lawful for any such justice, before whom judgment of imprisonment shall be given, to carry such judgment into effect by warrant of commitment, under his hand and seal, directed to the sheriff of the county of Union; the book of record of the ordinances of the city of Elizabeth shall be taken and received as evidence of the passage according to law of all ordinances duly recorded therein; *and further*, the volume of ordinances printed by authority of the city council shall in like manner be taken and received as evidence of the due passage thereof, and the publication of the said ordinances in a newspaper, according to law, shall in all cases be presumed to have been made, until the contrary be proved.

Workhouse.

34. *And be it enacted*, That the city council shall have power to build, establish, keep and maintain one or more workhouse or workhouses, and one or more almshouse or almshouses for the relief of the poor; and shall have power, by ordinance, to regulate the said houses, and to direct or order what persons shall be placed therein, and for what length of time, and the manner of ordering, placing and keeping persons therein; the application and expenditure of all moneys raised for the maintenance and relief of the poor of the said city shall be under the government and direction of the said

city council, and of such overseers of the poor and other officers as they shall for that purpose constitute and appoint; and the overseer or overseers of the poor appointed by the city council shall possess the powers and perform the duties of the like officers of the townships of this state, so far as such powers and duties shall be consistent with the provisions of this act.

To assess and raise taxes.

35. *And be it enacted*, That the city council shall have power to borrow money from time to time, for all purposes for which they are authorized to raise money by tax, not exceeding in the whole the sum of twenty thousand dollars, and to secure the payment thereof by bond or other instrument, under their common seal and the signature of the mayor of said city, and to provide by tax for the payment thereof; but notwithstanding the limitation aforesaid, it shall be lawful for the city council to make temporary loans for a period not exceeding, with any renewals thereof, one year, which loans shall only be in anticipation of city taxes and of assessments for laying out and opening, straightening, altering or widening any street, road, highway or alley, and for the construction of sewers, and the regulating, grading and paving of streets and sidewalks, and shall not exceed the amount of such anticipated assessments and taxes, and to secure the payment thereof in the manner aforesaid.

TITLE FOURTH.

OF THE POWERS AND DUTIES OF CITY OFFICERS, AND THE ENFORCEMENT OF THE ORDINANCES OF THE CITY.

Annual statement of city finances.

36. *And be it enacted*, That it shall be the duty of the mayor to communicate to the city council, at their first meeting in January, in each year, and at other times when he shall deem it expedient, a general statement of the situation and condition of the city in relation to its government, finances and improvements, with such recommendations as he may think proper; to be vigilant and active in causing the laws and ordinances of the city to be duly executed and enforced, and to exercise a constant supervision over the conduct and acts of all subordinate officers, and to examine into all complaints preferred against them for a violation or neglect of duty, and generally to perform all such duties as may be required of him by law.

Riots.

37. *And be it enacted*, That the mayor is hereby invested

with all the powers which any police justice of the said city is now, or may hereafter be invested with, and that the said mayor is hereby authorized, on witnessing any breach of the peace, forthwith to commit the offender for a hearing, without the issuing of any warrant or process; and that for the purpose of quelling any insurrection, riot, disturbance, or disorderly assemblage, the said mayor shall have control of the marshals, constables, watchmen, and other police force of said city, and the power to call upon the citizens for aid in all cases of insurrection, riot, or disturbance of the public peace; and when he shall deem it necessary, to call out the militia of the said city, and to employ the same in quelling such insurrection, riot or disturbance; every member of the city council shall have the power, and it shall be his duty, without warrant, to arrest, or cause to be arrested, any person engaged in his presence in disturbing the public peace, or violating any law of the state or ordinance of the city for the preservation thereof, or of good order or morality, and to bring, or cause such person or persons to be brought before some magistrate, to be dealt with according to law.

When mayor is dead or sick who to act.

38. *And be it enacted*, That whenever there shall be a vacancy in the office of mayor, or whenever the mayor shall be prevented, by absence from the city, sickness, or any other cause, from attending to the duties of his office, the president of the city council, or if the said president shall be absent or disabled, the president to be elected pro tempore, shall act as mayor, and possess all the rights and powers of the mayor during the vacancy in office caused by the absence or disability of the mayor or president of the city council.

Chosen freeholders, surveyors, &c.

39. *And be it enacted*, That the chosen freeholders, surveyors of highways, overseers of roads, commissioners of appeal in cases of taxation, constables and city clerk, elected or appointed as aforesaid, shall respectively possess the powers and perform the duties of the like officers of any township of this state, so far as such powers and duties shall be consistent with the provisions of this act; and that the receiver of taxes shall possess the powers and perform the duties of collectors of the several townships; the assessor and judge and inspectors of election of each of the wards of said city shall respectively possess the powers and perform the duties of the like officers of any township of this state, to the same extent and in the same manner in all respects as if each of the wards of said city was constituted a separate township of the county of Union, so far as such powers and duties shall be consistent

with the provisions of this act; 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.

City treasurer's duties.

40. *And be it enacted*, That the city treasurer shall receive all moneys belonging to the city, and shall deposit and keep the same as directed by the city council, and shall keep an account of all receipts and expenditures in such manner as the city council shall direct, and shall perform such other duties appertaining to his office as may be required of him by law, or by any ordinance or resolution of the city council; the said treasurer shall, at the close of the fiscal year, make out a true and full account of the receipts and expenditures during the year, and also the state of the treasury, and within twenty days thereafter deliver said account to the city clerk, who shall lay the same before the city council at their next meeting; and if, upon examination, it shall be found correct, it shall be filed in the office of the city clerk; and it shall be the duty of the said clerk to cause a copy of the said account to be published in a newspaper printed and published or circulating in said city, within one week after the same shall have been filed in his office; the fiscal year shall commence on the first day of January in each and every year.

City clerk's duties.

41. *And be it enacted*, That the city clerk shall keep the common seal, and all the records, books, papers and documents of the city, which shall be filed in his office; he shall countersign all licenses signed by the mayor, and keep the record of the proceedings of the city council, whose meetings it shall be his duty to attend; he shall engross all the ordinances of the city of Elizabeth in a book provided for that purpose, with a proper index, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the mayor or acting mayor, the president of the city council and city clerk.

Transcript of ordinances, names, &c.

42. *And be it enacted*, That copies of all papers duly filed in the office of the city clerk, and transcripts thereof, and of the records and proceedings of the city council, and copies of the ordinances of the said city, certified by him under the common seal, shall be evidence in all courts and places; he shall also receive and pay over to the treasurer all moneys which by any law, ordinance or usage are paid to the city

clerk, and report to the city council monthly the amount of such receipts and payments.

City sealer of weights and measures.

43. *And be it enacted*, That the city sealer of weights and measures shall possess the powers and be subject to the obligations conferred and imposed upon him by law, or by the ordinances of said city; and the standard of weights and measures of this state, for approving and sealing of the same in the several counties thereof, shall be the standard of weights and measures for the said city of Elizabeth; and on application for that purpose, the secretary of state of this state shall allow and assist the said city sealer of weights and measures to compare and adjust a corresponding standard of weights and measures for said city, and shall certify to and seal the same in the manner required by the first section of an act entitled "An act to establish a uniform standard of weights and measures in this state."

Powers of street commissioner, &c.

44. *And be it enacted*, That the street commissioner, city attorney, chief of police, and all other officers appointed by the city council, not herein named, shall possess the powers and be subject to the obligations conferred and imposed upon them by law, or by the ordinances, by-laws, rules and regulations of the city council.

Chief engineer.

45. *And be it enacted*, That the chief engineer of the fire department, assistant engineers and firemen of said city, shall, during their term of service, be exempt from tax, not exceeding the sum of three dollars in each year, and from serving as jurors, or in the militia, in time of peace; exempt firemen, who have received, or shall hereafter receive certificates, under the common seal, that they have served as firemen in the said city for the term of five years, shall be exempt from further duty as firemen, and shall be and remain thereafter exempt from tax, not exceeding three dollars in each year, and from serving in the militia in time of peace.

Police justices

46. *And be it enacted*, That the police justice elected in each of the wards of said city, shall hold his office for the term of three years, and be commissioned in the like manner as justices of the peace in and for the several counties in this state, and be amenable in the like manner to the Senate and General Assembly; but the said police justice shall not, by virtue of his office, be authorized to hear and try any civil action, except such as may be brought to recover a penalty under the ordinances of the said city, in which cases he may act as a justice of the peace in his civil capacity.

Powers.

47. *And be it enacted*, That every police justice shall be

entitled to use and exercise the like power, authority and jurisdiction in all criminal matters and complaints arising in the city of Elizabeth, as the justices of the peace in and for the several counties of this state are or may be by law entitled to use and exercise, and any two police justices shall be authorized and empowered to hear, try and determine all such matters and complaints of a criminal nature as any two justices of the peace are or may be by law authorized and empowered to hear, try and determine; *provided*, that nothing herein contained shall be so construed as to constitute the said police justices, or any of them, members of the court of general quarter sessions of the peace in and for the county of Union.

Proviso.

Proceedings and regulations.

48. *And be it enacted*, That unless otherwise directed, all actions or proceedings before any police justice, under the provisions of this act, shall, as nearly as may be, regulated by the provisions of and conducted in the manner prescribed in and by an act entitled "An act constituting courts for the trial of small causes," and the several supplements thereto, and that the court held by every police justice in and for the said city of Elizabeth, shall be a court of record, and vested, for the purposes mentioned in this act, with all such power as is usual in courts of record in this state.

Police justices

49. *And be it enacted*, That every police justice may, in all matters or causes pending before him, award and issue writs of subpœna ad testificandum in any county of this state.

Jurisdiction.

50. *And be it enacted*, That every police justice shall be empowered, on oath or affirmation or affidavit, made according to law, and filed in his office, that any person or persons has or have been guilty of a violation of any of the ordinances of the said city, to issue a process, either in the nature of a warrant or a summons, against the person or persons so charged, which process shall, when in the nature of a warrant be returnable forthwith, and when in the nature of a summons, be returnable in not less than five or more than fifteen days; that such process shall state what ordinance the defendant or defendants named therein has or have violated; the time when and in what manner the same has been violated; and that on the return of such process, or at the time to which the justice shall have adjourned the same, the said justice shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleadings; and that the justice shall, if judgment be rendered for

the plaintiff, forthwith issue execution against the goods and chattels and person of the defendant or defendants; *provided*, that nothing herein contained shall prevent the enforcement of the ordinances of the said city in the manner hereinbefore provided. Proviso.

51. *And be it enacted*, That no warrant, or process in the nature of a warrant, shall be issued by any police justice against any person or persons, on any complaint made as aforesaid, for the violation of any of the ordinances of the said city, unless upon oath or affirmation made and filed before said justice, establishing to his satisfaction, by one or more particulars mentioned therein, that such process is necessary to secure the due enforcement of the ordinance, in the matter of said complaint against such person or persons, nor shall a warrant in any case be issued against a freeholder. Warrant, when to issue.

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

53. *And be it enacted*, That the chief of police, assistants, and policemen appointed by the city council, shall (in addition to the authority conferred upon them by the ordinances, by-laws, rules and regulations of the city council,) possess and have all the powers of constables within the city limits, for the purpose of preserving the peace and enforcing the ordinances of the city. Powers of constables.

TITLE FIFTH.

OF THE BOARD OF COMMISSIONERS OF SCHOOLS, AND THE PUBLIC SCHOOLS OF THE CITY.

54. *And be it enacted*, That the commissioners of public schools of the several wards of the said city shall constitute and be called "The Board of Commissioners of Schools of the City of Elizabeth," and the present commissioners of public schools in said city shall continue to constitute and be called "The Board of Commissioners of Schools of the City of Elizabeth." Board of commissioners.

55. *And be it enacted*, That the said board shall annually elect a president from its own body, and in his absence a president pro tempore, appoint its times and places of meet- President and officers.

ing. and determine the rules of its own proceedings; it shall also appoint a secretary, who shall keep a journal of its proceedings, and perform such other duties as the board may prescribe; a majority of the whole number of commissioners shall constitute a quorum for the transaction of business, and no resolution or order of the board shall be adopted unless with the consent of a majority of the whole number of commissioners; the president of the board shall have power to call special meetings, whenever he shall deem it expedient.

Public schools

56. *And be it enacted*, That the said board shall prepare and transmit to the city council of the city of Elizabeth, on or before the first day of May in each year, an estimate of the amount of moneys necessary for the support of public schools in said city during the year, which estimate shall specify particularly, under the several heads of repairs of school houses, salaries of teachers, school books, school furniture and school libraries, stoves and fuel, and incidental expenses, as nearly as may be, the several sums required for each branch of expenditure; and the said city council of the city of Elizabeth shall determine by resolution the amount of moneys to be appropriated to public schools during the year, including therein the quota of the city of Elizabeth of the annual appropriation made by the state for the support of public schools, and the school poll tax; and the said city council are hereby empowered to raise by tax such sum or sums of money 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 said board for the support of public schools in the city of Elizabeth, according to the provisions of this act.

Powers of board over public schools

57. *And be it enacted*, That the said board shall take charge of the public school houses in the city of Elizabeth, 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, including evening schools for apprentices, minors and adult persons; to select and employ teachers; to provide school books, school furniture and school libraries for the schools; to purchase stoves and fuel, and incur such incidental expenses for the maintenance of the 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 city council of the city of Elizabeth are empowered to purchase

real estate for school purposes, and to erect school houses thereon for the use of the public schools; and the real estate so purchased as aforesaid shall be vested in the city of Elizabeth; *provided nevertheless*, that the said board shall at no time make nor incur any expenditure exceeding the amount appropriated by the city 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. Proviso.

58. *And be it enacted*, That the said board shall, at the close of the fiscal year, prepare 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 a full and true account of the expenditures of said board during the year, under the respective heads of repairs of school houses, salaries of teachers, school books, school furniture and school libraries, stoves and fuel, and incidental expenses, and shall transmit the said annual report to the city council, and a copy thereof to the state superintendent of common schools; and the said board shall also notify the said city council of any vacancy which may occur in the office of commissioner of public schools in said city, and shall give such other information to the city council in relation to the public schools, or their own proceedings or acts, as the city council shall, by resolution, require. Annual reports to be made.

59. *And be it enacted*, That the said board shall have power from time to time to appoint a city superintendent of public schools of the city of Elizabeth, and such other officers or agents as they may deem necessary for the proper maintenance of the public schools of said city, prescribe their duties and fix their compensation, which appointments shall continue during the pleasure of the board, and no longer; but the services of the said board shall be gratuitous. Superintendent.

60. *And be it enacted*, That whenever, and as often as the city council of the city of Elizabeth shall by resolution direct the treasurer of said city to credit the said board of education with a sum or sums of money for the support of public schools in said city, it shall be the duty of the treasurer of the city of Elizabeth, immediately after the receipt of a copy of such resolution, duly certified by the city clerk, to enter on his books the sum or sums of money therein mentioned to the credit of "The commissioners of schools of the city of Elizabeth," under the respective heads to which the same may be appropriated, and the treasurer of said city shall pay on Mode of paying out funds.

presentation all drafts drawn upon him by order of the said board, duly attested by the signatures of the president and secretary of said board, which drafts shall specify from which appropriation the same is to be paid, to an amount not exceeding the balance remaining on his books to the credit of the respective appropriations, and shall preserve such drafts as vouchers to be exhibited in the settlement of his accounts as treasurer of the city of Elizabeth.

Suits in name of treasurer.

61. *And be it enacted*, That all suits or proceedings brought or to be brought in any court of law or equity against any person or persons, or body corporate, for damages, for and on account of any injury to any school house, or to any out buildings, fences, trees, or other improvements thereunto belonging, or to any school furniture or school books, in any school house under the charge of the said board, shall be in the name of "The treasurer of the city of Elizabeth," and all damages which may be recovered in such actions or proceedings shall be paid into the city treasury, and shall be appropriated by the city council for the support of public schools in said city.

List of children to be made by assessors.

62. *And be it enacted*, That it shall be the duty of the assessors of the several wards of the city of Elizabeth, and they are hereby authorized and required to make out a list of the children capable of attending school between the ages of five and eighteen years, within each of said wards respectively, specifying the age of each child in years, together with the names of the parents or guardians of such children, and to transmit the same under proper certificate, on or before the first day of October, annually, to the secretary of the board of commissioners of schools of the city of Elizabeth; and the number of children in said list shall be duly certified by the said board to the board of chosen freeholders of the county of Union, at their annual meeting next succeeding the return of said lists as aforesaid, and the quota of the city of Elizabeth in the apportionment of the moneys appropriated by law to public schools in this state shall be determined by the said board, in the ratio of the number of children contained in said lists, in like manner as if the same had been duly ascertained and transmitted to the said board according to the provisions of an act entitled "An act to establish public schools," and the supplements thereto; and the sum of one dollar for every one hundred names of children contained in said lists, respectively, shall be allowed to the assessors duly making and transmitting the same, to be paid

by the board of commissioners of schools of the city of Elizabeth.

63. *And be it enacted*, That the city of Elizabeth shall be entitled to its just quota of the annual appropriation made by the state for the support of public schools, to be ascertained according to law, which shall from time to time, be paid to the treasurer of said city to be expended for the support of public schools in said city, according to the provisions of this act. City entitled to quota of school money.

TITLE SIXTH.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

64. *And be it enacted*, That the city council shall have power to raise by tax, in each year, such sum or sums of money as they shall deem expedient for the following purposes: Council may raise by tax.

I. For lighting the streets of the city; Objects defined.

II. For the maintenance and support of the poor;

III. For regulating, cleaning and keeping in repair the streets and highways;

IV. For regulating, improving and protecting the public grounds and parks;

V. For construction of cross walks;

VI. For the support of public schools, for erecting and maintaining school houses;

VII. For the support of the police department;

VIII. For the support of the fire department;

IX. For supplying the city with water for the extinguishment of fires, and other purposes;

X. For the support of public markets;

XI. For the payment of the interest upon the city debt, and upon temporary loans, and such part of the principal thereof as may be due and payable;

XII. For purchasing necessary real estate;

XIII. For the contingent expenses of the city; and for all other objects and purposes authorized by this act; *provided always*, that the tax or taxes hereafter raised shall not exceed, for city, county and state purposes, one hundred cents on every one hundred dollars of the valuation of the assessed property in said city, as ascertained by the assessors' returns of the previous year. Limitation.

65. *And be it enacted*, That such sum or sums of money

Tax, how assessed and collected.

shall be assessed by the assessors and collected by the receiver of taxes of the said city, in the manner in which the taxes of the county of Union are assessed and collected, except that so much of the said taxes as may be raised for the purposes mentioned in the first, fourth, fifth, seventh, eighth and ninth sub-divisions of the last preceding section shall be assessed and collected upon and from all persons residing, and lands located within the district of said city, to be established from time to time by an ordinance of the city council, and to be called the lamp district of the said city; which taxes, when collected, shall be paid to the treasurer of the said city, and be subject to the order of the said city council;

Proviso.

provided, that they shall assess a poll tax on every white male resident over twenty-one years of age, who is not a pauper, of one dollar, which shall be a school tax, and shall be included in the amount of moneys appropriated to public schools during the year.

Poll tax.

66. *And be it enacted*, That the duties which the assessors of the several townships and wards in the county of Union are required by the provisions of an act entitled "An act concerning taxes," to perform, between the twentieth day of May and the twentieth day of August, shall be performed by them between the twentieth day of April and the twentieth day of June, in each year hereafter.

Duties of assessor.

67. *And be it enacted*, That the said assessors of the said city, in making their assessments as now provided by law, are hereby directed and required to assess all lands, tenements, hereditaments and real estate, whether said lands and real estate be improved or not, in the names of the owners thereof respectively, and to designate the same by the street where situate, and by the number thereof, where the same is numbered, and if not numbered then by such other description as will be sufficient to ascertain the location and extent thereof; that only one assessment shall be made on any improved lot, together with unimproved lands adjacent thereto and connected therewith, and belonging to the same owner; and that the said assessors of the said city shall, when maps are for that purpose provided by the city council, make their assessments as nearly as may be according to such maps.

Colored persons exempt from poll tax.

68. *And be it enacted*, That all persons of color resident in the said city shall be and are hereby declared exempt from any poll tax.

Board of assessors.

69. *And be it enacted*, That the assessors of the several wards of the city of Elizabeth shall meet annually on the last

Tuesday in June in each year, and may from time to time adjourn, and when so met they shall constitute a board of assessors for the said city, and it shall then be their duty, as such board of assessors, to review the several assessments made by the respective assessors of the several wards of the said city, and to diminish, increase or alter any such assessments, in order that the assessments on property, whether real or personal, in the several wards of said city, may be made as just and as nearly equal as possible; which assessments, so revised and approved by the said board, shall be the assessment of the several wards of the city of Elizabeth, subject as heretofore to the action of the commissioners of appeal in cases of taxation.

Assessors to meet annually

70. *And be it enacted*, That the said assessors shall meet annually on the second Monday in July, instead of the first Monday in September, to perform the duties required of them by law; *provided*, that the assessors of the several wards of the city of Elizabeth shall perform the duties required by the fifth section of the act entitled "An act concerning taxes," within fifteen days from the said second Monday in July; and the assessors of the several other townships and wards of the county of Union, within fifteen days from the first Monday in September, as now directed by law.

Proviso.

Commissioners of appeal in cases of taxation.

71. *And be it enacted*, That the commissioners of appeal in cases of taxation in and for the several wards of the said city, shall meet annually on the second Tuesday in September in each year hereafter, to perform the duties required of them by law, and that no deduction shall be made in the valuation or assessment of any lot by reason of any mortgage, judgment or other incumbrance thereon, but that it shall be lawful for the owner or owners of such lot, to set off against the interest due upon any mortgage thereon a proportion of the tax paid on said lot in any year equal to the proportion that said mortgage bears to the value of the premises covered by said mortgage; *provided*, that this shall not be deemed to apply to lands and real estate when the holder of a mortgage on said premises shall be a resident of the county of Union, so far as relates to said mortgage; *provided further*, that the parties interested in said mortgage shall be allowed to make such agreement relative to the payment of said tax as they may see proper; the commissioners of appeal for said city shall, immediately after finally concluding their duties in each year, cause to be delivered to the receiver of taxes a true and par-

Proviso.

Proviso.

ticular statement of all taxes made or remitted, increased or reduced by them.

Taxes to be deposited.

72. *And be it enacted*, That the assessment of taxes for the several wards of the city of Elizabeth, made by the assessors as aforesaid, shall, on or before the first day of October, be deposited in the office of the city treasurer; and such taxes shall bear interest at the rate of twelve per cent. per annum, from and after the twentieth day of October next after the assessment thereof.

Taxes to be a lien on land.

73. *And be it enacted*, That any assessment of taxes hereafter made in the city of Elizabeth against any person or persons, shall be and remain a lien on all the lands and real estate of such person or persons within the said city, for the amount of such assessment, with interest thereon, and all costs and fees, for the space of two years from the time when the said assessment shall be made; and any assessment of taxes hereafter made upon any lands and real estate within the said city, shall be and remain a lien upon such lands and real estate, with interest thereon, and all costs and fees for the space of two years from the time when such assessment shall be made, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereof, and notwithstanding any mistake in the name of the owner or owners, or omission to name the owner or owners of such land and real estate; and any assessment of taxes in which such mistake or omission occurs, shall be valid and effectual in law, and if unpaid, shall be returned in the list of delinquent taxes, and such lands and real estate may be proceeded against and sold in the manner provided by this act.

Receiver of taxes.

74. *And be it enacted*, That the duties which the collectors of the several townships are required to perform by the tenth section of the act entitled "An act concerning taxes," shall be performed by the receiver of taxes on the first day of August in each year hereafter; and the provisions of the eleventh section shall be construed to relate to the said first day of August, except that the time of payment of moneys to the collector of the county of Union shall be on or before the twenty-second day of October in each and every year.

List of delinquents.

75. *And be it enacted*, That the receiver of taxes of the city of Elizabeth, in case of the non-payment of taxes at the time appointed by law for the payment of the same, shall make out a list of the names of the delinquents in each ward, with the sums due from them respectively thereto annexed, and deliver the same to a justice or justices of the peace of

the county, residing in said city, on or by the twentieth day of October in every year, from which date they shall be chargeable with interest at the rate of twelve per cent. per annum; and if the said receiver of taxes shall neglect for the space of ten days after the twentieth day of October, in each and every year, to make out a list of the names of delinquents, as directed by the twelfth section of the act entitled "An act concerning taxes," and to deliver the same to a justice or justices of the peace of the county of Union, residing in said city, or to settle his accounts with the city treasurer, and pay over the moneys received by him, he shall for such neglect forfeit all fees and compensation to which he would have been entitled for collecting and paying over the taxes for the year in which such neglect shall occur; *provided*, that no such neglect shall in any wise be held to relieve any person or persons from the payment of his, her or their tax or taxes, or to affect the proceedings for the collection thereof, hereinafter mentioned. Proviso.

76. *And be it enacted*, That it shall be the duty of any justice of the peace to whom any list of delinquents shall be returned as aforesaid, immediately upon the receipt thereof, to administer to the receiver of taxes returning the same, the oath prescribed by the thirteenth section of the act entitled "An act concerning taxes," and to issue his warrant, directed "to the receiver of taxes of the city of Elizabeth," containing a list of the names of the several persons, and of the sums due from them respectively, either in figures or words at length, as the same shall have been returned to him as aforesaid; and shall thereby command the said receiver of taxes to cause the said several sums of money, with interest thereon as aforesaid, and all lawful costs and fees, to be levied and made of the goods and chattels of the several persons therein named, and from whom the same are due respectively, by selling the same at public auction, giving at least four days' notice of the time and place of such sale, by advertisement set up in three public places in said city; and in case the said receiver of taxes cannot find sufficient goods and chattels of said persons, whereof the tax or taxes due from them respectively, with all costs and fees, can be made; and in case there are no lands and real estate of said persons within the said city, then the said warrant shall further direct the said receiver of taxes to take such further proceedings, to be set forth in said warrant, as are mentioned in the eighteenth section of the act entitled "An act concerning Mode of proceeding to collect delinquent taxes.

taxes," which warrant the said justice, before delivery thereof to said receiver of taxes, shall record in his docket; and if any justice of the peace residing in the city of Elizabeth shall neglect or refuse to perform any duty required of him by this act, he shall, for every such neglect or refusal, forfeit and pay the sum of five hundred dollars, to be sued for and recovered, with costs, in the name of "the treasurer of the city of Elizabeth," before any court of competent jurisdiction, in an action of debt, for the use of said city.

Tax warrant to be executed and returned.

77. *And be it enacted*, That it shall be the duty of the said receiver of taxes to execute, according to the command thereof, all warrants which shall be issued and delivered to him as aforesaid; to pay over, from time to time, and at least once in each week, without delay, all moneys received by him, to the treasurer of said city; and within sixty days from the date of any warrant directed and delivered to him, to make a full return and statement, in writing, to the city council of the said city, of his proceedings on the same, setting forth particularly the amount of money received by him, the several sums then remaining unpaid, and the names of the several persons then in arrears, and the sums due from each respectively; and on or before the first day of March next, after receiving any warrant, as fully as practicable to execute the same, and make return thereof to the justice who issued the same, with a full return of all his proceedings thereon; and at the same time to make a full return and statement to the city council of said city, setting forth the amount of money received by him thereon since his first return and statement, the sums, if any, remaining unpaid, the names of any person still in arrear, and the sums due from them respectively; which said return and statement shall be verified by the affidavit of the said receiver of taxes; and in case there are no lands and real estate of said persons within the said city, it shall be lawful for the justice who issued such warrant, or in case of his death, removal from office, or other disability, for any other justice of the peace residing in said city, thereupon to issue another warrant for the collection of the sum or sums remaining unpaid, with interest, costs and fees, in the like form, and to be proceeded upon in the same manner as hereinbefore mentioned, and so until the whole is collected.

Provisions in case of vacancy.

78. *And be it enacted*, That the said receiver of taxes shall be removable, for misfeasance or malfeasance in office, at the pleasure of the city council of said city, but no such

removal shall take place until the said receiver shall have had five days' notice of the proceeding, and an opportunity to be heard in his defence; and in case of a vacancy in the office by removal, death or otherwise, the city council shall have power at any time to fill such vacancy; and any warrant in the hands of said receiver of taxes, at the time any vacancy occurs, may be executed, in whole or in part, as the case may require, by his successor; and it shall be the duty of any receiver of taxes, within twenty days after being removed from office, or the expiration of the term of his appointment, to make a full return of his proceedings upon any warrant or warrants in his hands, to the justice or justices who issued the same, together with such warrant or warrants; and within the same time to make and deliver to the city council of said city a full return and statement of his proceedings thereon, including all the particulars mentioned in the preceding section.

Liability.

79. *And be it enacted*, That the said receiver of taxes shall be liable to the said "The city of Elizabeth," for the amount of taxes mentioned in any warrant directed and delivered to him under this act, with interest, or for such part thereof as shall not have been paid to the treasurer of said city, on or before the first day of March next after said receiver of taxes shall receive said warrant, unless the deficiency happen without any neglect, fraud or default on his part, to be recovered, with interest and costs, in an action on the case for so much money had and received by the said receiver of taxes for the use of the said "The city of Elizabeth."

Statement of each ward and proceedings thereon.

80. *And be it enacted*, That the full return and statement for each of the wards of the city of Elizabeth to the city council of said city, made by the receiver of taxes on or before the first day of March next after receiving any warrant as hereinbefore required, shall be transcribed by him in a book to be kept for that purpose; and he shall prepare a transcript of the unpaid taxes so far as the same have been assessed upon any lands and real estate within the said city, or are a lien upon such lands and real estate, including in such transcript the names of the owners, if any be given, of such lands and real estate, the description thereof and the amount of taxes thereon, respectively, and enter the same in a book to be kept for that purpose; and the said receiver of taxes may, in such transcript, correct any errors of description in such returns and statements by comparing the same with the original assessment of taxes made by the assessors

of the several wards respectively; and immediately after completing such transcript, he shall cause a notice to be published in a newspaper printed and published or circulating in said city, stating that said transcript of unpaid taxes has been made, and that unless said taxes shall be paid at his office within twenty days after the first publication of said notice, the same will be collected by public sale, according to law.

Notice for payment.

81. *And be it enacted*, That whenever the city council shall order and direct the city treasurer to collect any assessment or assessments upon any lands and real estate remaining unpaid, as provided in the one hundred and eleventh section of this act, the treasurer shall prepare a transcript of such assessments, including in such transcript a brief description of the improvement or work for which such assessment or assessments was or were made, the names of the owners, if any be given, of such lands and real estate, the description thereof, specifying the street, road or avenue on which each lot, tract or parcel of land and real estate fronts, on which side thereof, and near or between what streets it may lie, and the amount of the assessments thereon respectively, and enter the same in a book to be kept for that purpose; and immediately after completing such transcript he shall cause a notice to be published in a newspaper printed and published, or circulated in said city, stating that the said transcript of unpaid assessments has been made, and that unless said assessments shall be paid at his office within twenty days after the first publication of said notice, he will proceed to collect the same by public sale according to law.

Lands advertised.

82. *And be it enacted*, That after the expiration of said twenty days it shall be the duty of the said treasurer to collect the taxes or assessments in any such transcript then remaining unpaid, by public sale at auction of the lands and real estate whereon said taxes or assessments have been imposed, or may be a lien; and public notice of the time and place of the sale of any lands and real estate under the provisions of this act, shall be given by advertisement signed by the city treasurer, and published in a newspaper printed and published, or circulating in said city, for the space of six weeks, at least once in each week, before the time appointed for such sale; the said receiver of taxes shall have the power to appoint, with the consent of the city council, one or more deputies, not exceeding one for each ward, who shall have power to do all and every act or acts which it may be lawful

for the said receiver of taxes to do; and every warrant directed to him may be executed by his deputy or deputies, or either of them, in as full and complete a manner as if executed by the said receiver of taxes; the said deputy or deputies to give such security for the faithful performance of the duties of their respective offices, as the city council shall direct.

Sale of land for taxes.

83. *And be it enacted*, That if any such tax or assessment remain unpaid on the day specified in such notice, the city treasurer shall proceed to sell by public auction, at the time and place appointed therein, the lands and real estate on which said tax or assessment shall have been imposed, or may be a lien, for the lowest term of years, but in no case exceeding fifty years, for which any person will take the same and pay the amount of such tax or assessment, with the interest thereon, and all costs, fees charges and expenses; such payment shall be made before the conclusion of the sale, and if not so made, the treasurer may re-sell the property, or the city may have its action against the purchaser, for the payment and interest, at the rate of fifteen per cent. per annum; the sale may be adjourned from time to time until the lands and real estate are disposed of, and such as are not bid for when offered for sale, or for re-sale as aforesaid, shall be struck off to the city for the term of fifty years; a certificate of the sale of each lot, tract or parcel of land and real estate sold as aforesaid, shall be made by the treasurer and delivered to the purchaser; such certificate shall contain a description of the property and the term for which it was sold, and state the particular tax or assessment, the amount thereof, with interest and expenses, for which the sale was made, and the time when the right to redeem will expire; and the treasurer shall enter and record in his office his proceedings upon such sales, and all sales made, and certificates granted by him, and all redemptions of property sold by him.

Certificate of sale.

84. *And be it enacted*, That every certificate of sale shall be presumptive evidence of the facts stated therein, and shall be recorded in the office of the city clerk, in proper books kept for that purpose, and shall constitute a lien upon the lands and premises therein described, after the same shall have been so recorded; and no assignment of any certificate given on the sale of lands and real estate for any taxes or assessment, shall have any effect until the same shall be recorded as aforesaid in the office of the city clerk; a declaration of sale shall not be executed and delivered until the cer-

tificate has been cancelled and filed with the city clerk, unless the loss or destruction thereof be established by affidavit to the satisfaction of the city council.

Certificate assignable.

85. *And be it enacted*, That if the city becomes the purchaser of any lands and real estate upon any such sale, the certificate of sale shall be assignable, and all the provisions of this act in relation to such sale, shall apply to the city as to any other purchaser.

Liens and mortgages.

86. *And be it enacted*, That no mortgagee whose mortgage shall have been duly recorded before sale for any tax or assessment, shall be divested of his rights in such property, unless six months' notice, in writing, of such sale shall have been given to him by the purchaser, or by any person or persons claiming uuder him, personally, if a resident of the city of Elizabeth, and if not such a resident, then upon the owner of the premises, if he be a resident of the city of Elizabeth, and by depositing such notice in the post office of said city, directed to the mortgagee at his place of residence, as stated in the mortgage or assignment thereof; but nothing herein contained shall be so construed as to impair the lien created by such sale; within a month after the service of such notice, it shall be the duty of the person serving or causing the same to be served, to file in the office of the city treasurer a copy of the notice served, together with the affidavit of some person who shall be certified by the officer before whom said affidavit shall be taken, to be a creditable person, proving the due service of the said notice.

How land redeemed.

87. *And be it enacted*, That the owner, mortgagee, occupant, or any person or persons having a legal or equitable interest in any lands and real estate sold for taxes as aforesaid, or for any assessment under the provisions of this act, may redeem the same at any time within two years from the time of such sale by paying to the city treasurer, for the use of the purchaser, his heirs and assigns, the said purchase money, together with any other tax or assessment chargeable thereon, and which the said purchaser may have paid, and any sum of money expended in any improvement made by order of the city council; *provided*, a notice of such payment has been filed in the office of the city treasurer, with interest on such purchase money at the rate of fifteen per cent. per annum from the time of such sale and expenditure, and on such payment or payments from the time of filing such notice as aforesaid; and the certificate of such treasurer, stating the payment and showing what property such payment is intended to

Proviso.

redeem, shall be evidence of such redemption; upon the receipt of such moneys by the city treasurer, he shall cause the same to be refunded to the purchaser, his heirs or assigns, and all proceedings in relation to said sale shall cease and determine; if the person so redeeming be a judgment creditor or mortgagee of the premises, he shall have a lien on the lands and real estate redeemed by him, by virtue of this act, for the amount paid by him to the city treasurer to effect such redemption, with the interest which may thereafter accrue thereon, at the rate of seven per cent. per annum, in like manner as if the same had been included in his mortgage or judgment, and may enforce the same in the same manner.

Record in office of county clerk.

88. *And be it enacted*, That if any lands and real estate so sold shall not be redeemed as by this act provided, the city council shall execute to the purchaser, his legal representatives or assigns, a declaration of sale under the common seal, signed by the mayor and attested by the city clerk, containing a description of the premises, the fact of assessment, advertisement and sale, the date of the sale and the period for which the premises were sold, which declaration shall be recorded in the office of the county clerk; and until the same shall have been recorded, such lands and real estate may be redeemed as hereinbefore provided, notwithstanding the period of two years may have expired from the time of said sale; such declaration of sale shall be presumptive evidence, in all courts and places, that such sale and proceedings were regularly made and had according to the provisions of this act; and such purchaser or purchasers, and his and their legal representatives shall, by virtue thereof, lawfully hold and enjoy such lands and real estate, with the rents, issues thereof, for his and their own proper use, against the owner or owners thereof, and all persons claiming under him or them, until the term shall be completed and ended for which the purchaser or purchasers may have agreed to take the same, and at the expiration of the said term shall peaceably and quietly yield up such lands and real estate to the lawful owner or owners thereof, and shall be liable for any injury or waste by him or them done or committed therein, in the same manner as a tenant for a term of years.

Books of record of certificates.

89. *And be it enacted*, That it shall be the duty of the city clerk to record in proper books kept for that purpose, all certificates of sale and assignments thereof, to give certificates of search in relation thereto to any person or persons applying for the same, and to cancel such certificates of sale

and assignments thereof so recorded when the land and real estate for which they were given shall be redeemed on certificate of the treasurer of such redemption, and to file such certificates in his office; it shall be the duty of the treasurer to make out two receipts for all property redeemed, one for the person redeeming and one to be filed in the office of the city clerk.

And of taxes and assessments.

90. *And be it enacted*, That a complete record of all taxes and assessments shall be kept in the office of the city treasurer; the record of taxes shall be the assessment of taxes prepared and returned by the assessors of the several wards of the said city, the final returns and statements to the city council made by the receiver of taxes, and the transcripts of unpaid taxes prepared by the city treasurer; the record of assessment shall be the original certificates of assessment, with the maps accompanying the same, the abstracts thereof, and the transcripts of unpaid assessments prepared by the city treasurer.

Fees.

91. *And be it enacted*, That the said receiver of taxes shall be entitled to receive the sum of fifty cents for executing a tax warrant against each person named therein, and in addition thereto, two cents on each dollar collected by him and paid over to the treasurer of said city; and for making the final return and statement to the city council of said city, such amount as may be allowed by the said city council; and the justice of the peace issuing such warrant, for his services shall be entitled to receive the same fees as are now allowed by law for issuing tax warrants; and the city treasurer shall receive for the use of the city, for advertising any lot, tract or parcel of land and real estate, the sum of one dollar, and for a declaration of sale to a purchaser the sum of one dollar.

TITLE SEVENTH.

OF STREETS, HIGHWAYS, SEWERS, GENERAL AND LOCAL IMPROVEMENTS, AND ASSESSMENTS THEREFOR.

Mode of opening streets.

92. *And be it enacted*, That it shall be lawful for the city council of the city of Elizabeth, whenever, in their opinion, the public good may require it, by ordinance—

I. To lay out and open any street, road, highway or alley, public park or square, within said city; to order and cause any street, road, highway or alley already laid out, or which shall hereafter be laid out, to be vacated, straightened, altered

or widened; and to take and appropriate for such purpose any lands and real estate, upon making compensation to the owner or owners thereof, as is hereinafter mentioned and provided; *provided always*, that nothing in this act shall be construed to authorize the said city council to take and appropriate any grave yard, burial ground, or place used for burying the dead, for objects specified in this sub-division, without the consent of all the owners or proprietors thereof. Proviso.

II. To order and cause sewers or drains to be constructed in any part of said city; and, if necessary, to take and appropriate for such purpose any lands and real estate upon making compensation to the owner or owners thereof, as is hereinafter mentioned and provided. Drains.

III. To order and cause any street or section of a street to be graded, gravelled, paved, flagged, macadamized or otherwise improved and regulated, in such manner as they may deem advisable, under the supervision and direction of the street commissioner or street commissioners, at the expense of the owners of lands and real estate on the line of said street or section of a street so improved. Grading and gravelling.

93. *And be it enacted*, That no ordinance shall be introduced or presented to the city council for making any improvement or performing any work, under and by virtue of the provisions of the last preceding section of this act, or either of the sub-divisions thereof, until public notice shall be given of the intention of the city council to cause such improvement to be made, or such work to be done and performed, and to that end it shall be the duty of the street commissioner or street commissioners, by direction of the city council, to give notice in a newspaper printed and published or circulating in the city of Elizabeth, of the intention of the city council to cause such improvement to be made or such work to be done and performed, briefly describing such work or improvement, and requesting such persons as may object thereto to present their objections in writing, at the office of the street commissioner or street commissioners, on or before the expiration of ten days from the date of such notice, and at any time thereafter the city council may proceed to consider such ordinance as aforesaid. Notice of intention. Ordinances regulated.

94. *And be it enacted*, That whenever any ordinance shall be passed by the city council for making any improvement or performing any work, under and by virtue of the provisions of the ninety-second section of this act, or either of the sub-divisions thereof, all further acts and proceedings which it

may be necessary for the said city council to take to carry out said improvement or work to completion, and all orders relating thereto shall be by resolution and not by ordinance.

Proceedings on opening streets.

95. *And be it enacted*, That whenever the city council shall determine by ordinance to lay out and open any street, road, highway or alley, public park or square within said city, or to alter, widen or straighten any street, road, highway or alley, or to make any sewer or drain in any part of said city, and to take and appropriate for such purpose any lands and real estate, they are hereby authorized to treat with the owner or owners thereof for the same, and for the purpose expressed in such ordinance, they may purchase such lands and real estate of the owner or owners thereof, and make such compensation therefor as they shall judge reasonable; and thereupon shall receive from such owner or owners a conveyance of such lands and real estate to the city; and such compensation shall constitute a part of the whole amount of costs, damages and expenses, to be assessed under and in pursuance of the provisions contained in the one hundred and first section of this act.

Commissioners to be appointed.

96. *And be it enacted*, That in case no agreement for such purchase can be made, it shall be lawful for the city council to appoint five disinterested freeholders of said city, residing as near as may be in different wards, commissioners to make an assessment of the damages that any such owner or owners will sustain by taking and appropriating in the manner aforesaid, such lands and real estate; and in estimating and assessing such damages, the said commissioners shall have due regard both to the value of the lands and real estate, and to the injury or benefit to the owner or owners thereof, by making such improvement as aforesaid; and if, in any case, the commissioners shall estimate the benefits to any such owner or owners to be greater than the damages, they shall so declare in their report, and shall specially estimate and assess the value of the lands and real estate which are necessary to be taken and appropriated for such improvement; and after such award shall be made, the remaining lands and real estate of any such owner or owners shall be liable to assessment for the payment of the costs, damages and expenses of such improvement, under and in pursuance of the provisions of the one hundred and first section of this act; and the same shall be and remain a lien upon said lands and real estate.

To take oath.

97. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required of them,

shall severally take and subscribe an oath or affirmation before the city clerk or mayor of said city, to make the said estimate and assessment fairly and impartially, according to the best of their skill and judgment.

To give notice

98. *And be it enacted*, That the said commissioners shall give public notice, by advertisement in a newspaper printed and published or circulating in said city of the time and place of the first meeting, at least one week before the time of said meeting; and the said commissioners, or a majority of them, when met, shall have power to issue writs of subpœna ad testificandum to, and to examine witnesses, under oath, to be administered by any one of them, to enter upon and view the premises, if they shall deem it necessary, and to adjourn from time to time, and shall make a just and true estimate and assessment as aforesaid, and make and sign a certificate of such estimate and assessment, and file the same with the city clerk, and the same being ratified by the city council, shall be binding and conclusive upon the owner or owners of any such lands and real estate, and the said commissioners shall cause the same to be converted and used for the purpose aforesaid; *provided*, that any person or persons conceiving himself, herself, or themselves aggrieved by the proceedings of the said city council, or of the said commissioners, may appeal therefrom to the supreme court of this state within sixty days from the time of making the final order of the city council, and the supreme court shall order a trial by jury to assess the damages sustained by the party aggrieved, the trial whereof shall be conducted as in other cases of trial by jury.

Party aggrieved may have jury.

Damages how recovered.

99. *And be it enacted*, That in case of non-payment on demand of any damages estimated and assessed as aforesaid, with interest from the date of the assessment, in case of no appeal to the supreme court as aforesaid, the person or persons entitled thereto may sue for and recover the same from the said city in an action of debt, with costs, in any court having cognizance thereof; and the said proceedings of the said commissioners and city council, or the award of the said jury, as the case may be, shall be conclusive evidence against the defendants.

Cases of non-residents.

100. *And be it enacted*, That the city treasurer shall, under the direction of the city council, tender and pay to the owner or owners of such lands and real estate, if residents in said city, the amount of such estimate and assessment of damages due to him or them; but if any such owner is not resident in the city, or upon due inquiry cannot be found therein, or is a lunatic or idiot, or under age, or if for any other lawful cause

he is incapacitated to receive the same, or if such owner will not accept the same and sign a proper receipt therefor, when tendered, then the city treasurer shall make affidavit of such facts and file the same with the city clerk; and the city council shall, after inquiry into the facts of the case, cause the amount to be placed at interest, on good security, for the use of the person to whom it may be due; and the said moneys so placed at interest shall be paid by the city to the person or persons entitled thereto, on demand, with the interest collected on the same.

Lot and property to pay damages.

101. *And be it enacted*, That in order to provide for the payment of the costs, damages and expenses of laying out and opening, altering, widening or straightening any street, road, highway or alley within said city, the city council shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment thereof upon the owners of all the lands and real estate benefitted thereby, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire; that in order to provide for the payment of the costs, damages and expenses of laying out and opening any public park or square within said city, the city council shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment of such amount upon the owners of all the lands and real estate benefitted thereby, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire; and that in order to provide for the payment of the costs, damages and expenses of constructing any sewer or drain in any part of said city, the city council shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment thereof upon the owners of all the lands and real estate benefitted thereby, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire.

Five commissioners of assessment.

102. *And be it enacted*, That the city council shall appoint five disinterested freeholders of said city, residing as nearly as may be in different wards, commissioners to make any such assessment, unless in the acts and proceedings of said city council, taken for the purpose of carrying out said improvement or work, commissioners shall have been appointed to make an estimate and assessment of the damages sustained by any owner or owners for lands and real estate taken and appropriated for such improvement or work, as authorized in the ninety-sixth section of this act, in which case the same

commissioners appointed as aforesaid shall be the commissioners to make the assessment of the whole amount of the costs, damages and expenses of such improvement or work, in the manner herein required.

To take oath.

103. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required of them, shall take and subscribe an oath or affirmation, before the city clerk or the mayor of said city, to make the said assessment fairly and impartially, according to the best of their skill and judgment.

To give notice

104. *And be it enacted*, That the said commissioners shall make a report, by a certificate in writing, of the assessment so made, and before proceeding to sign the same shall place the said report in the office of the city clerk for examination by the parties interested therein, and shall give notice in a newspaper printed and published or circulating in the city of Elizabeth, which notice shall be published for one week, that such report has been deposited as aforesaid, and also of the time and place when and where the parties interested can be heard by the said commissioners; and after hearing the parties, the said commissioners shall proceed and complete the report, and sign the same, and return the said report, with all objections, in writing, which shall be presented to and left with them, by any of the parties interested, to the city council.

Costs of improvements to be assessed on owners of real estate.

105. *And be it enacted*, That the whole amount of the costs and expenses of regulating, grading and paving any street or section of a street, or grading, graveling, flagging, macadamizing, or otherwise improving any street or section of a street, shall be assessed upon the owners of lands and real estate upon the line of said street or section of a street so improved; and whenever such improvement shall have been made under the provisions of this act, the city council shall ascertain the whole amount of the costs and expenses of such improvement in any street or section of a street, and shall cause to be made a just and equitable assessment thereof upon the owners of lands and real estate on the line of said street or section of a street, by the city surveyor, which shall be and remain a lien thereon, from the time when said improvement shall have been made; *provided*, that the provisions of this section shall not be construed to apply to necessary repairs of any street, road, highway or alley; *provided also*, that after any street or section of a street shall be once entirely paved or macadamized at the expense of the owners of property, as aforesaid, the city shall take charge of and keep the same in repair without

Proviso.

Proviso.

further direct assessment on the property on such street or section of a street.

Surveyor to make report.

106. *And be it enacted*, That the city surveyor shall make a report, by a certificate in writing, of the assessment so made, and before proceeding to sign the same shall give notice in a newspaper printed and published in the city of Elizabeth, which notice shall be published for one week, that such report has been deposited in his office for examination by the parties interested therein, and also of the time and place when and where the parties interested can be heard by him; and after hearing the parties, the said city surveyor shall proceed and complete the report, and sign the same, and return the said report, with all objections, in writing, which shall be presented and left with him by any of the parties interested, to the city council.

Certificate of assessment to be published.

107. *And be it enacted*, That every certificate of assessment made as aforesaid, under the provisions of the one hundred and first, one hundred and second, one hundred and third, and one hundred and fourth sections of this act, or under the provisions of the one hundred and fifth and one hundred and sixth sections thereof, and presented to the city council, shall be referred by them to the proper committee for consideration; and in case of any objections in writing being returned with such report, the said committee shall publish a notice in a newspaper printed and published or circulating in the city of Elizabeth, which notice shall be published for one week, to the parties interested, of the time and place when and where they will meet to hear them on the objections and report; and said committee shall thereupon examine the matter and report to the city council, and return to them the said report of the said commissioners, or of the said city surveyor, as the case may be, with the objections of the parties, together with the views and opinions of the said committee respecting the said report.

Powers of council.

108. *And be it enacted*, That the city council shall thereupon examine the matter, and may correct said report and assessment, if they deem proper, and ratify the same; and every certificate of assessment which shall be duly ratified by the city council, shall be final and conclusive; or they may return such report and assessment to the said commissioners, or to the said city surveyor, who may have signed the same, and the like proceedings shall be had when the report is returned as in the first instance.

109. *And be it enacted*, That in case of the resignation,

death or disability of one or more of the commissioners appointed under the provisions of the ninety-sixth, or one hundred and second section of this act, it shall be lawful for the city council to supply, by appointment, the vacancy or vacancies caused by such resignation, death or disability.

Certificates and notices to be published.

110. *And be it enacted*, That whenever any certificate of assessment as aforesaid shall be ratified by the city council, such certificate shall be delivered to the city treasurer, and on the receipt by him of such certificate as aforesaid, the treasurer shall prepare an abstract of such assessment, and enter the same in a book to be kept for that purpose, and shall give notice in a newspaper printed and published or circulating in the city of Elizabeth, which notice shall be published for three weeks successively, stating in general terms the streets or sections of streets comprised in such assessment, and requiring the owners of land and real estate assessed in such certificate to pay the amount to him, with interest thereon, from the time of such assessment, at seven per centum per annum, at his office, within sixty days from the first publication of the notice, or within the said time deliver to him a bond entered into by said owner or owners to said city, conditioned for the payment of such assessment in five years from the date thereof, by paying twenty per centum of the amount of such assessment in each and every year, with interest upon the amount of such assessment, or such part thereof as may remain unpaid, at the rate of eight per centum per annum, semi-annually; and in case the sum of money mentioned in the condition of the said bond shall not be paid, with interest, at the expiration of the said five years, or in case any instalment or interest shall not be paid according to the condition thereof, then the said land and real estate may be sold as provided for in the eighty-third section of this act, for the amount of said assessment, or such part thereof as may remain unpaid, with interest, costs and expenses; and the amount due on the said bond shall be placed to the credit of the said city, or paid by the city treasurer to the assignee or holder of said bond, or the legal representatives of the said assignee or holder.

Suit for delinquency.

111. *And be it enacted*, That if any such assessment upon any lot, tract, or parcel of land and real estate shall not be paid, or said bonds shall not be delivered within the time appointed in said notice, or if any owner shall neglect to pay the amount expended by the city council in laying or repairing any sidewalk, curb or gutter along such owner's property,

the city council of the said city may, as they shall deem proper, either bring an action on the case, in any court of competent jurisdiction, in the name of "the treasurer of the city of Elizabeth," against the owner or owners of such lot, tract, or parcel of land and real estate, for so much money laid out and expended by them for the use of such owner or owners, and declare generally, and give the special matter in evidence, and either party, from any judgment rendered therein, may have the same remedy, by appeal or otherwise, as if said parties were private individuals; or may order and direct the city treasurer to collect such assessment or amount by public sale at auction of the lands and real estate whereon such assessment or amount has been imposed, may be a lien, or may have been expended as aforesaid.

Proviso.

112. *And be it enacted*, That nothing contained in this act shall be construed to affect any agreement between the owner or owners of any lands and real estate, and the occupant or tenant thereof, representing the payment of any tax or assessment on such lands and real estate, but they shall be answerable to each other in the same manner as if this act had not been passed; and if any such tax or assessment shall be paid by any person, when by agreement or by law the same ought to have been paid by some other person, then it shall be lawful for the person paying the same, to sue for and recover the amount of such tax or assessment, with interest and costs of suit, in any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same; and the proof of such tax or assessment, and of the payment thereof, shall be conclusive evidence in said suit; and in all cases where there is no agreement to the contrary, the owner or owners of the lands and real estate upon which such tax or assessment shall have been imposed, or may be a lien, and not the occupant or tenant, shall be deemed the person or persons who, in law, ought to bear and pay such tax or assessment.

Proviso.

113. *And be it enacted*, That all the provisions of this act in relation to laying out, opening, altering or widening any street, highway, road or alley, shall be construed to extend to and embrace the removal of any building or part of a building which has been heretofore erected within the lines of any street or road whose lines and courses have been, or shall hereafter be run, marked, laid out and designated by commissioners appointed and acting in conformity with the provisions of the one hundred and seventeenth section of this act or of

the first section of an act entitled "A supplement to an act entitled 'an act to establish the city of Elizabeth,'" approved March fifteenth, eighteen hundred and fifty-nine.

Assessments on railroads.

114. *And be it enacted*, That whenever any street or part of any street in the said city, occupied or used by the track of any railroad company, shall require to be altered or widened for the convenience of public travel, and proceedings for the altering or widening the same shall have been taken under the provisions of this act, it shall be lawful for the commissioners appointed by the city council, and whose duty it may be to make a just and equitable assessment of the whole amount of the costs, damages and expenses of such altering or widening among the owners of all the lands and real estate benefited thereby, to assess such portion of said costs, damages and expenses upon the corporation or company owning or using said railroad track, as shall to them seem equitable and just; and such assessment shall be a lien upon any property of said corporation or company in the city of Elizabeth, and may also be enforced in the same manner as the assessment upon such owners of lands and real estate benefited thereby.

Survey of roads to be filed.

115. *And be it enacted*, That it shall be lawful for the city council, whenever they shall deem it expedient, to cause surveys to be made, and the same to be filed in the office of the clerk of the county of Union, and recorded in the book of records of roads and highways for the said county, of such streets, roads, highways and alleys, as they may think proper, which heretofore have been, or at any time hereafter may be opened by the owner or owners of any land over which the same runs, and which has been by such owner or owners dedicated to the public, by permitting the public to use the same, and by selling lots fronting thereon, and all such streets, roads, highways and alleys when surveyed, and such surveys filed and recorded, as aforesaid, shall be deemed and taken to be public streets or highways, and shall be made, maintained and treated as such in all respects.

Proviso.

116. *And be it enacted*, That no street, road, highway or alley laid out and opened within the said city since the twentieth day of January, eighteen hundred and forty-three, or hereafter to be laid out and opened, shall be recognized, considered or treated as a public street, road, highway or alley unless the same has been or shall be laid out and opened under the direction of the city council, or has been or shall be surveyed, and such survey filed and recorded as aforesaid.

Commissioners to survey streets.

117. *And be it enacted*, That, whereas there are several roads, highways and streets within the said city of Elizabeth, the lines of which have not been and cannot be certainly ascertained, by reason of the indefinite surveys, and plots and maps thereof; for the better fixing upon and settling the lines and courses of said streets, roads and highways, the city council of said city shall and may appoint from time to time, three disinterested freeholders of the said city, residing as near as may be in different wards, as commissioners, who, together with the city surveyor, for the time being shall constitute a commission to run, mark, lay out and designate the lines and courses of any such street, road or highway, as are not and have not been ascertained and clearly designated, which said commission shall have full power and authority to run, mark, lay out and designate the lines and courses of any such street, road or highway within said city, and shall make a full and clear map and profile of said street, road or highway, or such part thereof as they shall run, mark and lay out, designating by some notable and permanent marks or monuments, the beginning and ending of said street or part thereof, as aforesaid; which said map or profile, certified under the hands of said commissioners and surveyor, or a majority of them, shall be recorded in the office of the city clerk, which said record or original map or profile, so filed as aforesaid, shall be full evidence of the street, road or highway, or part thereof, as the case may be, and of its lines and courses; and the said three commissioners shall receive for their services such compensation as shall be made and granted by the said council; *provided*, that private property shall not be taken without compensation to the owner or owners, and the costs and expenses of said improvement shall be assessed and collected in the same manner as for laying out and opening any street.

Compensation

TITLE EIGHTH.

MISCELLANEOUS PROVISIONS.

Regulation in cases of suits.

118. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact to which "the treasurer of the city of Elizabeth" is a party, in which the city of Elizabeth is interested, no person shall be deemed an incompetent judge, witness or juror, by reason of his being an inhabitant, freeholder or freeman of said city; and that if any person shall be sued or impleaded by reason

of any thing done by virtue of this act, it shall be lawful for such person to plead the general issue and give this act and special matter in evidence at the trial; and all actions to be brought for the recovery of any penalty imposed by any ordinance that may be passed by said city council, and all actions brought for or to the use of said city, may be prosecuted in the name of the "treasurer of the city of Elizabeth," without specifying the individual name of the treasurer of said city for the time being; and no such suit shall abate by reason of any change of the person holding such office.

Ordinances altered.

119. *And be it enacted*, That all ordinances of the said city passed by the city council under and by virtue of the provisions of the act entitled "An act to incorporate the city of Elizabeth," and the several supplements thereto, not inconsistent herewith, shall continue in force until altered or repealed by the city council.

Published.

120. *And be it enacted*, That whenever the city council shall cause a revision of the ordinances of the city to be made, and shall direct the same to be published in a printed volume, it shall not be necessary to publish such revised ordinances in a newspaper printed and published or circulating in the city of Elizabeth, as provided in the twenty-ninth and thirtieth sections of this act; *provided*, that all notices and matters required to be published by this act, shall be printed and published in a newspaper of the said city, if any newspaper is printed or published therein.

Books of record. evidence.

121. *And be it enacted*, That the books of record kept by any of the officers of the city, under and by virtue of the provisions of any city ordinance, shall be admitted as evidence of the matters and things therein contained and recorded in all courts and places whatsoever.

Member of council not to hold certain offices.

122. *And be it enacted*, That no member of the city council shall, during the period for which he was elected, be appointed to, or competent to hold any office, the salary or emoluments of which are paid from the city treasury, or be directly or indirectly interested in any contract, work or business, or in the sale of any article, the expense, price or consideration of which is paid from the city treasury, or by an assessment levied by any act or ordinance of said council; nor shall any such member be directly or indirectly interested in the purchase of any real estate or other property belonging to the city council, or become security for any officer appointed by said council, or for any contractor under the city government, under the penalty of five hundred dollars for

each offence, to be recoverable by suit in the name of the "treasurer of the city of Elizabeth," and the said penalties when received shall be paid into the city treasury; nor shall any member of the city council hereafter to be elected be competent to hold and exercise the office of commissioner of public schools, or of police justice of the city of Elizabeth, but upon being qualified and entering upon the discharge of his duties as a member of the city council, such office of commissioner of public schools or police justice, if held by him, shall thereby become vacant and may be filled according to law.

Contracts advertised.

123. *And be it enacted*, That all contracts for doing work, or furnishing materials for any improvement provided under this act, exceeding in amount one hundred dollars, shall be advertised for three weeks in a newspsper printed, published or circulating in said city, and shall at all times be given to the lowest bidder, he or they giving ample and satisfactory security for doing the same according to contract.

Proviso and repealer.

124. *And be it enacted*, That from and after the passage of this act, all acts and parts of acts inconsistent with or repugnant to this act, are hereby repealed; but nothing herein contained shall be construed so as to destroy, impair or take away any right or remedy acquired or given by any act hereby repealed; and all proceedings commenced under any such former act, shall and may be carried out and completed, and all prosecutions for any offence committed, or penalty or forfeiture incurred, shall be carried on in all respects in the same manner and with the same effect as though this act had not been passed.

125. *And be it enacted*, That this act shall be deemed and taken to be a public act, and the legislature may at any time alter, modify or repeal the same, and that it shall take effect immediately.

Approved March 4, 1863.

CHAPTER LXXXIII.

AN ACT to defray Incidental Expenses for the year eighteen hundred and sixty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of this state to pay the several persons hereinafter named the following amounts, viz:

1. To Jerome Tantum, for one gentleman's cane oak chair, for clerk of supreme court, five dollars, $5 00

2. Reuben Bechtel, for repairing and varnishing furniture, forty-eight dollars and forty cents, 48 40

3. A. Kessler, for making and fitting keys, seven dollars and seventy-five cents, 7 75

4. A. Rowley, for brooms, brushes, baskets, furnished to the offices of the state house, senate and assembly, thirty-seven dollars and forty-six cents, 37 46

5. Phillips & Boswell. for stationery furnished to the court of chancery, sixty-seven dollars, 67 00

6. Thomas Booth, for paper, pens and pencils, furnished the clerk of the court of chancery, eleven dollars and sixty cents, 11 60

7. Phillips & Boswell, for printing blank commissions, bonds and other blanks for secretary of state, thirty-three dollars and twenty cents, 33 20

8. A. Kessler, for putting on locks and making keys for state house, five dollars and eighty-seven cents, 5 87

9. A. Kessler, for making and fitting keys and repairing locks for senate and assembly rooms, sixty-three dollars and nine cents, 63 09

10. C. Barricklo & Co., for articles furnished to the senate and house of assembly, thirty-two dollars and thirty-eight cents, 32 38

11. C. Barricklo & Co., for articles furnished to the senate, sixty-seven dollars and seventy-five cents, 67 75

12. Isaac Dunn, for repairing stoves for office of supreme court, four dollars and forty-five cents, 4 45

13. Joseph G. Brearley, for water cooler and mallets furnished for office of supreme court, six dollars and eighty-seven cents, $6 87

14. William T. Nicholson, for books and blanks furnished to the clerk in chancery, two hundred and forty-four dollars and twenty-five cents, 244 25

15. Trenton Water Works, for water furnished to state house, as per contract, one hundred dollars, 100 00

16. A. Kessler, for making locks and keys for secretary of state's office, six dollars and fifty cents, 6 50

17. Thomas Booth, for paper furnished to the office of secretary of state, fourteen dollars, 14 00

18. A. Kessler, for locks and keys furnished for senate, twenty dollars and fifty cents, 20 50

19. Edward Williams, for making flag, and amount paid Samuel McGarvey, fifty-four dollars and seventy-five cents, 54 75

20. H. G. Scudder, for material furnished for flag, ninety-nine dollars and ninety-five cents, 99 95

21. Timothy Field, for cast iron hitching posts in front of state house, twenty dollars, 20 00

22. Ralph Green & Brother, for work done in offices at state house, forty dollars and thirty-nine cents, 40 39

23. A. Kessler, for altering door lock in treasurer's office, three dollars and fifty cents, 3 50

24. Charles J. Ihrie, for extra services, express charges, &c., as state librarian, two hundred and ninety-eight dollars and twenty-six cents, 298 26

25. William T. Nicholson, for stationery furnished to secretary of state's office, three dollars and twenty-five cents, 3 25

26. Charles Scott, for books and stationery furnished to executive department, forty-three dollars and ninety-three cents, 43 93

27. Joshua Jeffries, for painting and glazing done in state library, eight dollars and fifty-one cents, 8 51

28. Estate of Wm. A. West, for ice furnished state house, forty-four dollars and eighty-five cents, 44 85

29. Trenton Gas Light Company, for gas consumed in state house, two hundred and ten dollars and twelve cents, 210 12

30. Upton & Miller, for furnace, stoves, ventilators and hardware furnished to the state house and

offices, five hundred and fifty-one dollars and seventy-four cents, $551 74

31. Edward Williams, for painting, glazing and varnishing furniture in senate and assembly rooms, one hundred and fifty-six dollars and fourteen cents, 156 14

32. David Clark, for stationery furnished to the clerk of supreme court for office, fifty-seven dollars and fifty-six cents, 57 56

33. David Clark, for stationery furnished J. H. Meeker, engrossing clerk of the house of assembly, one hundred and fifty-two dollars and twenty-six cents, 152 26

34. David Clark, for stationery furnished William H. Van Nortwick, engrossing clerk of the senate, extra session, twenty-two dollars and eighty-five cents, 22 85

35. David Clark, for stationery furnished J. H. Meeker, engrossing clerk of assembly, extra session, twenty-three dollars and ninety-seven cents, 23 97

36. David Clark, for stationery furnished Jacob Sharp, clerk of the house of assembly, extra session, one hundred and forty-three dollars and ninety-five cents, 143 95

37. David Clark, for stationery furnished the attorney-general's office, fifteen dollars and ninety-four cents, 15 94

38. David Clark, for stationery furnished to state library, thirty-five dollars and ten cents, 35 10

39. David Clark, for stationery furnished to the executive department, eleven dollars and seventy-six cents, 11 76

40. David Clark, for stationery furnished treasury office, one hundred and eight dollars and ninety-six cents, 108 96

41. James H. Bruere, for services taking inventory at lunatic asylum, twenty-one dollars, 21 00

42. J. R. Freese, for advertising governor's proclamation and other items, twenty-four dollars and sixty-five cents, 24 65

43. Joseph Justice, for publishing notices and furnishing stationery for state prison, with interest, forty dollars and ninety cents, 40 90

44. Benjamin Naar, for re-engrossing copy of

resolutions number two, relative to Lieutenant-General Winfield Scott, six dollars, 6 00

45. Titus & Scudder and B. W. Titus, for oil cloth furnished and shades furnished by S. Van Sickel, thirty-four dollars and sixty-seven cents, 34 67

46. Charles Scott, for books furnished clerk of chancery for office, sixty-four dollars and ninety cents, 64 90

47. Charles G. Brearley & Co., for coat hooks, &c., furnished chancery court room, one dollar and seventy-eight cents, 1 78

48. Charles Scott, for stationery furnished court of errors and appeals and secretary of state's office, forty-three dollars and ten cents, 43 10

49. Charles Scott, for stationery furnished Adam Boyd, engrossing clerk, eighty dollars and fifty-seven cents, 80 57

50. State Gazette and Republican, for publishing general orders, &c., eleven dollars and fifty cents, 11 50

51. John P. Lansing, for making two copies of the report of the joint committee at Philadelphia, three dollars, 3 00

52. J. S. Fish, for seven days' service in taking inventory at lunatic asylum, twenty-one dollars, 21 00

53. Dennis Lane, for use of omnibus for committee to and from state prison, seven dollars and twenty-five cents, 7 25

54. R. M. Smith, for amount of bill of the conference committee, with Governor, at the Continental Hotel, Philadelphia, eighteen dollars and eighty-eight cents, 18 88

55. D. S. Anderson, for material furnished and work done in state library, forty-three dollars and eighty-seven cents, 43 87

56. David S. Anderson, for material furnished and work done at state house, fifty-one dollars and seventy-seven cents, 51 77

57. Phillips & Boswell, for expenses going to Washington to procure copies of census tables, to replace those lost, twenty-five dollars, 25 00

58. William W. Norcross, for one box sperm candles furnished for use of state house, fourteen dollars and eighty-five cents, 14 85

59. James Murphy, for soap and brushes furnished for cleaning state house, three dollars and forty-one cents, 3 41

60. R. M. Smith, for amount paid for bill of committee at the Continental Hotel, Philadelphia, relative to the obsequies of Col. Allen and Dr. Weller, fifty-two dollars and seventy-five cents, 52 75

61. R. M. Smith, for amount paid Messrs. Dean and Disbrow, as police in attendance at the obsequies of Col. Allen and Dr. Weller, six dollars, 6 00

62. R. M. Smith, for amount paid Thomas Drumm, Chaplain of the Ninth Regiment, expenses incurred in bringing the bodies of Col. Allen and Surgeon Weller from Hatteras to Philadelphia, forty-two dollars and seventy-five cents, 42 75

63. R. M. Smith, for amount paid the American Telegraph Company for messages relative to the obsequies of Colonel Allen and Surgeon Weller, thirty-eight dollars and eighty-two cents, 38 82

64. R. M. Smith, for amount paid Messrs. Taylor & Brother, Taylor's Hotel, refreshments furnished relative to the obsequies of Surgeon Weller, twenty-one dollars and seventy-five cents, 21 75

65. R. M. Smith, for amount paid Congress Hall, Paterson, relative to the obsequies of Surgeon Weller, thirty dollars, 30 00

66. W. H. Moore, for burial cases furnished and other expenses for the remains of Colonel Allen and Surgeon Weller, two hundred and fifty-four dollars and twenty cents, 254 20

67. Benjamin K. McClurg, for music furnished attending the obsequies of Col. Allen and Surgeon Weller, one hundred dollars, 100 00

68. C. M. Norcross, for supper and breakfast for one hundred men, acting as guard to the remains of Colonel Allen and Surgeon Weller, seventy-five dollars, 75 00

69. C. B. Cogill, for services rendered as undertaker, and dressing senate chamber in mourning, and other articles furnished relative to obsequies of Colonel Allen and Surgeon Weller, five hundred and thirty-eight dollars and ninety cents, 538 90

70. John H. Hindle, for furnishing hearse and

trimmings and attending obsequies of Surgeon Weller, thirty dollars, 30 00

71. Job Glover, for services interring the remains of Surgeon Weller, five dollars, 5 00

72. Brewer & Ott, for use of horse for assistant to the marshal attending the obsequies of Colonel Allen and Surgeon Weller, three dollars, 3 00

73. C. Barricklo & Co., for crockery ware furnished the officers in state house, thirteen dollars and seventy-five cents, 13 75

74. A. Kessler, for making keys and repairing locks in executive department, three dollars and fifty cents, 3 50

75. Fish & Green, for lumber furnished for making boxes to send laws and minutes, &c., to counties, twenty-three dollars and seventy cents, 23 70

76. Furman & Kite, for making frame for governor, seventy-five cents, 0 75

77. Brewer & Ott, for use of horse and sleigh to state prison and return, twelve dollars, 12 00

78. C. B. Cogill, for furniture furnished to officers in state house, seventeen dollars and forty-one cents, 17 41

79. Titus H. Stout, for services making fires in furnaces, hoisting and attending the national flag during the session of the legislature, one hundred and fifty dollars, 150 00

80. J. B. Lalor, for conveyance to and from lunatic asylum of committee, twelve dollars and fifty cents, 12 50

81. Mrs. E. Vansickell, for making and putting down carpets, matting and oil cloth, in senate and assembly and court rooms, one hundred and sixty-four dollars and ninety-two cents, 164 92

82. Julius Johnson, William G. Bergen and Edmund E. Reed, appraisers appointed to value the personal property at state prison, and Samuel Johnson, clerk of appraisers, twenty-three days' service each, at three dollars per day, amounting to two hundred and seventy-six dollars, 276 00

83. David Clark, for stationery furnished house of assembly, forty-three dollars and fifty cents, 43 50

84. David Clark, for stationery furnished for

senate chamber, one hundred and thirty-two dollars and forty-two cents, 132 42

85. Charles Scott, for stationery furnished for senate, twenty-nine dollars and thirty-six cents, 29 36

86. David Clark, for stationery furnished senate, two hundred and eighty dollars and seventy cents, 280 70

87. B. S. Disbrow, for furniture and repairing and material furnished for state house, ninety-six dollars and twenty-five cents, 96 25

88. A. Rowley, for furniture furnished senate, sixty dollars and eighty-five cents, 60 85

89. David Clark, for stationery furnished senate, extra session, one hundred and forty-three dollars and ninety-eight cents, 143 98

90. Charles Scott, for stationery furnished senate, extra session, seventy-six dollars and twenty-five cents, 76 25

91. David Naar, for printing labels for backs of books for library, six dollars and fifty cents, 6 50

92. David Naar, for disinfecting powder for use of state house, two dollars and fifty cents, 2 50

93. David Naar, for printing copies of slips, six dollars, 6 00

94. David Naar, for printing blanks for payment of families of volunteers, twelve dollars and fifty cents, 12 50

95. David Naar, for printing circulars for state superintendent, nineteen dollars and ninety-three cents, 19 93

96. David Naar, for printing done for senate and house of assembly, as per receipts of secretary of senate and clerk of assembly, three hundred and forty-six dollars and twenty-eight cents, 346 28

97. Joshua Jones, Post Master, for stamps and stamped envelopes furnished the senate and house of assembly, six hundred and thirty-nine dollars and two cents, 639 02

98. S. & E. Roberts, for repairing clocks for offices, six dollars and fifty cents, 6 50

99. J. B. Lalor, for use of teams for committee to and from state prison, fifteen dollars and fifty cents, 15 50

100. Isaac D. James, for mucilage furnished senate, two dollars and sixty-four cents, 2 64

101. Charles Scott, for stationery furnished the treasury office, one hundred and six dollars and thirty-six cents, 106 36

102. Willet Hicks, for crockery furnished offices in state house, seventeen dollars and ninety-six cents, 17 96

103. Jacob Sharp, for mucilage furnished house of assembly, seventy-six cents, 76

104. David Depew, William A. Morrell, David P. Kenyon, and Samuel Johnson, twenty days appraising the property at state prison, two hundred and forty dollars, 240 00

105. William A. Ashmore, for services rendered Governor Olden as page, one hundred and fifty-one dollars and fifty cents, 151 50

106. Charles M. Herbert, for services from April twentieth, eighteen hundred and sixty-one, to April first, eighteen hundred and sixty-two, rendered the state and approved by the governor, three hundred dollars, 300 00

107. Charles Scott, for stationery furnished house of assembly, four hundred and twenty-eight dollars and sixty-two cents, 428 62

108. Charles Scott, for Nixon's forms and legislative manuals for the use of the legislature, one hundred and twelve dollars and eighty cents, 112 80

109. Charles Scott, for stationery furnished for the senate, one hundred and fifty-five dollars and forty cents, 155 40

110. Charles W. Jay, for blanks of senate and secretary of state, and rules of order, one hundred and seven dollars and fifty cents, 107 50

111. John P. Lansing, for services rendered the committee on incidental accounts, ten dollars, 10 00

112. C. Rawson, for use of omnibus for committee of legislature, from Jersey City to Long Dock, on removal of remains of Surgeon Weller, three dollars, 3 00

113. Hughes and Piaget, undertakers, for hearse for remains of Surgeon Weller, at Jersey City, five dollars, 5 00

114. William Southwick, for fluid and repairing torch, one dollar, 1 00

115. David Clark, for stationery furnished chan-

cery office, four hundred and fourteen dollars and sixty-five cents, 414 65

116. David Clark, for stationery furnished the secretary of state's office, one hundred and thirty-two dollars and sixty-two cents, 132 62

117. Charles Scott, for stationery furnished for the use of supreme court, one hundred and thirty-eight dollars and fifty cents, 138 50

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

Approved March 4, 1863.

CHAPTER LXXXIV.

AN ACT to authorize the inhabitants of the township of Shrewsbury, in the county of Monmouth, to raise by tax, or otherwise, bounty moneys for volunteers.

Preamble. WHEREAS, the inhabitants of the township of Shrewsbury, in the county of Monmouth, were desirous that the quota of troops for that township should be supplied by volunteers instead of by a draft for men, and by proceedings had at public meetings in said township, urged that bounties should be paid for volunteers, and by said proceedings the sum of six thousand four hundred dollars was paid and advanced as bounty money to said volunteers, part of which said money was advanced by the town committee out of the moneys of said township, and the balance thereof was advanced by divers persons of said township, upon the understanding that the same should be refunded and redeemed to the parties advancing the same, from the moneys of the township—therefore,

Act legalized. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the moneys advanced by the town committee of the township of Shrewsbury, in the county of Monmouth, for bounty money for the volunteers heretofore, shall be deemed and considered a valid and lawful disbursement of the moneys of said township to the amount so advanced and disbursed by said town committee for that purpose.

2. *And be it enacted*, That it shall be lawful for the town

Township committee to refund.

committee of said township, and the said town committee is required to appropriate and apply any of the other moneys of said township (except the school money) to redeem and refund to the proper persons the moneys so advanced as aforesaid by such other persons; and if there be not sufficient of said other moneys now in hand for such purpose, the said town committee is hereby authorized and required to ascertain the amount requisite to be raised to redeem and refund all the moneys so advanced, and report the same to the next town meeting of said township.

Township may raise amount by taxation.

3. *And be it enacted*, That the inhabitants of said township are hereby authorized and empowered to raise by tax, in the same manner as other moneys are raised for the purposes of said township, the amount of money so ascertained and reported by said town committee, and the same shall be paid to the town committee of said township, for the purpose of reimbursing the persons for the moneys so advanced.

Pay advances.

4. *And be it enacted*, That the town committee of said township shall thereupon, from the moneys so raised and collected, redeem and pay to the persons or to their legal representatives, the moneys so advanced by said persons as aforesaid.

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

Approved March 4, 1863.

CHAPTER LXXXV.

AN ACT to authorize the inhabitants of the city of Perth Amboy to borrow money, and to provide for the payment of the same by taxation.

Preamble.

WHEREAS, a number of the citizens of Perth Amboy did subscribe and advance the sum of four thousand six hundred dollars, to aid in the enlistment of volunteers in August, eighteen hundred and sixty-two, thereby preventing resort to a draft in said city; and whereas, the city council did pledge its official faith to recommend an appropriation therefor to the next annual city meeting, and the citizens did, at a meeting largely attended, unanimously pledge

themselves to make such appropriation; and whereas, (when, upon it having been found that such an amount, in addition to the ordinary appropriations for the purposes of the city government, would largely exceed the limit of one per cent. on the valuation of property, as now authorized by the city charter,) the citizens, at a meeting publicly called for that purpose by his honor the mayor, did determine to petition the honorable senate and general assembly of this state for the passage of an act to enable them to borrow money to reimburse the amount advanced as above, and to provide by taxation for the payment of such loan—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the city council of the city of Perth Amboy to provide for the payment of said moneys advanced by issuing bonds or other obligations, under their corporate seal and the signature of the mayor of said city, for an amount of money not exceeding five thousand dollars, in such sums, and payable at such time or times as the said city council shall deem proper, bearing interest at a rate not exceeding seven per centum per annum, payable annually, and to pledge the property and credit of said city for the payment of the same; which bonds or obligations it shall be lawful for the said city council and their successors to sell and assign; *provided*, that no bond or obligation shall be sold by said city council for less than par; *and provided further*, that the bonds or obligations to be issued by virtue of this act shall be redeemable at a period of time not to exceed five years from the first day of May, eighteen hundred and sixty-three. May raise by assessment $5,000.

2. *And be it enacted*, That to provide for the payment of such bonds or obligations, and the interest thereon, it shall be and is hereby made the duty of the city assessor, yearly and every year, until the bonds or obligations above mentioned shall be redeemed and paid off, to assess at the time and in the manner (except as hereinafter provided) that other taxes in said city are assessed, the sum of one thousand dollars, with an additional sum (to be ascertained by the treasurer of said city) sufficient to pay the interest due or to become due for that year on said bonds or obligations. To raise and pay $1,000 yearly.

3. *And be it enacted*, That in every such assessment of the above mentioned tax, it shall be the duty of the assessor to assess a separate and special poll tax of fifty cents upon every white male inhabitant of said city of the age of twenty-one Poll tax.

years and upwards; excepting the polls of all soldiers that may be or shall have been in the service of this state or of the United States since the first day of May, eighteen hundred and sixty-one.

4. *And be it enacted*, That it shall be the duty of the city collector to collect the said tax at such time and in the manner that other taxes in said city are collected, and to pay the same over to the city treasurer at or within the time that other taxes are now paid to said treasurer; and the said assessor and collector shall have the same power, and be subject to the same penalties as are now or may hereafter be imposed by law on the said officers.

$1,000 appropriated to pay bonds.

5. *And be it enacted*, That it shall be the duty of the treasurer of said city to reserve and set aside, yearly and every year, the sum of one thousand dollars, together with the amount of interest assessed for that year, from the moneys coming to his hands, which amount shall be applied to the payment of the bonds, under the direction of the city council, and for no other purpose whatever.

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

Approved March 4, 1863.

CHAPTER LXXXVI.

A supplement to an act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," approved April fourteenth, eighteen hundred and forty-six.

Town meeting changed to second Monday of March.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time of holding the town meetings in the township of Monroe, in the county of Middlesex, shall be changed from the second Monday in April to the second Monday in March annually.

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

Approved March 4, 1863.

CHAPTER LXXXVII.

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

Certain acknowledgments legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all acknowledgments or proofs of deeds, or other instruments in writing, heretofore made or taken, or that may hereafter be made or taken out of this state, if any or either of the parties to the said deeds or instruments in writing, at the time of taking the said acknowledgments or proofs resided, or shall reside, out of this state, and the same have been, or shall be taken before a person authorized by the laws of this state to take the same, and are in all other respects in conformity with the laws of this state, shall be and they are hereby declared to be good and valid and effectual in law for all purposes, as fully and completely as if the same had been or might be taken in this state, before an officer by the laws of this state authorized to take the same.

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

Approved March 4, 1863.

CHAPTER LXXXVIII.

AN ACT to legalize appropriations and payments made by the board of chosen freeholders of the county of Warren, for bounties paid volunteers of said county.

Preamble.

WHEREAS, the board of chosen freeholders of the county of Warren did, at a regular meeting of said board, authorize the surplus revenue committee of said board of freeholders of said county to collect the bonds and other securities of said fund, sufficient to pay the bounties ordered to be paid by said board; and whereas, the sum of thirty thousand

one hundred and fifty dollars has already been paid—now therefore,

Act legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said sum of thirty thousand one hundred and fifty dollars so paid and appropriated by the said board of chosen freeholders of the county of Warren, is declared and made a legal and valid payment and appropriation.

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

Approved March 4, 1863.

CHAPTER LXXXIX.

AN ACT to authorize the Board of Chosen Freeholders of the county of Hudson, to establish a jail and work house at the county farm in said county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of the county of Hudson are empowered to establish a jail and also a work house, upon the county farm in said county, purchased and owned by them, under such regulations as are authorized by this act.

Jail to be in custody of freeholders.

2. *And be it enacted*, That the custody, full keeping and charge of such jail and work house, and of the prisoners therein, shall not be in the sheriff of the county of Hudson, but shall be in the board of chosen freeholders of that county, and in such jailor as they shall appoint for that purpose; and the said board of chosen freeholders and such jailor shall, in the receiving, custody and discharge of prisoners, and in their treatment and maintenance, be subject to all laws and regulations to which sheriffs and their jailors are subject, except so far as the same may be changed by the provisions of this act.

Who shall elect a jailor.

3. *And be it enacted*, That the said the board of chosen freeholders of the county of Hudson shall appoint some proper person to be the jailor or keeper of the jail at the said county farm, who shall hold his office for the term of three years, and until another be appointed in his stead; but such jailor

may at any time be removed from office, by a vote of two-thirds of all the chosen freeholders of the said county for the time being; such jailor shall be elected by a vote of a majority of all the members of the said board; such jailor, before he enters upon the duties of his office, shall give bond to the said board of chosen freeholders of the county of Hudson, in such sum and with such sureties as said board shall prescribe, conditioned for the full and faithful performance of the duties of his office.

Erect a work house.

4. *And be it enacted*, That the said board of chosen freeholders of the county of Hudson are authorized to establish a work house, as aforesaid, on the said farm, and also to require any person or persons sentenced as by this act declared to perform such kind of work and labor on said farm as the said board, by reasonable rules and regulations, shall prescribe; the said work house and the said farm, or such parts of the said work house and said farm as the said board shall so declare, shall be a part of the common jail of the said county of Hudson; and the said jailor shall be master of the work house, and subject to the regulations of the said board, shall have the charge and custody of the person or persons sentenced there to work and labor; said jailor shall keep at such work and labor as they are able to perform in said work house, or subject to the regulations of said board, on said farm, during their continuance in custody, persons sentenced for crime or misdemeanor; persons sentenced upon indictment to hard labor or imprisonment, or until their fine and costs shall be paid; persons convicted of petit larceny by two justices of the peace; persons convicted and committed under or by virtue of "An act to describe, apprehend and punish disorderly persons;" persons convicted and committed by virtue of the provisions of "An act for suppressing vice and immorality;" persons convicted and sentenced to jail or imprisonment for the violation of any municipal ordinance, and such other persons as are or may be directed to be employed at work in the work houses in the several counties of this state.

Prescribe rules for jail and work house.

5. *And be it enacted*, That the said board of chosen freeholders shall prescribe rules and regulations for the management and conduct of the said jail and the said work house, and the work and labor of persons as aforesaid on the said farm, and the employment, keeping and maintainance of the prisoners as aforesaid, and may contract with any person or persons for the labor of the prisoners, or any of them, and

may authorize and require such jailor, as aforesaid, to enforce such rules and regulations, and to punish any breach of the same by the prisoners, and any refusal to work, or insubordination, by solitary confinement, change of food and diet, and such other reasonable punishments as they may prescribe.

Court may sentence to work house.

6. *And be it enacted*, That it shall be lawful for the court of oyer and terminer and general jail delivery, and the court of the general quarter sessions of the peace, in and for the said county of Hudson, in all cases where persons under the age of twenty-one years shall be convicted in either of said courts, of any offence punishable by imprisonment in the state prison, if in the discretion of such court it be advisable so to do, to adjudge that such person so convicted to be confined at hard labor in the jail on said farm, for such a length of time for which such person might for such offence have been sentenced to the state prison.

Provisions.

7. *And be it enacted*, That this act shall not be construed to repeal the act entitled "An act to transfer the charge and keeping of the jails and custody of the prisoners, in the counties of Essex and Hudson, from the sheriffs to the boards of chosen freeholders, and for the employment of the prisoners and to regulate their term of service therein," approved February twenty-seventh, eighteen hundred and fifty-seven; it being the intention of this act to establish an additional jail and work house in the county of Hudson, and to provide for the custody and control of prisoners on the said farm, and any sentence, judgment or commitment to the jail on the county farm, at hard labor or otherwise, shall be a sufficient indication of the place of confinement, detention, work and labor, as authorized by this act.

8. *And be it enacted*, That the said board shall be authorized to raise by tax, and expend such moneys as shall be necessary to carry into effect the purposes of this act.

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

Approved March 4, 1863.

CHAPTER XC.

AN ACT to enable the owners and possessors of the meadow and swamp lying on Rambo's Run, in the county of Gloucester, to put in repair, keep up and maintain the dam and other works across the said creek, on the river Delaware, and to keep the water course open and clear.

WHEREAS, William F. Newbold, who is largely interested in the meadow and swamp lying on Rambo's Run, in the county of Gloucester, has, by his humble petition, prayed a law might be passed to oblige all the parties concerned to contribute their just proportions towards repairing and upholding a dam, bank, and other water works heretofore erected across the said creek, so as effectually to prevent the tide from overflowing the said meadows and swamp, and to keep the water course thereof open and clear; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the owners and possessors of said meadow and swamp to meet on the first Tuesday in May, of each year, at the now dwelling house of William Myers, and there by a plurality of votes, and by proxies, to choose one or more managers from persons interested in said meadow and swamp for the ensuing year, until which time William Myers is appointed manager; which manager now appointed, or those hereafter chosen as aforesaid, shall put in good condition, and at all times thereafter keep the said dam, bank, and other necessary water works in good repair, and defend them as they think necessary, so as effectually to prevent the tide from overflowing the meadow and swamp included within the same, the costs and expenses whereof to be paid by the owners and possessors in proportion to the quantity and value of meadow and swamp they severally hold; and the said manager or managers shall assess the said owners and possessors in proportion as aforesaid, in such sum or sums of money as shall be by him or them thought necessary for the purposes aforesaid. Managers. Elected. Powers.

2. *And be it enacted*, That if any of the said owners, proprietors or possessors shall neglect or refuse to pay the sum or sums of money so assessed by virtue of this act, for the Assessments to be paid.

space of twenty days after a demand made by the said manager or managers, or either of them, it shall and may be lawful for the said manager or managers, or either of them, to commence an action of debt in any court of record in this state, where the same may be cognizable, and upon oath or affirmation of the said manager or managers, or one of them, or of any other person, of such demand being made as aforesaid, and that the process in such action was duly served at least ten days before the time of appearance or return thereof, with notice that at such appearance, day, or return of the process, judgment would be insisted on; the court in which or the justice before whom the said action may be commenced, shall immediately give judgment and award execution for the sum due, with costs of suit according to law, unless the debtor shall appear and plead and try the same at such time and place as shall be appointed by the court in which, or by the justice before whom the cause may be pending.

Assessments to be a lien on the same.

3. *And be it enacted*, That for the security of the moneys that shall be assessed and levied, or become due by virtue of this act, all and singular the meadow and swamp of every owner, proprietor and possessor, and of every manager appointed or chosen by this act, shall be subject and liable for the payment of the sums of money which shall be assessed or become due from them, or which shall be collected or received by them severally and respectively, by virtue of this act, from the time of the said assessment, debt accrued or moneys received; and the said meadow and swamp shall be esteemed a pledge for the payment of the said moneys, into whose hands soever they may come, in like manner as if the said meadow and swamp had been mortgaged therefor by the owner; and the manager or managers, or either of them, may enter upon and take the rents, issues and profits thereof for the satisfaction of the said debt or moneys, after judgment obtained as aforesaid, or sell the same by virtue of the said judgment, which he or they shall think most expedient.

Rambo's Run regulations.

4. *And be it enacted*, That the natural water course of the said creek, called Rambo's Run, shall at all times be kept open and clear by the said manager or managers, so that the water may have a sufficient fall from off the meadow and swamp, and that all mud, grass, or other rubbish, that shall be thrown or dredged out, shall be equally divided, as near as may be, to each side of the said creek, the cost and expense whereof to be paid as aforesaid; and it shall and may be lawful for the said manager or managers to let in the tide

for the benefit of the said meadows and swamp, and to wash out the creek and raceway outside the bank, at such times as he or they may think advantageous.

5. *And be it enacted*, That if the said owners or possessors shall at any time hereafter neglect to meet on the first Tuesday in May, at the now dwelling of William Myers, as aforesaid, or at such other place as may at the annual meeting be appointed by the owners and possessors so met, or represented by proxies, to choose a manager or managers as aforesaid, the manager or managers acting for the preceding year shall be continued in said office from year to year until said owners and possessors, or some of them, shall meet as aforesaid and elect others in their room; and if the said manager or managers, or either of them, shall die or become disqualified to act, then it shall and may be lawful for any one of the said owners or possessors to warn in the others (giving each of them ten days' notice) to meet at the place aforesaid, to choose a manager or managers in the place of him or them so dead or disqualified, who shall be vested with the same power and authority as though he or they had been chosen on the first Tuesday in May. Annual meetings.

6. *And be it enacted*, That the said manager or managers shall yearly, on the first Tuesday in May, account to the said owners and possessors, and produce fair accounts and receipts of all moneys by them received and expended by virtue of this act, and shall deliver the balance remaining on hand to his or their successor or successors, first deducting five cents in the dollar for all moneys so assessed and expended; and if they or either of them shall neglect or refuse to account and pay the balance as aforesaid, it shall and may be lawful for the succeeding manager or managers, or either of them, to sue for and recover the same by action of debt, in any court of record in this state where the same may be cognizable; and the said court shall give judgment and grant execution for the same with costs of suit. Money to be paid over.

7. *And be it enacted*, That it shall and may be lawful for any tenant or tenants who are or shall be in possession of any part of the said meadow or swamp, to bring his, her or their charge or charges of money paid, or services done in pursuance of this act, against his, her or their landlord or landlords, out of the rent due, owing or payable from such tenant or tenants.

8. *And be it enacted*, That it shall and may be lawful for the said manager or managers, or either of them, to enter

Mud and earth where procured.

upon the premises of any of the owners or possessors of meadow or swamp on the said creek, within the bank, to obtain mud, sand or loam where it will be most convenient and least detrimental to the owner or owners of the soil, in such cases of urgency only as will not, without serious loss, admit of the usual mode of obtaining materials outside of the bank; and the injury done to the said premises, under the circumstances aforesaid, is to be paid for or repaired by the manager or managers at the cost and expense of the owners and possessors of the said meadow and swamp as aforesaid; and if the manager or managers shall neglect to repair or pay as aforesaid, for the space of six months, then the owner of said meadow or swamp may do it, and deduct the amount from his or her assessment or assessments.

Commissioners to value.

9. *And be it enacted*, That in order to ascertain the quantity and value of meadow and swamp that each owner or possessor has on the said Rambo's Run, and which would be flooded if the said bank were not kept up, it shall and may be lawful for the said manager or managers, at any time hereafter when he or they may think it needful, to appoint three disinterested persons of the vicinity, who shall cause all the meadow and swamp to be measured if deemed by them to be necessary, and shall determine the quantity and value thereof belonging to each owner or possessor, and shall make out their statement in writing thereof, and deliver the same to the said manager or managers, which shall be inserted in the managers' book of minutes, and be binding on the parties concerned; and the first measurement and valuation as aforesaid, shall be made before the first annual meeting of the company, by John C. Smallwood, William R. Tatem and Thomas Gaskill, who are hereby appointed commissioners for that purpose; and the votes given at all times by the owners and possessors of meadow and swamp as aforesaid, shall be according to the quantity and value each shall own or possess, estimating one hundred dollars for each vote.

10. *And be it enacted*, That whereas the different portions of the said bank as heretofore maintained by individuals, are not in equally good condition, it shall be the duty of the said manager or managers to put in good repair, in such manner as they may think expedient, all the bank and water works designed to be embraced in this act, at the expense of the present owner or owners thereof respectively, within one year from the first of January, eighteen hundred and sixty-three, and after that time to be maintained as prescribed in the sec-

tions of this act; and the meadow and swamp of such owner or owners shall be security for the payment thereof as prescribed in section three of this act.

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

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

Approved March 6, 1863.

CHAPTER XCI.

AN ACT to incorporate the Paterson Horse Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob S. Rogers, William Gledhill, Patrick Curran, Jacob T. Blauvelt, Edwin T. Prall and Samuel Smith, and such other persons as may hereafter be associated with them, be and they are hereby constituted a body politic and corporate, in fact and in law, by the name of "The Paterson Horse Railroad Company," with a capital of twenty-five thousand dollars, which shall be divided into two thousand five hundred shares, of ten dollars each, to be deemed personal property, and transferable in such manner as the corporation, by their by-laws, shall direct; and that said corporation shall be capable of buying, holding and conveying any lands, tenements, goods and chattels necessary or proper for the purposes of said corporation under this act. Names of corporators. Capital stock $25,000.

2. *And be it enacted*, That the persons above named, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of the said corporation, at some public place in the city of Paterson, and elsewhere, at their discretion, giving twenty days' public notice in one or more of the newspapers printed and published in said city, at least twice in each week from the date of said notice and prior to the day fixed for the opening of such books; and that ten per centum of each subscription shall be paid by subscribers to said commissioners at the time of subscribing for the same; that as soon as ten thousand dollars of said stock shall have been subscribed, said commissioners

shall give like notice of an election of five directors of said corporation by the subscribers to said capital stock, a majority of whom shall be residents of this state; which election shall be held at a time and place to be fixed by said commissioners, by such of the said subscribers as shall attend for that purpose, either in person or by proxy, each share subscribed for entitling the subscriber to one vote; and said commissioners, or any three of them, shall be inspectors of such election, and shall certify the result of the same, in writing, signed by them, and thereupon the subscription books and money paid in, less necessary incidental expenses paid out of the same, shall be delivered to the directors so chosen.

Directors and other officers.

3. *And be it enacted*, That the directors shall meet for the first time at such time and place as said commissioners, or a majority of them, shall appoint, and may at that, or a subsequent meeting, appoint a president and such other subordinate officers and agents as they may deem necessary, and may establish the salaries of such officers and agents, adopt a common seal, ordain by-laws for the regulation of the business, property and works of the corporation, and for regulating elections, filling vacancies in office, and for the general management of the affairs of the corporation; that such president shall be a resident of this state, and shall, with the directors, hold office for one year from the time of election, and until successors are chosen; and subsequent elections may be held at such time and place as the by-laws shall from time to time designate and fix.

Stock to be called in.

4. *And be it enacted*, That the directors so elected may call in the capital stock subscribed at such times and in such installments as they may deem proper, and in case of default in payment according to said call, may declare forfeited the shares subscribed for and all payments made thereon by the persons in default.

May lay rails.

5. *And be it enacted*, That such corporation shall have power to construct and operate a main line of single track railroad, with necessary turnouts, from a point in Railroad Avenue, south of the passenger depot of the Erie Railway Company, in the city of Paterson, thence through said Avenue to either Grand street or Slater street, through Grand street or Slater street to Mill street or Jersey street, through Mill street or Jersey street to Congress street, and thence westerly through Congress street to Spruce street, and thence easterly through Oliver street to Mill street, and also, at their discretion, to construct and operate branches to said main

track, through Spruce street, through Mill street between Congress street and Boudinot street, and through Boudinot street, and to connect with the track of the Erie Railway Company at such places south of said depot and on such terms as said corporation and said company can agree upon.

Regulations.

6. *And be it enacted*, That the rails to be used by said corporation shall be flat iron grooved rails, that the track shall not be more than six feet guage, and with the rails shall in all cases be laid level with the surface of the streets through which the same may pass, and in conformity with the grades of such streets as now established in said city of Paterson, and so as to present no obstruction or interference with wagons or other vehicles passing through said streets, or turning into or crossing the same, and said corporation shall keep the surface of the streets inside the rails, and for two feet outside thereof, at their proper grades, and in good order and repair.

Freight and passengers.

7. *And be it enacted*, That the said company may carry freight and passengers if they so elect, over their said railroad and branches, and may charge for carrying the same from one point to another on the line of said road and branches, a price not exceeding the following sums, to wit: for each passenger, a sum not exceeding five cents; for each locomotive engine and tender, when together, a sum not exceeding twenty-five dollars; and when separate, a sum not exceeding twenty dollars for each locomotive, and ten dollars for each tender; and for other heavy articles, a sum not exceeding twenty-five cents per ton; and for bulky light articles, a sum not exceeding twenty-five cents per ton of forty cubic feet; and for articles weighing less than one ton, a sum not exceeding two and one half cents for one hundred pounds; *provided however*, that no steam shall be used on said road or its branches for motive or propelling power.

Proviso.

Time of completion.

8. *And be it enacted*, That if the main track hereby authorized shall not be finished and ready for use on or before the first day of August, in the year of our Lord one thousand eight hundred and sixty-four, then and in that case this act shall become and be void.

May borrow money.

9. *And be it enacted*, That the said corporation may borrow, from time to time, such sums of money as shall be necessary to build, construct, repair and equip said road, and secure payment thereof by bond and mortgage, or otherwise, on their said road, privileges, franchises, appurtenances, and

property, at a rate of interest not exceeding seven per centum per annum.

Limitation.

10. *And be it enacted*, That this act shall continue and be in force for and during the term of twenty years; and the same shall take effect immediately.

Approved March 6, 1863.

CHAPTER XCII.

A supplement to an act entitled "An act to establish a uniform rate of charges for legal advertising in New Jersey," approved March twentieth, eighteen hundred and fifty-seven.

Prices to be paid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the price for publishing in any newspaper the legal notices designated in the act to which this is a supplement, shall be sixty cents per folio of one hundred words, for the first insertion, and thirty cents per folio for each subsequent insertion after the first.

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

Approved March 6, 1863.

CHAPTER XCIII.

AN ACT to incorporate the Equitable Gas Light Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry F. Cox, William R. Janeway, John H. Lyon, James S. Davenport, Ai Fitch, George McLaughlin, Theodore R. Varick, John Gereghty, and George V. Demott, and all and every person or persons who may become subscribers, according to the mode hereinafter prescribed, and their successors, are hereby created a body politic and corporate, in fact, by the name of "the

Equitable Gas Light Company;" and by the said name the said corporation shall have power and authority to manufacture, make and sell gas, to be made of bituminous coal or other materials, for the purpose of lighting the streets, buildings, manufactories, and other places situated in Jersey City, City of Hudson, Town of Bergen, and vicinity.

Where to lay pipes.

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

Proviso.

Commissioners and capital stock.

3. *And be it enacted*, That Henry F. Cox, John H. Lyon and William R. Janeway are hereby appointed commissioners for receiving subscriptions for the sum of sixty thousand dollars, as part of the capital stock of said corporation, in shares of twenty dollars each, and the said commissioners, or a majority of them, shall open books for that purpose, at such time and in such place or places, within this state, as they shall designate by a public advertisement, to be previously inserted, for at least three weeks, in a newspaper printed in Jersey City, and shall continue the same open until the said capital stock of sixty thousand dollars shall be subscribed, or at their discretion close the same after they shall have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof as aforesaid; and the sum of five per centum upon each share so subscribed shall be paid by each subscriber, at the time of the subscription, to the said commissioners, or a majority of them; and each subscriber shall be entitled to receive a certificate for such stock from said commissioners; and the amount so received by the said commissioners at the time of subscription, shall by them, or a majority of them, be paid over to the directors of the said company, to be appointed as hereinafter directed; and all the powers of the said commissioners shall cease and determine on the appointment of such board of directors; and the said board, when

so appointed, shall have power, and they are hereby authorized, from time to time, under the foregoing regulations, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the sum of five hundred thousand dollars, and are also authorized to call upon the said subscribers for the payment of further installments in such sum or sums, at such time or times, and under such forfeiture or forfeitures as they may deem expedient, until the whole amount of said shares so subscribed shall have been fully paid.

Election of directors.

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

Corporation not to be dissolved for failure to elect.

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

Quorum.

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

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

8. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act or acts whatsoever, with intent thereby to injure any conduit, pipe, cock, machine or structure whatever, or anything appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted shall be punished by fine, not exceeding three hundred dollars, or imprisonment at hard labor, not exceeding two years, or both; *provided*, such criminal prosecution shall not in any way impair the right of action for damages by a civil suit, hereby authorized to be brought for any such injury as aforesaid by and in the name of the said corporation, in any court of the state having cognizance of the same. Penalty for injuring works. Proviso.

9. *And be it enacted*, That the said company shall provide and furnish to any person, corporation or companies, body politic, the gas by them manufactured, who are willing to comply with the by-laws of the said company, and that said company shall not refuse to furnish such gas to any person, corporation or company as aforesaid desirous of consuming the same, on account of the non-payment of any sum or sums of money due to them for gas from any person or persons, corporation or company, body or bodies politic, who shall have formerly occupied the premises, or any part thereof, upon which such gas shall be required.

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

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

Approved March 6, 1863.

CHAPTER XCIV.

A further supplement to the act entitled "An act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane."

Preamble. WHEREAS, it appears by the report of the Managers of the State Lunatic Asylum, that the advance in the price of provisions, fuel and clothing renders necessary an increase in the price of board sufficient to make the income of the institution equal to its increased expenditures; therefore,

May charge $2.35 per week for indigent patients. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the fifteenth day of March next, it shall be lawful to charge two dollars and thirty-five cents per week for keeping in the Asylum any pauper or indigent insane person, sent to the Asylum in accordance with the twentieth, twenty-first and twenty-second sections of the act to which this is a supplement.

Repealer. 2. *And be it enacted*, That the first section of the act entitled "A further supplement to the act approved February twenty-third, eighteen hundred and forty-seven, and entitled 'an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the same,'" approved March first, eighteen hundred and forty-nine, be and the same is hereby repealed.

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

Approved March 6, 1863.

CHAPTER XCV.

A further supplement to the act entitled "An act to incorporate the city of Trenton," passed the seventh day of March, eighteen hundred and thirty-seven.

May borrow money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of the city of Trenton to borrow, on the credit of the said city, the sum of twelve thousand dollars, for the purpose of paying off the present floating debt of said city.

May issue bonds and raise money by taxation.

2. *And be it enacted*, That to secure the payment of said loans the common council are hereby authorized to issue the bonds of the city for the amount of said loans, bearing interest at the rate of six per cent. per annum, payable semi-annually, and which shall be exempt from any tax hereafter levied or assessed by order of said common council, and the principal of which said bonds shall be paid in twelve years from the date thereof; and to provide for such payment the common council are hereby authorized and directed to levy and collect annually by taxation the sum of seventeen hundred and twenty dollars, in addition to the sum which may now be lawfully levied and collected within said city, out of which sum the aforesaid interest shall first be paid, and the surplus shall be paid over to "the commissioners of the sinking fund," to be applied as a sinking fund for the purchase of said bonds at par, or for the payment thereof at maturity.

Additional taxation.

3. *And be it enacted*, That it may and shall be lawful for the common council of said city to order and cause to be assessed and raised by tax, from year to year, over and above the rate of seventy cents to the hundred dollars, on the real and personal estate in said city, the additional amount of State tax apportioned to the said city of Trenton, to be levied and raised in said city and paid over to the county collector, for the State of New Jersey; and which said State tax shall be assessed and collected in the same manner as the other taxes raised in said city.

Duty of assessors.

4. *And be it enacted*, That it may and shall be lawful for the assessors of the several wards of the said city to adopt the valuation of the real estate in said city, as made pursuant

to the provisions of a supplement to the act entitled "An act to incorporate the city of Trenton," approved April tenth, eighteen hundred and fifty-five, and to transfer the valuation of the appraisers of said real estate from the city atlas to their several duplicates, and return the same as the true assessment of the real estate in the respective wards of the said city.

Penalty for neglect to grade, flag, &c.

5. *And be it enacted*, That whenever the owner or owners of any lot, alley or passage-way, in front whereof the side-walk shall, by any ordinance of the common council, be directed to be leveled, graded, curbed, paved, repaved, flagged or graveled, shall have neglected or refused to comply with such ordinance and the provisions of the several acts of the legislature to which this is a further supplement, it shall be lawful, and the said common council, in the name of "The inhabitants of the city of Trenton," may sue and recover of each owner aforesaid his or her proportion of said expense incurred on said lot, alley, or passage-way, with interest and costs, in an action of debt or trespass on the case, in any court of competent jurisdiction; and in such action the plaintiff may declare generally, and give in evidence the expense incurred by the said city in the leveling, grading, curbing, paving, flagging or graveling aforesaid, and shall recover judgment for whatever amount may be found due to the said city on account of the said lot or lots; and if any such person resides out of the State an attachment may be issued, as in other cases of non-resident debtors.

How penalties recovered.

6. *And be it enacted*, That in case any penalty shall be incurred by any person for a violation of any of the ordinances passed by the common council of said city, it shall be lawful for the mayor of said city, on complaint to him made, in writing, by any person, to issue his warrant and cause the said person to be brought before him; and thereupon the said mayor shall, in a summary manner, examine into the said cause of complaint; and if it shall appear to him, upon satisfactory proof, that the said person has violated the provision of the ordinance, of which the complaint has been made, and has thereby incurred the penalty of said ordinance, then it shall be lawful for the said mayor to fine the said person the amount of such penalty, with costs, and if the said person so convicted shall not forthwith pay the fine and costs, then it shall be lawful for the said mayor to issue his warrant to any constable or officer of said city, for the collection of said fine

and costs, in form and effect as warrants are issued by justices of the peace on judgments in actions of trespass.

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

Approved March 6, 1863.

CHAPTER XCVI.

AN ACT in respect to Road Districts in Middletown township, Monmouth county.

Overseers, how elected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the voters in the several road districts of the township of Middletown, Monmouth county, be hereby authorized to meet at some place in their respective road districts, and elect by ballot or otherwise the road overseers for such districts.

When election held.

2. *And be it enacted*, That such elections shall be held on the Saturday following the annual town meeting, at two o'clock in the afternoon, and at each meeting the voters shall designate where the next meeting for such election shall be held.

3. *And be it enacted*, That all acts conflicting with this act are hereby repealed.

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

Approved March 6, 1863.

CHAPTER XCVII.

AN ACT to incorporate the Hudson Gas Light Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edwin A. Stevens, George W. Morton, Josiah H. Gautier, William W. Shippen, John H. Suckley, John R. Halladay, John M. Francis, Horace H.

New Jersey State Library

Driggs and Charles Roome, and all and every person or persons who may become subscribers, according to the mode hereinafter provided, and their successors, are hereby created a body politic and corporate, in fact, by the name of "The Hudson County Gas Light Company;" and the said corporation are hereby invested with full power and authority to manufacture, make and sell gas, to be made of bituminous coal or other materials, for the purpose of lighting the streets, buildings, and other places in the city of Hoboken and the township of Weehawken and their vicinity, and to purchase, hold and convey all real and personal estate required for the purposes of the corporation.

May lay down pipes.

2. *And be it enacted*, That the corporation shall have full power and authority to lay down their gas pipes and to erect gas posts, burners and reflectors in the streets, avenues, highways and public grounds, alleys and lanes, in the city of Hoboken and the township of Weehawken and their vicinity, and to adopt all proper and necessary means to light all dwellings, stores, and all other places situated therein, with gas; *provided*, that the public travel shall at no time be unnecessarily impeded thereby; and the side and cross walks, streets, avenues and highways shall be left in as good condition as before the laying of the said pipes or the erection of the said posts, and that the corporate authorities in the several cities and townships, by whatever name the same are known, in which said pipes are laid, may prescribe the manner of laying said pipes, so far as relates to the interference with public travel.

Proviso.

Capital stock.

3. *And be it enacted*, That the capital stock of the corporation shall not exceed one hundred thousand dollars, in shares of fifty dollars each, and the persons named in the first section of this act are hereby appointed commissioners to receive subscriptions to the capital stock, and the said commissioners, or a majority of them, shall open books for that purpose, at such time and in such place as they shall designate by advertisement, previously at least three weeks, in a public newspaper printed in Hoboken, and shall keep the same open as long as they may deem proper, and may close the same at their own pleasure, and open the same from time to time upon like notice, and may require each subscriber to pay to them at the time of subscribing not exceeding twenty per cent. of his subscription, which shall be paid over to the directors of the corporation, to be appointed as hereinafter prescribed, and all the powers of said commissioners shall cease upon the appointment of the directors; and the board

of directors, when appointed, shall have full power and authority, from time to time, to open the books for further subscriptions until the whole capital stock is taken, and said directors may call on the subscribers for the payment of installments, in such sums, and at such times, and under such forfeitures as they may deem expedient.

Election of directors.

4. *And be it enacted*, That the management of the concerns of the said company shall be vested in seven directors, to be selected from the stockholders, a majority of said directors to be citizens of the state of New Jersey, and said directors shall choose, by a plurality of votes, from among themselves, a president; and, as soon as may be after six thousand dollars shall have been subscribed, the said commissioners, or a majority of them, shall convene the said stockholders, by public notice published in a newspaper at Hoboken, at such time and place in the city of Hoboken as they may designate in such notice, to choose the first board of directors, who shall hold their offices from the first Monday in May next ensuing, and until others are elected in their stead; and the election for directors shall be held annually on the first Monday in May, in the city of Hoboken, and public notice of such election shall be given at least ten days previously, by publication in a newspaper at Hoboken; all vacancies in the board of directors may be filled for the unexpired term by appointments to be made by the remaining directors, and all elections for directors shall be by ballot of the stockholders, or their proxies, allowing one vote for each share which they shall have held in their name at the time of voting.

Corporation not dissolved for failure to elect.

5. *And be it enacted*, That if at any time an election is not held on the day herein appointed, the corporation shall not for that cause, nor for any non-user, be dissolved, but such election shall be held in the manner prescribed by the by-laws at any time within one year.

Quorum.

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

Stock personal property.

7. *And be it enacted*, That the stock of the corporation shall be transferred according to its by-laws and regulations, and shall be considered personal property, and the stock and transfer books shall be opened at all times to the inspection of the stockholders, and the books of account in which shall be fairly and truly entered all the transactions of the company, shall be open at all reasonable times to their inspection.

8. *And be it enacted*, That if any person shall wilfully

Penalty for injuring works.

injure any conduit, pipe, gasometer or other thing appertaining to the works of the company, or obstruct the same, the person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding three hundred dollars, or imprisonment not exceeding two years, or both; *provided*, no such criminal prosecution shall impair the right of the company to an action for damages by a civil suit.

Proviso.

Limitation.

9. *And be it enacted*, That the corporation established by this act shall continue in force for fifty years, and shall possess the general powers and be subject to the restrictions and liabilities imposed by "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as applicable.

May borrow money.

10. *And be it enacted*, That the said company shall have power to borrow money to an amount not exceeding one-half its capital stock paid in, and to mortgage their works, property and franchises, and to execute all necessary assurances for securing the money so borrowed, with interest not exceeding seven per cent. per annum, and may receive property suitable for its purposes at a valuation to be agreed upon, in lieu of cash subscriptions.

Public act.

11. *And be it enacted*, That this act shall be deemed a public act; but the corporation shall not be exempt from the sum or sums of money required to be paid to the state treasurer by an act entitled "An act to increase the revenue of the state of New Jersey," approved March sixth, eighteen hundred and fifty-eight, and it shall take effect immediately.

Approved March 6, 1863.

CHAPTER XCVIII.

AN ACT respecting Law and Equity Reports in the State of New Jersey.

Names of law reports.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the reports of cases required by law to be published by the law reporter of this state, shall henceforth be designated by the name of "New Jersey

Law Reports," the first volume of which shall be called and numbered as volume twenty-nine, and subsequent volumes shall be numbered thence consecutively in order.

Equity reports.

2. *And be it enacted*, That the reports of cases required by law to be published by the chancery reporter of this state, shall henceforth be designated by the name of "New Jersey Equity Reports," the first volume of which shall be called and numbered as volume thirteen, and subsequent volumes shall be numbered thence consecutively in order.

How bound and lettered.

3. *And be it enacted*, That in binding said reports, the backs thereof shall be divided into five spaces, in such manner as to make the volumes uniform in size and appearance, as near as may be; that the second space from the top shall be covered with morocco or other proper leather, colored red, and thereon shall be printed in gilt letters the names aforesaid, respectively; that on the next lower space shall be stamped or imprinted, in black, the number of the volume, in figures; and that the next shall be covered with morocco or other proper leather, colored black, and thereon shall be printed, in gilt letters, the name of the respective reporter, and also the figures indicating the number of each volume of his reports.

List of reports

4. *And be it enacted*, That on a fly-leaf of each volume of law and equity reports hereafter to be published, shall be printed a list of all the previous reports published in this state, designating which are equity and which are law reports.

Repealer.

5. *And be it enacted*, That the act of the same title as this, approved February tenth, eighteen hundred and sixty-two, be and the same is hereby repealed.

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

Approved March 6, 1863.

CHAPTER XCIX.

AN ACT to legalize certain acts of the inhabitants of the township of Clinton, in the county of Hunterdon, and also of the assessor and collector of said township.

Preamble.

WHEREAS, the inhabitants of the township of Clinton, in the county of Hunterdon, did, on the twenty-third day of August, eighteen hundred and sixty-two, upon extensive and general notice, assemble and organize themselves into a town meeting, and the said meeting thus assembled did unanimously vote to assess a tax to pay to each volunteer which said township was liable to raise for the nine months' service, a bounty of one hundred dollars; and whereas, the assessor of said township, in accordance with said vote, did assess a tax of eleven thousand dollars, which sum was paid before being assessed to one hundred and ten volunteers from said township; and whereas, the collector of taxes of said township has collected said tax, along with and in the same manner as he collected the other taxes in said township; therefore,

Acts of township ratified.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the doings and proceedings of the said town meeting, of the said assessor and of the said collector, in voting, assessing and collecting said tax for said bounties, be and the same are hereby ratified, confirmed, and in all respects made valid and binding.

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

Approved March 6, 1863.

CHAPTER C.

A further supplement to the act entitled "An act to authorize the inhabitants of the township of Pompton, in the county of Passaic, to vote by ballot at their annual town meeting," approved March seventh, eighteen hundred and fifty.

Annual reports.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Pompton, in the county of Passaic, shall make out their annual report, and set up a copy of the same, together with a copy of the annual report of the overseer of the poor, and an abstract of the annual report of the superintendent of public schools of said township, in three public places of said township, at least five days before the annual town meeting; and the said overseer and superintendent shall file their respective reports with the clerk of the township committee at least ten days before such town meeting.

Road districts to elect overseers.

2. *And be it enacted*, That the legal voters of the several road districts in the said township of Pompton shall elect overseers of the highways in their respective districts, at two o'clock in the afternoon on the Saturday immediately preceding the annual town meeting in each year.

How election held.

3. *And be it enacted*, That the overseer of each road district in said township shall give ten days' notice of the time and place of holding every such election, by notice set up in three public places in said district; the place of holding the first election after the passage of this act shall be fixed by the overseer of each district, and at the first and every subsequent election the place for holding the next succeeding annual election for such overseer shall be fixed by the voters of said district.

Proceedings regulated.

4. *And be it enacted*, That when assembled at the time and place of meeting for such election, the legal voters of each road district shall, by viva voce, by show of hands, or by count on a division, choose a chairman to preside at such election, and in the same manner proceed to elect the overseer of said district; and such chairman shall certify the result of such election in writing to the township clerk of said township, at the next annual town meeting.

Vacancies.

5. *And be it enacted*, That if any road district shall neglect or refuse to elect an overseer of the highways for said district, as required by this act, or if an overseer shall remove or die, or become unable to discharge his duties, or in case of a vacancy from any other cause, it shall be the duty of the township committee of said township to appoint an overseer of said district from among the legal voters thereof, to serve during the unexpired term.

Repealer.

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

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

Approved March 6, 1863.

CHAPTER CI.

AN ACT to confirm certain debts and liabilities incurred by the townships of the county of Camden, in raising money for purposes incident to the war.

Preamble.

WHEREAS, the inhabitants of the several townships of the county of Camden, or some of them, either at town meetings therein or by their township committees, or in some other mode, have contracted certain debts and liabilities in raising money to pay bounties to volunteers who have enlisted in the present war of the United States of America, and for other purposes incident to said war, and doubts have arisen as to the validity of such debts and liabilities, and the securities that have or may be given therefor; now for the confirming of such debts, liabilities and securities,

Acts confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any such debts or liabilities as are mentioned in the preamble to this act, contracted or incurred, by the inhabitants of any township in the county of Camden, either at a town meeting held in such township, or by their township committee, or other officer or officers, or in any other mode, and any security that hath been or may be given by such township to secure the payment of such

debt, or discharge of such liability, shall be as valid and effectual as if the contracting of such debt or liability, or the making of such security, had been expressly authorized by law, prior to the making of such contract or security.

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

Approved March 6, 1863.

CHAPTER CII.

A supplement to the act entitled "An act to suspend the penalties of the non-redemption in specie of bank notes," approved March twenty-fourth, eighteen hundred and sixty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement shall continue in force until the repeal of the same, unless the same shall be sooner suspended by the proclamation of the governor, in the manner provided in the second section of the said act. Time extended.

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

Approved March 6, 1863.

CHAPTER CIII.

AN ACT to raise money to pay Volunteers in the township of Milburn, county of Essex and state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be assessed and raised by tax, in the present year, in the said township of Milburn, at the same time and in the same manner as the other township taxes shall be assessed and raised, on the taxable inhabitants of said township, the sum of thirty-seven hundred May assess and raise $3,700.

dollars, being a sum sufficient to pay the nine months' volunteers from said township, who enlisted in the service of the government in the present war, twenty-seven dollars per month each, after deducting from said twenty-seven dollars per month the monthly pay given to said volunteers by the United States and this state, so that said volunteers shall each receive, in the whole, from the United States and this state, and the moneys hereby authorized to be raised, the said sum of twenty-seven dollars per month while in such service; *provided*, that no assessment authorized by this act shall be laid upon any of said volunteers or their estate.

Proviso.

Allowance for money paid.

2. *And be it enacted*, That any person assessed under this act shall be entitled to claim a deduction, and to be allowed the same from the sum so assessed against him, to the extent of the amount paid by him or her towards the bounties paid to such volunteers; *provided*, such sum to be deducted shall be proved to the satisfaction of the township committee of said township of Milburn to have been paid towards the payment of said bounties.

Proviso.

How money expended.

3. *And be it enacted*, That the amount so to be assessed and raised under this act shall, when collected, be paid to the said township committee, to be by them paid to said volunteers, or their lawful representatives.

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

Approved March 6, 1863.

CHAPTER CIV.

A supplement to the act entitled "An act relative to taxes on public roads," approved March twentieth, one thousand eight hundred and fifty-seven.

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 to which this is a supplement as prohibits working on "any road between the first day of October and the first day of April," be and the same is hereby repealed, so far as to permit the macadamizing of roads during the months of March, October and November.

Approved March 6, 1863.

CHAPTER CV.

AN ACT to incorporate the Freehold and Englishtown 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 Freehold and Englishtown Turnpike Company shall be opened by Joseph H. Van Mater, Joseph Combs, John M. Perrine, Jacob Herbert, Jacob Keeler, John Haley, Joseph C. Thompson, Lewis Rue and George Gordon, or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and places as they, or a majority of them, may direct, giving notice at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in the county of Monmouth, in this state. Commissioners.

2. *And be it enacted*, That the capital stock of said company shall be seven thousand dollars, with liberty for the said company to increase the same to ten thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when two hundred shares shall be subscribed for, the persons holding the same shall be and they are hereby incorporated into a company, by the name of the "Freehold and Englishtown 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. Capital $7000.

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

shares subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers in proportion to the amount or number of shares by them subscribed for as aforesaid; *provided also*, that no subscription for less than four shares of said stock shall be reduced by such apportionment; *provided also*, that the stockholders shall, upon request, have the right to pay the stock subscribed, except the first installment, by work upon said road, they doing the work as cheaply as it otherwise can be done, under such regulations, at such time, and upon such notice by either party, as the directors may determine.

Proviso.

Proviso.

Time limited.

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

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 hereinbefore directed with regard to the opening of said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, seven directors, a majority of whom shall be citizens of this state, to manage the affairs of said company for one year, of which election the said commissioners, or a majority of them, shall be judges; and at the expiration of that term, and annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect by ballot the same number of directors, a majority of whom shall be citizens of this state as aforesaid; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share of the holder or holders thereof, either in person or by proxy.

Officers and their duties.

6. *And be it enacted*, That within twenty days after the annual election as aforesaid, the said directors shall elect from among their number a president of their said company, who shall hold his office for one year and until another shall be elected, and receive such compensation as a majority of the directors shall direct, and shall be the presiding officer of all

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

Powers of directors.

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

Proviso.

Annual report

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

Special meetings.

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

Corporation not dissolved for failure to elect.

10. *And be it enacted*, That, if from any cause, any election hereinbefore named shall not be held at the time specified by this act, the same may be made at any other time as aforesaid, and that until such election be had the officers of the

preceding year shall continue to hold their respective offices until others be elected in their stead; and that this charter shall not be defeated or avoided by reason of the irregularity or want of such election.

May construct turnpike.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road, from Freehold, in the county of Monmouth, to Englishtown, in said county, which said turnpike road shall be constructed on and along the public highway leading from Freehold to Englishtown, except in those places where the said public highway is not straight, then and in those places the said company shall have power to construct the said turnpike road where they may deem proper, and the width of said turnpike road shall be governed by the public road upon which it may be made; *provided*, that before the said company shall construct the said turnpike road aforesaid, they shall pay to the respective owners of the lands over which the said turnpike road is constructed, all damages which the said owners will sustain by reason of the construction of the said turnpike road; and in case said company and any of the owners cannot agree upon the amount of the said damages, the said damages shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for, for ascertaining and determining the damage which any land owner or owners shall sustain by the taking of stone, gravel or other materials from his or her land for the constructing or maintaining of said turnpike road; *provided also*, that the said company shall have power to take only the right of way over the lands whereon the said road is to be constructed, paying damages which the owners will sustain thereby; and the commissioners hereafter named, if appointed, shall have power to assess damages for the right of way only.

Proviso.

Proviso.

Width and kind of road.

12. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in breadth along the middle, as near as may be, of the said highway, and shall be sufficiently arched and drained to make and keep the same dry, and at least sixteen feet thereof shall be sufficiently bedded and faced with stone or gravel to make a solid, firm and even road at all seasons of the year, and it shall be so graded that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon; and the said company shall make good and sufficient bridges along the line of said road, not less than eighteen feet in breadth; and whenever the said road, in passing over low

ground, shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off.

Powers while constructing road.

13. *And be it enacted*, That it shall be lawful for said company, their officers, superintendents, engineers, and workmen, with carts, wagons and other carriages, and with beasts of burthen and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of the said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosure thereof, and to make all ditches and underdrains across and through such lands, necessary for properly draining said road, and that when the said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when by reason of legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of said company in the construction of 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 there be any, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, or to one of the judges of the court of common pleas of the county of Monmouth, who shall cause said company to give notice thereof to the person interested, if known and in this state, and if unknown and out of this state, to make publication thereof as he shall direct for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, commissioners to examine and appraise the said land or materials, and to assess the damage, upon notice to be given to the persons interested as shall be directed by the justice or judge making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, faithfully to examine the

matter in question and make a true report according to the best of their skill and understanding, to meet at the time and place appointed and proceed to view and examine the said lands or materials, and make a just and equitable estimate or appraisement of the value of the same, and assessment of the damages to be paid by said company for such land or materials and damages aforesaid, and to make a report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county of Monmouth, to remain on record therein, and shall be recorded by the said clerk; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered plenary evidence of the right of said company to have, hold, use occupy and enjoy the land and materials, after payment of the value and damages so assessed, and of the right of said owner or owners to recover the amount of said valuation, with interest and cost, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage; and the said justice shall tax and allow such costs, fees and expenses to the justice, commissioners, clerks and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the said company.

Rates of toll.

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

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

And it shall and may be lawful for the toll-gatherers to stop

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

Mile stones 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 stone or post is from Freehold, and shall cause to be fixed and always to be kept up at the gates or turnpikes aforesaid, in a conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board, on which shall be painted in large letters, "Keep to the right as the law directs."

Penalty for injuring same.

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

Penalty for delaying travellers.

17. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveller passing at any gate or gates, or shall receive more toll than is by this act established, 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 or persons so unreasonably hindered or defrauded.

To keep to the right.

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

Penalty when road and bridges are not kept in repair.

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

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

Limitation.

20. *And be it enacted*, That if the said road is not commenced within three and completed within five years from the passage of this act, then and in that case this act shall be void.

When toll-gates to be erected.

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

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

Approved March 6, 1863.

CHAPTER CVI.

A further supplement to an act entitled "An act to authorize the construction of works for the supplying of Jersey City and the places adjacent with pure and wholesome water," approved March the twenty-fifth, eighteen hundred and fifty-two.

Water commissioners may borrow money

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of defraying the expenses incident to the enlargement of the works mentioned in the act to which this act is supplementary, and

such future expenses as may be incurred by "The Water Commissioners of Jersey City," in the further extension of said works, when they shall be required, the said board of water commissioners shall be authorized to borrow, at such time or times as they may deem expedient, the sum of two hundred thousand dollars, in sums of one thousand dollars each, in addition to the amounts heretofore authorized, and to issue bonds and scrip for the payment of the same, which said bonds or scrip shall be of the same force and effect, and as valid for all the purposes directed by law, and may be issued, negotiated and pledged in the same manner and on the same terms as the bonds or scrip heretofore authorized to be issued.

Public act.

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

Approved March 6, 1863.

CHAPTER CVII.

AN ACT to alter the boundary line between the townships of Elizabeth, Union and Linden, in the county of Union.

Alteration of line of Linden and Union.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Linden, lying northwardly of the Central Railroad of New Jersey, be and the same is hereby set off from the said township of Linden, and annexed to and made a part of the said township of Union; and all that part of the township of Elizabeth lying northwardly of said Central Railroad of New Jersey, and westerly of where the same crosses the public highway directly in front of the dwelling house of Benjamin Williams, be and the same is hereby set off from the said township of Elizabeth, and annexed to and made a part of the said township of Union.

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

Approved March 6, 1863.

CHAPTER CVIII.

AN ACT to authorize the town of Lambertville, in the county of Hunterdon, to raise money by taxation to repay a loan made for the payment of bounty to volunteers.

WHEREAS, the mayor and common council of the town of Lambertville, in council convened, on the first day of September, Anno Domini eighteen hundred and sixty-two, did, by request of a public meeting of the citizens, agree to pay a bounty of fifty dollars each to volunteers from the said town, and to borrow the money to pay the same; and whereas, the money was so borrowed and paid out, to the amount of six hundred and fifty dollars—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of six hundred and fifty dollars, is hereby authorized and directed to be raised by taxation in the town of Lambertville, in the county of Hunterdon, in the manner now provided by law for the assessment and collection of taxes in said town, and the money thereby raised shall be appropriated to the payment of the loan made by the corporate authorities of said town, as set forth in the preamble to this act. May raise by taxation $650.

2. *And be it enacted*, That this act shall take effect immediately, and be taken and held as a public act. Public act

Approved March 6, 1863.

CHAPTER CIX.

AN ACT to authorize the people of the township of Matavan, in the county of Monmouth, to raise by tax an amount necessary to pay the bounties advanced to the Nine Months' Volunteers of said township.

WHEREAS, the inhabitants of the township of Matavan, in the county of Monmouth, did advance to the nine months' volunteers for the United States service from the said town- Preamble.

ship the sum of six thousand three hundred dollars, to aid the state in filling her quota of men called for by the Governor, and relieve themselves from the odium of a draft and the severity of a conscription; and whereas, it is necessary that a law should be passed by the legislature to legalize the raising of said sum, with the interest thereon, by taxation—therefore,

May raise money by tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of said township be and the same are hereby authorized to raise by assessment, in the same manner as other township moneys are raised, on the taxable property in said township, a sum sufficient to liquidate the said amount so advanced, with the interest thereon, as aforesaid expended and paid in raising said volunteers.

Directions.

2. *And be it enacted*, That whenever such assessment shall be ordered by a majority of the legal voters of said township, at their annual town meeting, the township committee of said township shall thereupon assume the payment of the sum so ordered to be assessed, and shall apportion the sum to be paid in not less than three equal yearly installments, which said yearly installments shall be assessed and collected at the same time and in the same manner as other taxes are assessed and collected.

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

Approved March 6, 1863.

CHAPTER CX.

Supplement to the act entitled "An act to incorporate the Vincentown Branch of the Burlington County Railroad Company," approved March fifteenth, eighteen hundred and sixty-one.

Preamble.

WHEREAS, the parties interested in the Vincentown Branch of the Burlington County Railroad have paid the sum assessed and declared to be payable on the same, by the act entitled "An act to increase the revenues of the state of New Jersey," approved March sixth, eighteen hundred and fifty-eight, though not within the time limited by said act,

approved March fifteenth, eighteen hundred and sixty-one —therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several sections of the act entitled "An act to incorporate the Vincentown Branch of the Burlington County Railroad Company," approved March fifteenth, eighteen hundred and sixty-one, and all acts and proceedings in pursuance thereof, and in conformity thereto, had, taken or done by the commissioners therein named, or a majority of them, are hereby declared to be and shall be taken, construed and held to be valid and operative and of the same force and effect as if the said assessment had been duly paid before the first day of July next ensuing the passage of said act creating said railroad company. Former act confirmed.

2. *And be it enacted*, That by and with the consent of a majority of the stockholders of the Vincentown Branch of the Burlington County Railroad Company, and the Burlington County Railroad Company, all the stock and interest in said railroad companies shall be and are hereby authorized to be consolidated together, in accordance with and in proportion to the amount of stock subscribed by said roads, under the name and title of the Burlington County Railroad Company. Consolidation.

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

Approved March 6, 1863.

CHAPTER CXI.

AN ACT to incorporate the Home Fire Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry R. Baldwin, George Greer, J. B. Kirkpatrick, T. M. Holcombe, Ward Wheeler, William Maloy, John Townsend, Andrew Shiner, J. Grover, E. W. Thayer, Warren Hardenburgh, J. A. Staats, and all other persons who may hereafter associate with them in the manner hereafter prescribed, shall be a corporation by the name of the Home Fire Insurance Company, for the purpose of insuring their respective buildings, household furniture, merchandize and other property against loss or damage by Names of corporators.

fire, and by that name they and their successors may have perpetual succession, and shall have power to sue and be sued, and to defend and be defended in all courts, whether in law or equity, and by that name may also have, purchase, possess and enjoy, to them and to their successors, lands, tenements, hereditaments, goods, chattels and effects, of what nature and kind soever, necessary for the purpose of said corporation, and the same may grant, demise, alien and dispose of at pleasure for the benefit of said company, and may also have a common seal, and alter and renew the same at pleasure, also may make and establish such by-laws and regulations as to them shall seem necessary and expedient for the well ordering and government of the said company, and put the same into execution; *provided*, that they be not contrary to the constitution or laws of this state or of the United States.

Proviso.

Who to be members.

2. *And be it enacted*, That all persons who shall insure with the said corporation, and also their heirs, executors, administrators and assigns continuing to be insured in the same as hereinafter provided for, shall thereby become members thereof during the period they remain insured by said corporation, and no longer.

Directors.

3. *And be it enacted*, That all the affairs, property and concerns of said corporation shall be managed and conducted by thirteen directors, who shall continue in office one year and until others shall be chosen in their place, all of whom shall be members of the said corporation, and shall take an oath or affirmation of office, and choose out of their body a president and vice president; all vacancies may be filled for the remainder of the year by such person or persons as a majority of the board of directors for the time being may appoint, and five of whom shall constitute a quorum for the transaction of business.

First directors

4. *And be it enacted*, That Henry R. Baldwin, George Greer, J. B. Kirkpatrick, T. M. Holcombe, Ward Wheeler, William Maloy, John Townsend, A. Shiner, Joseph Grover, E. W. Thayer, Warren Hardenburgh, John A. Staats and John H. Phillips, shall be the first directors of said corporation, and that annually hereafter a board of directors may be elected at such time and place in the city of New Brunswick, county of Middlesex, and state of New Jersey, as the said corporation in their by-laws shall appoint; of each election due notice shall be given, in at least one of the public newspapers printed in said county, for two weeks immediately preceding such election, and it shall be the duty of the board

of directors to appoint three discreet persons, not members of said board, to be inspectors of such election, and to count the votes that may be given in, and to declare the result of such election, which shall be by a plurality of the votes of the members or their proxies then present, allowing one vote to each member for every one hundred dollars insured in said company at the time of such election; and it shall be the duty of such inspectors, or a majority of them, to make and sign a certificate of the result of such election, stating who are elected by the greatest number of votes, and deliver such certificate to the secretary of the company for the time being, which certificate shall be filed and recorded by the secretary, and be conclusive evidence of the result of such election until set aside by some court having competent authority to do so.

Officers.

5. *And be it enacted*, That the board of directors may appoint a secretary and such other officers and agents as may be requisite for effecting the business of said company, and allow them such compensation as may be agreed upon, and also determine the rates of insurance, the sum to be insured, and the sum to be deposited for any insurance.

Policies, how issued.

6. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by the said company, may be made under the seal thereof, and shall be subscribed by the president and attested by the secretary, and being so subscribed and attested by the secretary, shall be binding and obligatory upon said company, and the company shall be liable for all loss or damage sustained, agreeable to and on such terms and conditions as shall be contained in the policy.

Regulations.

7. *And be it enacted*, That every person who shall become insured in said company, shall, before he receives his or her policy, pay such sum of money and deposit their promissory note or notes for such sum or sums of money as shall be determined upon by the directors, such note or notes to be paid at such time and in such a manner as the by-laws may determine, and it shall be lawful for said company to loan or put out at interest their moneys, or any part thereof not immediately wanted for the purposes of said corporation, on bonds and mortgages, on real estate, government or other stocks, and may from time to time call in such money or change such investments.

Property sold, and how to effect insurance

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

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

Insurance a lien on property.

9. *And be it enacted*, That all buildings insured by said company, together with the right, title and interest of the assured to the lands on which they stand, shall be and are hereby pledged to said company, and the said company shall have a lien thereon, in the nature of a mortgage, to the amount of the deposit note or notes given for such insurance.

Estimate to be made.

10. *And be it enacted*, That the officers of said company, at the expiration of one year from the time the first policy shall have been issued, or within one month thereafter, and within one month of every subsequent year shall cause an estimate to be made of the profits or losses, and true state of the affairs of said company to be made as near as may be for the preceding year, and so on for each successive year, which estimate shall be conclusive upon all persons entitled to receive certificates of profits as hereinafter provided for.

Certificates to issue.

11. *And be it enacted*, That each member entitled shall receive a certificate for his proportion of the profits, if any, of each year's business in proportion to the amount of premiums paid by him, but no person shall be entitled to a certificate for premiums paid on a policy that occasions loss, nor no certificate shall be issued for the fractional parts of sums between even tens of dollars, nor for any sum less than ten dollars, but all such fractional parts of sum or sums less than ten dollars shall be passed to the contingent account of said company, and applied to the payment of expenses and other charges of said company.

Excess, how applied.

12. *And be it enacted*, That when the cash means on hand shall exceed twenty-five per cent. of the amount of risks the company is liable for at any annual meeting, the excess may be applied to the payment of the certificates in such manner as the directors may determine.

Suits at law.

13. *And be it enacted*, That suits at law or in equity may be maintained by said corporation against any of its members

for the collection of their deposit notes or any part thereof, or for any other cause relating to the business of said company, also suits at law or in equity may be prosecuted and maintained by any member against said corporation for losses, if payment be withheld more than four months after the company are duly notified of such loss or damage; and no member of the corporation, not being in his individuul capacity a party to such suit, shall be incompetent as a witness in any case on account of his being a member of said corporation.

Especial insurances.

14. *And be it enacted*, That especial insurances may be taken without the parties thereto becoming members of said corporation, if desired by the insured.

When policies to issue.

15. *And be it enacted*, That no policy shall be issued by said company until application shall be made for insurances to the amount of fifty thousand dollars, at least.

Business, where carried on.

16. *And be it enacted*, That the operations and business of the corporation shall be carried on and conducted at such place in the city of New Brunswick, in the county of Middlesex, as shall be designated by a majority of the directors at their first regular meeting in every year.

Limitation.

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

Approved March 6, 1863.

CHAPTER CXII.

An act to repeal an act of the legislature entitled "An act to regulate the grading of the streets and sidewalks, paving and curbing in Mount Holly," approved March twenty-three, eighteen hundred and fifty-nine, and the supplement thereto, approved March twenty-second, eighteen hundred and sixty.

Repealing former act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act of the legislature entitled "An act to regulate the grading of the streets and sidewalks, paving and curbing in Mount Holly, approved March twenty-third, eighteen hundred and fifty-nine, and the

supplement thereto, approved March twenty-second, eighteen hundred and sixty, be and the same are hereby repealed.

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

Approved March 6, 1863.

CHAPTER CXIII.

AN ACT to incorporate the West Jersey Marl and Transportation Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David Potter, David E. Marshall, DeWitt Clinton Clement, John Johnson, Thomas Jones Yorke, G. W. Thomas, Richard Grier, and such others as may be associated with them, and their successors, are hereby declared to be a body politic and corporate, by the name of "The West Jersey Marl and Transportation Company."

Capital stock $100,000.

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

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to receive subscriptions to the capital stock aforesaid, at such time or times, place or places in this state, and upon such notice as they, or a majority of them, shall think proper; and at the time of subscribing for said stock, five dollars on each share shall be paid to said commissioners, or shall be satisfactorily secured, and the residue of the subscription shall be paid in such installments, and at such times and places, and to such person or persons as the directors of said company shall from time to time direct, by giving twenty days' notice in a newspaper printed and circulating in the counties of Camden, Gloucester, Salem, Cape May or Cumberland; and upon failure of payment thereof, the said directors shall have power to forfeit the shares of each and every person so failing to pay said installments, or any of them, to and for the use of the said company; and whenever twenty thousand dollars of the capital

stock aforesaid shall have been subscribed, such commissioners shall, as soon as they deem it expedient, give like notice of a meeting of the stockholders, at such time and place as they may designate, to choose seven directors, a majority of whom shall be residents of this state, who shall hold their office for one year, or until others are duly elected; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the directors chosen at such meeting, or at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the then current year, by the said board of directors.

Powers and privileges.

4. *And be it enacted*, That the said company, when organized as aforesaid, shall be and they are hereby authorized to purchase, take, have, hold, occupy and convey such and so many marl beds as they may deem proper, situate in the counties of Salem, Camden, Gloucester, Cumberland and Cape May, or in any or either of them, and to open and work the same, and to transport the marl taken therefrom, and lime and other fertilizers, from place to place, and to vend the same, and to purchase, hold and convey such other lands, and to erect such buildings thereon as may be necessary or convenient for said business, and to build, hold and use the railroads hereinafter mentioned, and the lands necessary therefor; and to lay, keep and maintain drains through the contiguous and adjacent lands, for the benefit of their said marl beds, in the manner hereinafter mentioned.

May construct railroad.

5. *And be it enacted*, That the directors of said company are invested with full powers to lay out and construct a railroad or railroads in the counties of Salem, Camden, Gloucester, Cape May and Cumberland, or in any or either of them, to run from the West Jersey Railroad, or from any of the railroads connecting therewith, to the marl beds or other lands of the said company, or to any other marl beds situate in said counties, or in any or either of them, and to construct said railroads with as many tracts as may be deemed proper, and to run engines and cars on said roads for the transportation of persons and of said marl and fertilizers, and of such other kind of property as they may deem expedient;

and they are hereby authorized to demand and receive such sum or sums of money, for the transportation of persons and property, as they may from time to time think reasonable; the land to be taken for each of said roads not to exceed one hundred feet in width, and where the same shall cross any public highway, the crossing shall be made and maintained in good repair, so as not unnecessarily to impede the travel, or interfere with the public convenience.

May enter upon lands and lay rails.

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

How land and materials acquired.

7. *And be it enacted*, That if the said railroads or drains or any of them, shall cross any lands not owned by said company, or any materials shall be required for the construction thereof, and the said company shall fail to agree with the owner or owners thereof, or if, by reason of the legal incapacity, or absence of the owner or owners, or want of knowledge as to the ownership thereof, or from any other cause, no such agreement shall be made, a particular description of the land or materials so required, shall be given in writing, under

the oath or affirmation of some engineer or other agent of said company, 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 circuit court of the county where such lands or materials may be, and in case of the same being in two counties, to a judge of the circuit court of either county, who shall cause the said company to give notice thereof to the person or persons interested, if known and in the state, or if unknown or out of the state, to make publication thereof as he shall direct for any time not less than fifteen days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three impartial and judicious freeholders, residents in this state, commissioners to examine and appraise the said land and materials required for said railroads, and assess the charges which will be occasioned thereby, or which may be occasioned as the case may be, by the laying and maintaining said drains, or any of them, upon such notice given to the person or persons interested, as shall be directed by said judge; and it shall be the duty of said commissioners, or a majority of them, having first taken and subscribed an oath or affirmation faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding, to meet at a time and place to be appointed by said judge, in his said order of appointment, and upon such notice to the parties interested as said judge shall direct in said order, and proceed to view and examine the said land and materials, as may be required for the purpose of this act, and to make a just and equitable appraisement or estimate of the value of the same, and an assessment of damages which will be occasioned by laying and maintaining said railroads, or any of them; or, as the case may be, to make an assessment of the damages which will be occasioned by the laying and maintaining said drains, or any of them, and which said assessments shall be paid by the said company, and which said report shall be in writing, under the hands and seals of the said commissioners, or a majority of them, and filed with the aforesaid description of the land or materials, and the appraisement and oaths or affirmations aforesaid, in the clerk's office aforesaid, to remain of record therein; which report, or a copy of the same, duly

certified by said clerk, shall (the appraisement and damages being first paid, or tendered, or deposited, in said clerk's office,) at all times be considered as plenary evidence of the right of said company to hold, use, occupy, possess and enjoy the said land or materials, or to make, maintain and repair the said drains.

Directors may borrow money

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

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

Approved March 6, 1863.

CHAPTER CXIV.

AN ACT to authorize the inhabitants of the township of Wayne, in the county of Passaic, to raise money by issuing bonds and for other purposes.

Preamble.

WHEREAS, the inhabitants of the said township being desirous that the call of the government for troops to support its authority and suppress rebellion should be filled with volunteers rather than with drafted men, did recommend and request the township committee of said township to offer bounties for that purpose; and whereas, the said township committee, acting upon said recommendation and request, has paid for bounties the sum of four thousand dollars; and whereas, it is deemed advisable that the indebtedness so created should be gradually paid off—therefore,

Township committee to issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of the township of Wayne, in the county of Passaic, to provide for the payment of the said indebtedness by issuing bonds in the name of "The inhabitants of the township of Wayne, in the county of Passaic," under the respective hands and seals of the said township committee, or three of them, for any amount of money not exceeding four

thousand dollars, in such sums, and payable at such time or times as the said township committee shall deem proper, bearing interest at a rate not exceeding seven per centum per annum, payable annually, and to pledge the property and credit of the said township for the payment of the same, which bonds it shall be lawful for the said township committee, and their successors, to sell and assign; *provided*, that no bond shall be sold by the said township committee for less than its par value; *and provided further*, that the bonds so to be issued shall be redeemable at a period of time not to exceed six years from the passage hereof. Proviso. Proviso.

2. *And be it enacted*, That the township committee of the said township of Wayne shall have power and authority to provide by taxation for the payment of the said bonds, and the interest thereon, and that the said township committee shall, yearly and every year, until the bonds to be issued by the authority hereof shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the time and in the manner that other taxes in the said township are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable; and that the township collector of said township, or other person for that purpose appointed, shall, when such tax, or any part thereof, shall be collected, pay the same to the township committee of the said township, and all such moneys to be raised by virtue of this act, shall be inviolably applied by said township committee to pay the interest and principal of said bonds as the same shall become due and payable; *provided*, that not less than seven hundred dollars, nor more than one thousand dollars of the principal of said bonds to be issued as aforesaid shall be made redeemable in any one year. May provide by taxation for payment. Proviso.

3. *And be it enacted*, That it shall be the duty of the said township committee to apply the net proceeds of the bonds that may be issued by virtue of this act to the payment and satisfaction of the debts and liabilities incurred in said township by the township committee thereof paying bounties to volunteers as aforesaid. Duty of township committee.

4. *And be it enacted*, That the debts and liabilities incurred in said township of Wayne, in consequence of the payment of bounties to volunteers, as mentioned in the preamble hereto, and the action of the said committee thereupon, are hereby ratified and confirmed. Debt ratified.

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

Approved March 6, 1863.

CHAPTER CXV.

AN ACT in relation to the fraudulent sale or use of butts, hogsheads, barrels and casks used by the manufacturers of malt liquors and other persons.

Marks and bounds may be filed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons engaged in the manufacture of malt liquors, or in selling the same in butts, hogsheads, barrels, half barrels, casks, half casks, or quarter casks, with their name or names, or other private mark or marks, branded, stamped or marked thereon, may file in the office of the secretary of state, or in the office of the clerk of the county in which the business of such manufacture is conducted, a description of the name or names used, or other private mark or marks stamped, marked or branded as aforesaid, and shall cause the same to be published for four weeks successively in a newspaper published in the county wherein said manufacture is conducted.

Not to be used or obliterated.

2. *And be it enacted*, That it shall be unlawful for any person or persons hereafter, without the written consent of the owner thereof, to fill, use, sell, dispose of, buy or trade or traffic in any such butts, hogsheads, barrels, half barrels, casks, half casks, or quarter casks, or other article so branded, stamped or marked, or from which such brands, stamps or marks have been cut off, defaced or obliterated, when the person or persons charged shall have known or had notice of such cutting, defacing or obliteration, or to cut off, deface or obliterate any such brand, stamp or mark from the same, and any person so offending shall be liable to the penalty of ten dollars for each and every butt, hogshead, barrel, half barrel, cask, half cask or quarter cask so branded, stamped or marked, and so filled, used, sold, disposed of, traded or trafficked in, for the first offence, and twenty dollars for every subsequent offence, to be recovered before any justice of the peace or other magistrate as fines and penalties are

recoverable, one-half for the use of the poor of the city, town or township where such offence shall be committed, and the other half for the use of the sheriff, deputy sheriff, or constable, who may arrest such offender.

3. *And be it enacted*, That the fact of any person other than the rightful owner thereof, without such written permission as aforesaid, using or having in his possession any of the articles aforesaid, for the sale therein of malt liquors, or any other liquid or article, or for any other use or purpose whatsoever, shall be presumptive evidence of the unlawful use, purchase and possession thereof; and any such owner, or the agent of such owner, who shall make oath or affirmation before any justice of the peace, or other magistrate, that he has reason to believe, and does believe, that any of the above named articles belonging to him so branded, stamped or marked as aforesaid, or from which the brands, stamps or marks have been cut off, effaced or obliterated, are being unlawfully detained or used by any person or persons for any purpose whatever, or that any junk dealer, or cask dealer, or dealer in any other article whatsoevor, shall have any of the said above named articles in his possession, or secreted on his premises, or in any other place, then the said justice of the peace, or other magistrate, shall thereupon issue a process in the nature of a search warrant, directed to any constable, to search the premises of the offender or offenders, where the same are alleged to be, and if, upon search, any of the said above named articles so branded, stamped or marked as aforesaid, shall be found, to bring the same, together with the body of the person in whose possession they may be found, before such justice of the peace or other magistrate, then to be punished as the law directs. Mode of proceeding.

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

Approved March 6, 1863.

CHAPTER CXVI.

AN ACT to authorize and enable the Allentown Iron Company to hold lands and real estate in this state.

May hold land in New Jersey

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Allentown Iron Company, a corporation of the state of Pennsylvania, chartered on the twelfth of April, in the year eighteen hundred and fifty-one, shall be and said company is hereby authorized and empowered to receive and hold, in fee simple or otherwise, lands, tenements, hereditaments and real estate situate in this state, not exceeding one thousand acres, and to lease, sell, mortgage, or otherwise use or dispose of, the interest and estate of said corporation in said lands.

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

Approved March 6, 1863.

CHAPTER CXVII.

A further supplement to the act entitled "An act to revise and amend the charter of the city of Newark."

Regulation with regard to assessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of the city of Newark to pay (and deduct and retain the same accordingly) out of the amount of any assessment which, by the one hundred and fourth section of the act to which this is a further supplement, they are directed to cause to be placed in the city treasury, for the use of the person or persons to whom it may be due, the amount of any unpaid assessment for benefits for or in respect of any improvements which under said act may be assessed upon and be payable by such person or persons, if such amount of damages shall be sufficient for such payment; and if the same shall not be sufficient for such payment, then it shall

be lawful for said common council to apply such amount of damages toward such payment, and the balance of the amount of such assessment shall be collectable by the same means, methods and proceedings provided by said act for the collection of such assessment for improvement, if such amount of damages shall exceed the amount of such assessment for improvement, the common council shall direct the excess to be placed in the city treasury, for the use of the person or persons to whom it may be due, and the same shall be paid by the city to the person or persons entitled thereto, on demand, without interest, except from such time as the demand thereof may be made and payment refused; *provided always*, that it shall and may be lawful for said common council to apply such excess, or such part thereof as may be necessary for the purpose, to any other or future assessment for improvement under said act, which may become due from the person or persons entitled to such excess, before the making of such demand. Proviso.

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

Approved March 6, 1863.

CHAPTER CXVIII.

A further supplement to the act entitled "An act authorizing the appointment of commissioners to lay out streets, avenues and squares in the city of Newark."

WHEREAS, by an act approved March twenty-fifth, eighteen hundred and sixty-two, entitled "A further supplement to the act entitled 'an act authorizing the appointment of commissioners to lay out streets, avenues and squares in the city of Newark,'" the time within which the commissioners appointed under and by virtue of the act to which this is a further supplement should exercise and discharge their powers and duties was limited to the first day of September, eighteen hundred and sixty-two, notwithstanding the provisions of the act approved March fifteenth, eighteen hundred and sixty, entitled "A supplement to the act entitled 'an act authorizing the appointment of commissioners to lay out Preamble.

streets, avenues and squares in the city of Newark;'" and whereas, it was found impracticable to complete, within the time so limited, the work necessary to be done by said commissioners, in order fully to discharge the duties devolved upon them by the act to which this is a further supplement; and the said commissioners have, therefore, at the request of the mayor and common council of the city of Newark, since the expiration of said time so limited as aforesaid, continued to perform the work aforesaid, and to discharge their said duties; and whereas, also, notwithstanding said commissioners have so continued to perform said work and discharge said duties, the work whereunto they were appointed remains still unfinished; and whereas, also, the mayor and common council of the city of Newark, have requested that the time for exercising and executing the powers and discharging the duties of said commissioners under said act to which this is a further supplement, be extended to the first day of April, eighteen hundred and sixty-three, and that the legislature approve, ratify and confirm the acts which, in conformity with the said act to which this is a further supplement, said commissioners have done and performed since said first day of September, eighteen hundred and sixty-two; and whereas, also, it is for the public advantage that said request should be granted—therefore,

Power of commissioners continued.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the commissioners appointed under and by virtue of the act to which this is a further supplement, to continue, up to the first day of April, eighteen hundred and sixty-three, if so long a time be needed for the purpose, to exercise and execute the powers and discharge the duties imposed and devolved upon them by said act to which this is a further supplement, until the said duties shall have been performed and said powers executed in full; and that all and singular the acts and deeds of said commissioners, by them done since and including the first day of September, eighteen hundred and sixty-two, under the act to which this is a further supplement, be and the same are hereby approved, ratified, legalized and confirmed, as fully, to all intents and purposes, as if the said act approved March twenty-fifth, eighteen hundred and sixty-two, entitled "A further supplement to the act entitled 'an act authorizing the appointment of commissioners to lay out streets, avenues and squares in the city of Newark,'" had not been passed, and

that the same shall not be deemed or held to be in any wise invalidated by reason of the last mentioned act, or anything therein contained or thereby provided.

2. *And be it enacted*, That said act approved March twenty-fifth, eighteen hundred and sixty-two, and entitled "A further supplement to the act entitled 'an act authorizing the appointment of commissioners to lay out streets, avenues and squares in the city of Newark,'" be and the same is hereby repealed. Repealer.

3. *And be it enacted*, That it shall and may be lawful, notwithstanding anything contained in the act to which this is a supplement, for the common council of the city of Newark, by ordinance, but not otherwise, to be passed by vote of two-thirds of the members of the said common council for the time being, (but not by vote of a less number,) to alter any street, alley or highway which is or may be laid out by said commissioners. May alter any street, &c.

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

Approved March 6, 1863.

CHAPTER CXIX.

A further supplement to the act entitled "An act authorizing the appointment of commissioners to lay out streets, avenues and squares in the city of Newark."

Preamble.

WHEREAS, the commissioners appointed under and by virtue of the act to which this is a further supplement, have ascertained to their satisfaction that the present lines, as defined by buildings, fences, &c., of part (that is to say, so much thereof as lies between South Broad street and Pennsylvania avenue) of Parkhurst, Greenwich, Murray, Astor and Emmet streets, in the city of Newark, are not in conformity with the record of those streets; and whereas, also, it is understood that the owners of property on said part of said streets are anxious that said part of said streets be not laid down by said commissioners on the map to be made by them of said streets according to said record, but

according to the said present lines thereof, as the same are defined by said buildings, fences, &c.—now, therefore,

Commissioners to lay down streets on map.

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 commissioners to lay down said part of said streets on their map to be made thereof, or of that part of said city including the same according to the lines thereof, as the same are now defined by the buildings, fences, &c., on said streets.

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

Approved March 6, 1863.

CHAPTER CXX.

AN ACT to legalize appropriations and payments made by the Board of Chosen Freeholders of the county of Hudson, for bounties for the militia of this State called into the service of the United States.

Preamble.

WHEREAS, the board of chosen freeholders of the county of Hudson have paid the sum of eight thousand two hundred and fifty dollars for bounties for the militia of this state called into the service of the United States, and to aid the arms of the United States; and whereas, the said board desire that such payment shall be legalized, to the end that the same may be raised by taxation; now therefore,

Act of the board of freeholders legalized

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said sum of eight thousand two hundred and fifty dollars, so paid and appropriated by the said the board of chosen freeholders of the county of Hudson, is declared and made a legal and valid payment and appropriation, and the same can be raised by taxation as a part of the county tax of the said county of Hudson.

Public act.

2. *And be it enacted*, That this act shall take effect immediately, and shall be taken in all courts and places as a public act.

Approved March 6, 1863.

CHAPTER CXXI.

A supplement to the act entitled "An act to authorize the Lehigh Water Company," of Easton, Pennsylvania, to supply the inhabitants of the village of Phillipsburgh and its vicinity, in the county of Warren, with water," approved March eighth, eighteen hundred and sixty-one.

WHEREAS, the said Lehigh Water Company, by their act of incorporation, are required, from time to time and at all times, to furnish water for the extinguishment of fires, free of charge, to the borough of Easton, in the state of Pennsylvania, at points and places along improved property supplied with water by said company; and whereas, by the act to which this is a supplement, said company are authorized to supply such inhabitants of the town of Phillipsburgh, in the county of Warren, or companies exercising their corporate powers in said town, with water, but are not required to furnish said town with water for the extinguishment of fires, free of expense; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said the Lehigh Water Company, of Easton, Pennsylvania, shall from time to time and at all times, except such times as the flow of water may be interrupted by accident or injury to their pipes or works, furnish water for the extinguishment of fires to the town of Phillipsburgh, in the county of Warren, by means of fire plugs, to be erected and maintained at the expense of said company, at such points in the streets or roads of said town as shall be designated to them for that purpose by the town council of said town of Phillipsburgh, and to be erected by said company within sixty days after notice so to do by the said town council; *provided*, that said company shall not be required to erect or maintain such fire-plugs except in streets or roads in which they shall have laid their distributing water pipes; *and provided*, that said fire plugs shall be used for no other purpose by the said town of Phillipsburgh, or the inhabitants thereof, than the extinguishment of fires. To furnish water for extinguishment of fires in Phillipsburg. Proviso. Proviso.

2. *And be it enacted*, That in case the said Lehigh Water Company should neglect or refuse to erect said plugs and Penalty for neglect.

furnish the same with water as aforesaid, for sixty days after due notice from the common council of said town, the said company shall forfeit and pay the sum of ten dollars per day for every day said company shall neglect or refuse to erect said plugs and furnish the same with water after the expiration of said sixty days, to be recovered by an action of debt, in the name of the treasurer of said town, for the use of said town.

Phillipsburg to pay for the same.

3. *And be it enacted*, That the said town of Phillipsburgh shall pay annually to said company for the erection and maintenance of each of such fire plugs and furnishing of water as aforesaid, the sum of five dollars; and it shall be lawful for said company to assess and charge to inhabitants in said town, contracting for and consuming their water, the same rates as are charged in similar cases in the borough of Easton, Pennsylvania, and no more.

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

Approved March 9, 1863.

CHAPTER CXXII.

AN ACT to incorporate the Cape May and Millville Railroad Company.

Preamble.

WHEREAS, by an act entitled "A supplement to the act entitled 'An act to incorporate the Millville and Glassboro' Railroad Company,'" which supplement was approved March fifteenth, eighteen hundred and sixty, the said Millville and Glassboro' Railroad Company were authorized and empowered to extend their railroad from its terminus at Millville, in the county of Cumberland, to any point on or near Cape Island, in the county of Cape May, and for that purpose the said company are invested with all the rights, powers, authorities and privileges given and granted by their original act of incorporation the same as if the power of thus extending said railroad to Cape Island had been thereby conferred, subject to all the duties, limitations, liabilities and restrictions contained in their said act of incorporation; and whereas, by the same supplement to

said act of incorporation, the said Millville and Glassboro' Railroad Company, accepting said supplement, were authorized to receive subscriptions to that part of the road from Millville to Cape Island, to enable them to make it, and to mortgage that part of the road on the same term, as they were by said original act of incorporation, authorized to mortgage the road from Millville to Glassboro'; and further, were authorized to keep separate accounts, both of construction and running expenses, to discriminate between the two parts of their road, and to divide on the profit of each part to their respective stockholders; and it was by the same supplement further enacted and declared that the accounts should be so kept and the management so conducted that in no case should the road south of Millville be responsible for that north of Millville, nor that north of Millville be responsible for that south of the same; and whereas, the intention being to keep the liabilities and losses, benefits and profits of the said railroad north of Millville separate from those of said road south of Millville, it is deemed expedient that with separate interests the stockholders of said road south of Millville should construct and hold the same under a separate charter; and whereas, the said Millville and Glassboro' Railroad Company have requested such separation and a separate charter—therefore,

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles B. Dungan, Coleman F. Leaming, Joseph Ware, Waters B. Miller, Israel Leaming, Joseph McMakin, Richard D. Wood, John West, Joseph Hammitt, John Jones, Samuel Ashmead, Maurice Beesley, M. D., J. S. Nixon, Henry Swain, and such other persons as may be hereafter associated with them, be and they are hereby constituted and declared a body corporate and politic, in fact and in law, by the name of "The Cape May and Millville Railroad Company," and shall be capable of purchasing, holding, and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this incorporation.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be three hundred thousand dollars, with liberty to increase the same from time to time to any sum not exceeding five hundred thousand dollars, divided into shares of fifty dollars each, which shall be deemed personal property, and

transferable in such manner as the corporation shall by their by-laws direct.

Stock of Millville and Cape Island Railroad Company

3. *And be it enacted*, That the stock heretofore subscribed for the purpose of constructing the railroad from Millville to Cape Island, under the provisions of the said supplement to the act entitled "An act to incorporate the Millville and Glassboro' Railroad Company," shall be a part of said capital stock, and that the subscriptions to said capital stock shall be made, received and taken, at such time, in such manner, and upon such notice as the directors of said corporation may from time to time appoint and direct; *provided*, that ten per centum shall be paid in cash on each share at the time of subscribing.

Proviso.

Election of directors.

4. *And be it enacted*, That the property and affairs of the said company shall be managed and conducted by a board of nine directors, shareholders in said company, a majority of whom shall be residents in this state, who shall be chosen annually, at such place in the counties of Cumberland or Cape May, and at such time and in such manner and upon such notice as the by-laws of the company shall direct, each share of the capital stock entitling the holder thereof to one vote, either in person or by proxy; and that Coleman F. Leaming, Waters B. Miller, James H. Stevens, Charles B. Dungan, T. Jones Yorke, Benjamin F. Lee, Jacob F. Cake, Joseph D. Remboth, and F. F. Sharp, shall be the first directors under this charter, to continue in office until others are elected or appointed in their stead.

Quorum.

5. *And be it enacted*, That the directors of said company, of whom five shall be a quorum competent to transact all business, shall choose one of their own number to be president, and may appoint such other officers and agents as they may deem expedient; in case of the death, resignation or removal of the president, or of any director, may fill any vacancy or vacancies which may so happen, until the next annual or other election; may appoint a president pro tempore, in case of the absence or inability of the president, who shall have such powers and functions as the by-laws of the company may provide; and it case it shall happen that an election of directors should not be made during the day when, pursuant to this act, or otherwise, 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 in all cases con-

Corporation not dissolved for failure to elect,

tinue to hold their office until others shall have been chosen in their place.

6. *And be it enacted*, That the said directors shall have power to call in the capital stock of said company by such installments and at such times as they may direct, giving twenty days' notice thereof in one or more newspapers published in said counties of Cumberland and Cape May, and to collect the same; or in case of non-payment, at their option to forfeit the share or shares upon which such default shall arise; and further to make and prescribe such by-laws, rules and regulations as they may deem needful and proper, touching the management and regulation of the stock, property, estate, effects and business of the said corporation. Payment of installments.

7. *And be it enacted*, That the said corporation and its directors are hereby invested with all the rights, privileges and powers heretofore granted to the Millville and Glassboro' Railroad Company, to lay out and construct a railroad from Millville to Cape Island, and subject to the same duties, limitations, liabilities and restrictions; and all lands, rights of way and privileges heretofore purchased, taken or acquired by the said the Millville and Glassboro' Railroad Company, under the said supplement to their said charter, or otherwise, for and in respect of the extension of their railroad from Millville to Cape Island, are hereby transferred, conveyed and assigned to this corporation, to wit: to "The Cape May and Millville Railroad Company." Powers and privileges.

8. *And be it enacted*, That the said company are hereby further authorized and empowered to lay out and construct said railroad from Millville to any point at or near Cape Island aforesaid, and to enter at all times upon all lands and waters, for the purpose of exploring, surveying, levelling and laying out the said route or routes of said railroad, and of further locating and altering the same, as from time to time may be necessary and expedient, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of said road, or such other part thereof, shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, contractors and workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, erect embankments, bridges and all other works, lay rails, and do all other things which shall be suitable or neces- May construct railroad.

sary for the completion or repairs of said road, subject to such compensation as heretofore provided in the case of land and materials taken by the Millville and Glassboro' Railroad Company, and as is hereinafter also provided; *provided*, that the said road shall not exceed one hundred feet in width, except in such places where, from the depth of the excavation or the height of the embankment, it is necessary to take more land for the slope and protection of the side banks of said railroad, in which case so much land as will be necessary for the purpose, and no more, shall be taken, with as many set of tracks and rails as the company may deem necessary;

Proviso.

Proviso. *and provided always*, that the payment or tender of the payment of all damages for the occupancy of all lands through which the said railroad has or may be laid out, before the said company, or any person under its direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of said land be first had and obtained;

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

Proceedings in case company and owners cannot agree.

9. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required land or materials for the use and purchase thereof, or when, by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of said company in the construction of said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of

this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the county of Cumberland or the county of Cape May, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of said commissioners (having first taken or subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding) to meet at the time and place appointed, and to proceed to view and examine the said land or materials, said commissioners at the same time taking into consideration all the benefit to be derived from or in consequence of the said railroad or branch road, as the case may be, to the said owner or owners, and to make a just and equitable estimate or appraisement of the value of the same and assessment of damages to be paid by the company for such lands or materials and damages aforesaid; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days after, together with the aforesaid description of the land or materials, and the appointment and oath and affirmation aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein; which report, or a copy thereof certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage;

and the said justice of the supreme court shall, upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the company; *provided always*, that should the said company, or the owner or owners of any of the land or materials think himself, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said land or materials may lie.

Proviso.

How appeal may be taken.

10. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section shall be made in writing, and in the form of petition to said court, and filed with the clerk of the said circuit court of the county wherein the land or materials appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next term of said court to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered or the said commissioners shall have awarded, then said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land upon filing the aforesaid report; *provided*, that in no case whatever shall said company enter upon or take possession of 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

Proviso.

appropriating said lands to the use of said company, until they have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners as the value of such lands or damages, in case the report of the commissioners is not appealed from; or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, or in case of appeal shall refuse, upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, then the payment of the amount assessed or found as aforesaid, into the circuit court of the county where the said lands lie, shall be deemed a valid and legal payment; *and further*, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being barred thereby from his, her or their appeal from the report of the commissioners. Proviso.

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 on or under the said railroad, where any public road shall intersect and cross the same, so that the passage of carriages, horses and cattle along the said road shall not be obstructed, and likewise where the said railroad shall intersect any farm or lands of any party, to provide and keep in repair suitable wagon ways on or under said road. Road and bridges to be kept in repair.

12. *And be it enacted*, That the said company may purchase, take and hold real estate at the commencement and terminus of their railroad, and at any station on the line of the same, and erect thereon such houses, shops, store-houses and other buildings and improvements as they may deem useful or expedient for the use of their road, the safety of property, the construction of engines and carriages, and other purposes, and to receive the rents and profits thereof; and shall have the privilege and authority to erect, build and maintain on such rivers and other streams as the road may cross, such piers, bridges, and other facilities as they may deem expedient; *provided*, said company, whenever it may become necessary to cross any navigable river or creek with their road, shall construct a bridge or bridges, with suitable and sufficient draws, so as not to unnecessarily impede the navigation thereof. May hold real estate. Proviso.

13. *And be it enacted*, That the directors of said company Dividends.

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.

Engines, &c., may be constructed.

14. *And be it enacted*, That the directors of said company shall have power to have constructed, or to purchase with the funds of the company, all machines, engines, wagons, carriages, or other vehicles, for the transportation of persons or any species of property on the railroads, as they may think fit, reasonable, expedient or right.

May contract with other companies.

15. *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 fulfillment of such contracts.

Penalty for injuring works.

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

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

Statement to be filed.

18. *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 costs of said road, including all expenses, and the amount of all purchases made by virtue of this act, in the office of the secretary of this state, and annually thereafter the president and treasurer of the said company shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road, and as soon as the said company shall declare among their stockholders dividends, 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.

Proviso.

19. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct or repair said road, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of said company, and to secure the payment thereof by bond or mortgage or otherwise, on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury, in any suit in law or equity, instituted to enforce the payment of any bond or mortgage executed under this section. May borrow money. Proviso.

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

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, the state superintendent of public schools, and the principal of the normal school, while travelling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, during their annual or other sessions, shall pass and repass on the railroad of said company in their cars free of charge. Who to pass free.

22. *And be it enacted*, That this act shall take effect as soon as the board of directors of the Millville and Glassboro Railroad Company shall signify their acceptance of this act, under the hands of the president and secretary, and the corporate seal of the said company, and file the same in the office of the secretary of state of this state. When to take effect.

Approved March 9, 1863.

CHAPTER CXXIII.

A supplement to the act entitled "An act to fix the salaries of the officers of the Senate and General Assembly of the State of New Jersey," approved February twenty-fifth, eighteen hundred and sixty-one.

Pay of certain officers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be paid to the assistant secretary of the senate and to the assistant clerk of the house of assembly, an annual salary of six hundred dollars each, and to the engrossing clerk of the senate eight hundred dollars, and the engrossing clerk of the house of assembly nine hundred dollars, and no other compensation whatever

Repealer.

2. *And be it enacted*, That the second section of the act to which this is a supplement, be and the same is hereby repealed, and that this act shall take effect immediately.

Approved March 11, 1863.

CHAPTER CXXIV.

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

May increase capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Central Railroad Company of New Jersey may, from time to time, with the assent of a majority in interest of the stockholders of said company, increase their capital stock to any sum not exceeding three millions of dollars, in addition to the present authorized amount of capital.

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

Approved March 11, 1863.

CHAPTER CXXV.

A supplement to the act entitled "An act to recognize and authorize the organization of and to incorporate the Central American Transit Company," approved March twenty-eighth, eighteen hundred and sixty-two.

Number of directors increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be nine directors of the Central American Transit Company; and a majority of the present six directors shall choose the three additional directors, whose term of office shall continue until the next election held by the stockholders, when, and at subsequent elections, nine directors shall be elected, and any vacancy that may occur among the directors may be filled by the remaining directors; and that part of the fifth section of the act to which this is a supplement, which limits the number of directors to six, is hereby altered and amended so that the number of directors shall be nine, and this act shall take effect immediately.

Approved March 11, 1863.

CHAPTER CXXVI.

A supplement to the act entitled "An act relative to taxes due from incorporated companies in this state," approved March thirteenth, eighteen hundred and sixty-two.

Provisions of act, where to apply.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement shall apply to all incorporated companies, whether in this state or not.

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

Approved March 11, 1863.

CHAPTER CXXVII.

A further supplement to an act entitled "An act for the punishment of crimes."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any servant, employee or agent of any individual or incorporated company shall take or receive any money, bank bill or note, of or above the price or value of twenty dollars, belonging to his master, employer, or to the said incorporated company, with intent to defraud such master, employer or incorporated company thereof, and shall wilfully retain and appropriate to his own use the said money, bank bill or note, knowing the same to belong to his master, employer, or to the said incorporated company, every person so offending shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding five hundred dollars, or imprisonment at hard labor not exceeding three years, or both.

Approved March 11, 1863.

CHAPTER CXXVIII.

AN ACT to authorize the inhabitants of the township of Wall, in the county of Monmouth, to raise money to pay volunteers.

Township may raise money by tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the inhabitants of the township of Wall, in the county of Monmouth, to vote at their next annual town meeting, in the same manner as other taxes are raised, a sum of money not to exceed twenty-five hundred dollars for bounties paid to volunteers for the war, and the said taxes shall be assessed and collected at the same time and in the same manner as other taxes for state and county purposes shall be assessed and collected in said township.

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

Approved March 11, 1863.

CHAPTER CXXIX.

AN ACT to authorize the appointment of two Commissioners of Deeds for the city of Cape Island, in the county of Cape May, and to confirm the official acts of Samuel S. Marcy and Alvin P. Hildreth, Commissioner of Deeds for said city.

Preamble. WHEREAS, on the fifth day of March, Anno Domini eighteen hundred and sixty-two, Samuel S. Marcy and Alvin P. Hildreth were appointed commissioners of deeds for the city of Cape Island, in the said county, were sworn into office and have continued to execute the duties thereof; and whereas, doubts have arisen as to whether such appointments were legally made, there being no law authorizing such appointments for said city—therefore,

Act of commissioners legalized. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the official acts of the said Samuel S. Marcy and Alvin P. Hildreth, as such commissioners, heretofore done and performed, shall be as valid and effectual in law, to all intents and purposes, as if the said appointments had been authorized by law.

Entitled to have two commissioners. 2. *And be it enacted*, That hereafter the said city of Cape Island shall be entitled to have two commissioners of deeds, and no more.

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

Approved March 13, 1863.

CHAPTER CXXX.

AN ACT to incorporate the Middlesex and Monmouth Turnpike Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the capital stock of the Middlesex and Monmouth Turnpike Company shall be opened by Hendrick H. Brown, J. Biddle Herbert, A. J. Disbrow, William R. Dill, Garrett Cotterell, Hezekia Warne, Tunis Hubbard, William S. Hornor and David H. Wyckoff, or a majority of them, who are hereby appointed to receive subscriptions to said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in at least one of the newspapers published in the counties of Middlesex and Monmouth, respectively.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, with the privilege of increasing it to fifteen thousand dollars, and shall be divided into shares of twenty-five dollars each, and that when one hundred and fifty shares shall be subscribed for and taken, the persons holding the same shall be and they are hereby incorporated into a company by the name and title of "The Middlesex and Monmouth Turnpike Company," and by that name and style shall have, enjoy and exercise all the rights, powers and privileges appertaining to corporate bodies, and necessary to carry the objects of this law into effect.

Payment of installments.

3. *And be it enacted*, That at the time of subscribing for said stock two dollars shall be paid upon each share subscribed for, to the said commissioners, or any of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed, and the residue of said subscription shall be paid in installments, at such times and places, and to such persons as the president and directors of the company shall from time to time direct, and give public notice thereof in manner aforesaid; and upon failure of the payments thereof as so directed, the president and directors shall have power to forfeit the shares of each and every per-

son so failing to pay the said installments, or any of them, to and for the use of said company.

Limitation.

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

Election of directors.

5. *And be it enacted*, That when the one hundred and fifty shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as hereinbefore directed with regard to the opening of said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot five directors, a majority of whom shall be citizens of this state, to manage the affairs of said company for one year, of which election the said commissioners, or a majority of them, shall be judges; and at the expiration of that term, and annually thereafter, upon like notice being 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 officers.

6. *And be it enacted*, That within twenty days after the election aforesaid, the directors shall elect from their number a president of the said company, who shall hold his office for one year, and until another shall be elected, and shall be the presiding officer at all meetings of said directors, and shall have a casting vote when they shall be equally divided; he shall have charge of the seal of the company, and he shall appoint the judge or judges of all elections of stockholders, or in case of his death or 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.

Vacancies, how supplied.

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

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

Proviso.

Annual statement to be made.

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

Special meetings.

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

Corporation not dissolved by failure to elect.

10. *And be it enacted*, That if from any cause any election hereinbefore named shall not be had at the time specified in this act, the same may be held at any other time, on notice as aforesaid, and that until such election be had the officers of the preceding year shall continue to hold their respective offices until others are elected in their stead, and that this charter shall not be defeated nor avoided by reason of irregularity or want of such election.

Route of road.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Old Bridge, in Middlesex county, to the turnpike from Freehold to Keyport, in Monmouth county, beginning in the public road at Old Bridge, where said road intersects the Cam-

den and Amboy Railroad, near the hotel lately kept by B. F. Lloyd, deceased, and thence following the route of the said public road through Brownsville, passing by the residence of Hendrick H. Brown and others, and following the route of the said public road as it now runs, and ending by the Mount Pleasant school house, on the Freehold and Keyport turnpike, in the county of Monmouth aforesaid, being the most direct and convenient route between the said points; which said turnpike road shall not exceed forty feet in width, and sixteen feet of the same shall be sufficiently bedded and faced with stone, gravel or other material, to make a solid, firm and even road at all seasons of the year; and the said sixteen feet shall be so graded that in its progress no part of it shall rise above an angle of five degrees with the plane of the horizon; and the said company shall construct, keep in repair, maintain and make good and sufficient bridges along the line of said road, not less than sixteen feet in width; and whenever said road shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained at the sides, so as to prevent horses and carriages from running off; *provided*, that before the said company shall construct the said turnpike road as aforesaid, they shall pay to the respective owners of the land over which the same may pass, all damages which the said owners shall sustain by reason of the construction of the said turnpike road; and in case said owners and said company cannot agree upon the amount of said damage, then the damage shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for ascertaining and determining the damages which any land owner or owners may sustain by the taking of stone or gravel, sand or clay from his lands, for the construction or maintaining of said turnpike road. Proviso.

12. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers and workmen, with carts and wagons, or other carriages, and with beasts of burden and draught, and all necessary materials and tools, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereby as possible, repairing any breach they might make in the enclosures thereof, and to make all ditches and underdrains across and through such lands necessary for promptly draining said road; and that when said company or its agents cannot agree with the owner or owners of said land or materials for the purchase Proceedings when company and owners cannot agree.

thereof, or when by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the lands or materials so required for the use of said company in the construction of the said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupants, if any there be, and of the owner or owners, and their residence, if the same can be ascertained, to one of the judges of the court of common pleas of the counties of Middlesex or Monmouth, respectively, as the lands or materials may be situate, who shall cause the said company to give notice thereof to the persons interested, if known or in this state, or if unknown or out of this state to make publication thereof as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, commissioners to examine and appraise the said lands and materials and to assess the damages, upon such notice to the persons interested as shall be directed by the judge making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, faithfully and impartially to examine the matter in question, and make a true report, according to the best of their skill and understanding, to meet at the time and place appointed and to view and examine the said lands and materials, and make a just and equitable appraisement of the value of the same and assessment of damages to be paid by the said company for such lands or materials and damages aforesaid, and to make report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, with the aforesaid description of the lands or materials and the appointments and oaths or affirmations aforesaid, in the clerk's office of the counties of Middlesex or Monmouth, as the case may be, as aforesaid, to remain on record therein, and shall be recorded by the said clerk; which report, or a copy of it, certified by the clerk of the said counties, as the case may be, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy,

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

Rates of toll.

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

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

And it shall and may be lawful for the toll-gatherers to stop persons riding, leading or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burden or pleasure from passing through the said gates or turnpikes until they shall have paid the toll as above specified.

Mile stones to be erected.

14. *And be it enacted*, That before the said company shall receive toll for travelling said road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile in use on said road, and on each post or stone shall be fairly and legibly marked the distance the said stone or post is from Old Bridge, 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."

15. *And be it enacted*, That if any person shall wilfully

r in-ks. break, throw down or deface any of the mile stones or posts so erected on the said road, or wilfully tear down or deface any of the rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes, railings, fenders or bridges that shall be erected pursuant to this act, or shall forcibly pass the gates or turnpikes without paying the legal toll at such gates or turnpikes, such persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be recovered by the said company by action of debt or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person, with his or her carriage, team or horse, turn out of the said road to pass a gate or gates, on private grounds adjacent thereto, and enter again 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 be for passing through said gate, to be recovered by the said company for the use thereof, in an action of debt, with costs of suit.

Penalty for delaying travellers.

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

Penalty for obstructing passage.

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

Road and bridges to be kept in repair.

18. *And be it enacted*, That if the said company should not keep the said road, bridges, rails and fenders in repair, and complaint thereof shall be made to any judge of the court of common pleas of the county wherein the same may be situate, he shall immediately appoint, by writing, three disinterested freeholders of the county as aforesaid, who shall view said

road and report in writing, under their hands and seals, or under the hands and seals of two of them, whether the said road so complained of be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road the said judge shall immediately, under his hand and seal, order the keeper of the gates or turnpikes to keep the same open until otherwise ordered, and if the said keeper shall, notwithstanding the order of the said judge, refuse to open the said gate or turnpike and exact toll of travellers, he shall, for each offence, forfeit and pay the sum of twenty dollars, to be sued for by any person who will prosecute the same, in an action of debt, with costs of suit, and the judge shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons appointed, or a majority of them, on application of the said company, again to view the said road, rails, fenders or bridges, and report as aforesaid to the said judge, who shall, if authorized by the report of the said persons, or any two of them, by license under his hand and seal, directed to the toll-gatherer, permit the gates or turnpikes to be shut, and the toll collected as before, and the said fees shall be allowed and paid as before directed; but if on the first view, as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed and paid by the person or persons making the complaint.

When gates may be erected.

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

Road to be vacated.

20. *And be it enacted*, That the said corporation may use any portion or the whole of the public road on the route above named, by and with the consent of a majority of all the landholders adjoining the public road, or parts thereof, so taken on the route of said road; and if the consent of the said majority is refused, then and in that case such road or roads shall be first vacated according to law.

Limitation.

21. *And be it enacted*, That if said road be not commenced within three years and completed within six years from the passage of this act, that then and in that case this act shall be void.

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

Approved March 13, 1863.

CHAPTER CXXXI.

A supplement to the act entitled "An act for the more effectual organization of the militia," approved March twenty-second, eighteen hundred and sixty.

Repealer.

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

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

Approved March 13, 1863.

CHAPTER CXXXII.

AN ACT to authorize the Board of Chosen Freeholders of the county of Cape May to raise money by taxation.

Preamble.

WHEREAS, the board of chosen freeholders of the county of Cape May, in order to facilitate the enlistment of volunteers to fill the quota of said county under the late call of the administration for troops, did offer a suitable bounty to each volunteer, and did issue their bonds and other evidences of indebtedness for this and for other purposes connected with the war—therefore,

Board of freeholders may raise money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders in the county of Cape May shall have power and authority to order and cause to be assessed and collected, at the time and in the same manner and under the same regulations that other taxes are assessed and collected, yearly and every year,

such sum as they may deem expedient, to be applied solely to the liquidation of said bonds and indebtedness, until the same shall be redeemed and paid off.

2. *And be it enacted*, That of the amount ordered by said board to be raised in any one year for the purpose herein specified, the sum of fifty cents shall be assessed upon each taxable inhabitant of said county as a poll tax, and the balance shall be assessed upon the real and personal property in said county. Poll tax.

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

Approved March 13, 1863.

CHAPTER CXXXIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases in which the first process issued against any defendant shall be a summons, a copy thereof, whether required or not, shall at the time of service be delivered to the defendant or left at his or her house or place of abode, in the manner now prescribed by law, and no return shall be adjudged sufficient unless the service be stated to have been made in accordance with the requirements of this act. Summons to be delivered to defendant.

2. *And be it enacted*, That said copy shall be made by the justice and delivered to the officer on issuing the summons, and for each copy the justice shall receive an additional fee of five cents. Copy to be made by justice.

Approved March 13, 1863.

CHAPTER CXXXIV.

AN ACT to incorporate the Fibre Disintegrating Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Howard Potter, Edward Jones, John Van Nest, Robert W. Russell, Horatio Allen, Azel S. Lyman, Edward M. Archibald, George F. Allen, Francis W. G. Bellows and Charles Lamson, and such other persons as may hereafter be or become stockholders in the manner hereinafter provided for, shall be and are hereby ordained, constituted and declared to be a corporation and body corporate and politic, in fact and in name, by the name of "The Fibre Disintegrating Company," and shall possess the general powers and be subject to the general restrictions and liabilities set forth in "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, and any amendments thereof, so far as the same are or may be applicable.

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 from time to time, which capital stock shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and be transferable in such manner as the said corporation shall by their by-laws direct; four thousand eight hundred and forty-five shares of the said capital stock of five hundred thousand dollars shall represent the following property, that is to say, the machinery, apparatus, patent rights and other property owned by the company called "The Fibre Disintegrating Company," incorporated under the laws of the State of New York; four thousand eight hundred and forty-five shares of the said capital stock, amounting to four hundred and eighty-four thousand five hundred dollars, shall be issued to the persons named in the first section of this act and the other stockholders in the last mentioned company, upon the surrender by them of their certificates of paid up shares of stock of the said company to the like amount, and they shall thereupon be and become stockholders in the company incorporated by this act, and their said stock so to be issued as aforesaid under this act shall be

deemed and considered to be paid up stock; but this act shall not take effect unless the whole of the stock now owned by the said stockholders shall be exchanged as aforesaid for the stock to be issued under this charter; and the balance of the said capital stock of five hundred thousand dollars remaining unissued, that is to say, one hundred and fifty-five shares thereof, shall be open to subscription at par, for cash, payable by installments, as and when the board of directors shall by their by-laws direct, which may also provide for the forfeiture of shares for the non-payment of the arrears due thereon.

Objects.

3. *And be it enacted*, That the said company shall have power to carry on their business of disintegrating fibrous materials of vegetable growth, and preparing the same for textile fabrics and paper stock, and manufacturing card-board, binders-board, paper and papier-mache in this state and elsewhere.

Election of directors.

4. *And be it enacted*, That the persons named in the first section of this act shall be the directors of the said company until others are elected, and that they may hold their first meeting upon the call of any three or more of them; the directors shall hereafter be chosen by the stockholders, at such times as the by-laws may prescribe; at all meetings of the stockholders each stockholder shall be entitled to one vote on each share of stock belonging to him, which vote may be given in person or by proxy, in writing; the directors may choose out of their own number a president, vice president, and an executive committee, in such manner as may be prescribed by the by-laws; the company may, by their said by-laws, to be enacted and prescribed from time to time by the board of directors, make rules and regulations for the management of the affairs and business of the company, the issue and transfer of stock, the evidences of ownership thereof, the payments of dividends, the number of directors, and the increase of the capital stock, and may by such by-laws define the powers and duties of the board of directors, the president, vice president, executive committee, treasurer, secretary, and other officers of the company, and provide for their removal at the pleasure of the board, and also for the filling of any vacancy or vacancies caused by such removal, or by the death, resignation or inability to act of any or either of the said officers, or by the death or resignation of any or either of the directors, and may prescribe the mode of convening meetings of the stockholders and directors, and make rules for the conduct and management of the proceedings ot such meetings, the regula-

tion of the elections, the verification of proxies, the inspection of the votes and the recording of all the proceedings.

Corporation not to be dissolved for failure to elect.

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

Quorum.

6. *And be it enacted*, That a majority of the directors of the said company shall constitute a quorum for transacting business; the meetings of the stockholders and board of directors may be held as well out of as within this state, at such times and places as may be provided by the said by-laws from time to time; and the principal office and the books of the company shall be kept at such place within or without this

Proviso.

state as the directors may from time to time select; *provided always*, that the said company shall always have and maintain in this state an office where process may be served on the

Proviso.

said company; *and provided*, that they shall have their principal factory at Elizabethport, in Union county.

7. *And be it enacted*, That this act shall take effect immediately, and that the legislature may at any time alter, amend or repeal the same.

Approved March 13, 1863.

CHAPTER CXXXV.

AN ACT to incorporate the Englishtown and Millstone Turnpike Company.

Commissioners.

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 Englishtown and Millstone Turnpike Company shall be opened by Nathaniel W. Morris, Elias Clayton, Anthony Wilson, John Vandorn, Josiah Woodward, William Herbert, Harvey S. Cope, Jacob Keeler, Samuel C. Browne, or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and places as they, or a majority of them, may di-

rect, giving notice at least twenty days prior to the opening of said books by publishing the same in at least one of the newspapers published in this state.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, with liberty for the said company to increase the same to fifteen thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when one hundred or more 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 Englishtown and Millstone 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.

How installments called and paid.

3. *And be it enacted*, That at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed for, to the said commissioners, or any of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed, and the residue of the subscription shall be paid in installments, at such times and places, and to such persons as the president and directors of the company shall from time to time direct, and give public notice thereof in the manner aforesaid; and upon failure of the payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said installments, or any of them, to and for the use of said company; *provided*, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers in proportion to the amount or number of shares by them subscribed for as aforesaid; *provided also*, that no subscription for less than four shares of said stock shall be reduced by such apportionment; *provided also*, that the stockholders shall, upon request, have the right to pay the stock subscribed, except the first installment, by work upon said road, they doing the work as cheaply as it otherwise can be done, under such regulations, at such time, and upon such notice by either party, as the directors may determine.

Proviso.

Proviso.

Proviso.

Election of directors.

4. *And be it enacted*, That if the number of shares hereinbefore made necessary for the incorporation of the said company be not subscribed for within three years from the time of opening said books, this act and all the subscriptions under it shall be null and void; and the said commissioners, after

deducting thereout the expenses incurred, shall return the residue of the money paid in to the respective subscribers, or their representatives, in proportion to the sums paid in by them.

Meetings of stockholders.

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

Officers and their duties.

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

Powers of directors.

7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval between the annual elections, by death, resignation, removal or refusal to act of any president or director, and may appoint a treasurer and all officers, agents, superintendents and other servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due

performance of their respective trusts as they may think expedient; they shall regulate the tolls and have the superintendence and direction of all receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfer of stock and for the general government of the company and the management of its affairs; *provided*, the same are not unlawful or unconstitutional. Proviso.

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 report

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

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

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road, in the county of Monmouth, beginning at the southerly end of Keeler's mill dam, in Englishtown; thence to the railroad station near Englishtown; thence by the most convenient route to Bergen's mill, in the township of Millstone; which said turnpike road shall not exceed fifty feet in width, and sixteen feet of the same shall be sufficiently bedded and faced with stone, gravel or other material, to make a solid, firm and even road at all seasons of the year; and the said sixteen feet shall be so graded that in its progress no part of it shall May construct turnpike.

rise above an angle of five degrees with the plane of the horizon; and the said company shall construct, keep in repair, maintain and make good and sufficient bridges along the line of said road, not less than sixteen feet in width; and whenever said road shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained at the sides so as to prevent horses and carriages from running off; *provided*, that before the said company shall construct the said turnpike road aforesaid, they shall pay to the respective owners of the land over which said turnpike is constructed, all damages which the said owners will sustain by reason of the construction of the said turnpike road; and in case said company and any of the owners cannot agree upon the amount of the said damages, the said damages shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for ascertaining and determining the damage which any land owner or owners shall sustain by the taking of stone, gravel or other materials from his or her lands for the constructing or maintaining of said turnpike road.

Proviso.

Proceedings in case company and owners cannot agree.

12. *And be it enacted*, That it shall be lawful for said company, their officers, superintendents, engineers, and workmen, with carts, wagons and other carriages, and with beasts of burthen and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of the said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosure thereof, and to make all ditches and underdrains across and through such lands, necessary for properly draining said road, and that when the said company or its agents cannot agree with the owner or owners of such required 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 there be any, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, or to one of the judges of the court of common pleas of the county of Monmouth, who shall cause said company

to give notice thereof to the person interested, if known and in this state, and if unknown and out of the state, to make publication thereof as he shall direct for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, commissioners to examine and appraise the said land or materials, and to assess the damage, upon notice to be given to the persons interested as shall be directed by the justice or judge making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, faithfully to examine the matter in question and make a true report according to the best of their skill and understanding, to meet at the time and place appointed and proceed to view and examine the said lands or materials, and make a just and equitable estimate or appraisement of the value of the same, and assessment of damages to be paid by said company for such land or materials and damages aforesaid, and to make a report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county of Monmouth, to remain on record therein, and shall be recorded by the said clerk; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of the said company to have, hold use, occupy, possess and enjoy the land or materials, after payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and cost, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage; and the said justice shall tax and allow such costs, fees and expenses to the justice, commissioners, clerks and other persons performing any of the duties prescribed in

this section, as he shall think equitable and right, which shall in all cases be paid by the company.

Rates of toll.

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

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

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

Mile stones to be erected.

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

Penalty for injuring same.

15. *And be it enacted*, That if any person wilfully breaks down or throws down, or defaces any of the milestones or posts so erected on the said road, or wilfully tear down and deface any of the printed rates of toll or directions, or shall

cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the gate or gates without having paid the legal toll at such gates or turnpikes, such persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be recovered by the said company by action of debt or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person, with his or her carriage, team or horse, turn off the said road to pass a gate or gates, and again enter on the said road, with the intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay five dollars, to be recovered by said company for the use thereof, in an action of debt, with costs of suit.

Penalty for delaying travellers.

16. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveller passing at any gate or gates, or shall receive more toll than is by this act established, 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.

To keep to the right.

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

Penalty when road and bridges are not kept in repair.

18. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any judge of the court of common pleas of the county of Monmouth, who may be disinterested, the said judge shall immediately appoint, by writing under his hand and seal, three disinterested freeholders of said county, who shall view said road 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 the said road so complained of be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road, the said

judge shall, immediately, in writing, under his hand and seal, order the keeper of the said gate or gates, turnpike or turnpikes, to keep the same open until otherwise ordered, and if the said keeper shall, notwithstanding the order of the said judge to open the said gate or turnpike, exact toll of travellers, he shall for each offence forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same, in an action of debt, with costs of suit; and the judge shall be allowed for his services fifty cents, and the persons so appointed one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application of said company, again to view the said road or bridge, and report, as aforesaid, their opinion to the said judge, who shall, if authorized by the report of said persons, or any two of them, by license under his hand and seal, directed to the toll-gatherer, permit the gates or turnpikes to be shut and the toll to be collected as before, and the said fees shall be allowed and paid as before directed; but if, on the first view, as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the person or persons making the complaint.

When public roads appropriated.

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

Limitation.

20. *And be it enacted*, That if the said road is not commenced within three and completed within five years from the passage of this act, then and in that case this act shall be void; and the said corporation shall possess the several powers, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

When toll-gates to be erected.

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

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

Approved March 14, 1863.

CHAPTER CXXXVI.

Supplement to an act entitled "An act authorizing the appointment of commissioners to lay out and map streets, avenues and squares in that part of Bergen township south of the Morris canal, in Hudson county," approved March sixteenth, eighteen hundred and fifty-seven.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all proceedings of the commissioners held pursuant to the act to which this is a supplement, in relation to the streets named on said map as Fiftieth and Fifty-first streets, be and are hereby declared null and void.

How roads and streets to be laid out.

2. *And be it enacted*, That all roads, streets or highways laid out or to be laid out hereafter, between the streets named on said map as Forty-seventh street and Fifty-second street, shall be laid out and opened only in the form and manner prescribed by law before the passage of the act to which this is a supplement.

Explanatory.

3. *And be it enacted*, That so much of the fifth section of the act to which this is a supplement that requires all streets, avenues and highways to be opened in accordance with said map, and not otherwise, be and the same is hereby repealed, so far as it applies to streets, avenues and highways between said Forty-seventh street and said Fifty-second street, excepting avenues A, B, D and E, as laid out in said maps.

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

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

Approved March 14, 1863.

CHAPTER CXXXVII.

AN ACT to authorize the people of Union township, in the county of Union, to raise by tax an amount necessary to pay the bounties advanced to the Nine Months' Volunteers of said township.

Preamble. WHEREAS, certain inhabitants of the township of Union, in the county of Union, did advance to the nine months' volunteers for the United States service, from the said township, the sum of seven hundred and fifty dollars, to aid the state in filling her quota of men called for by the governor, and relieve themselves from the odium of a draft and the severity of a conscription; and whereas, it is necessary that a law should be passed by the legislature to legalize the raising of said sum, with interest thereon, by taxation —therefore,

Township may raise money by tax. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of said township be and the same are hereby authorized to raise, by assessment, in the same manner as other township moneys are raised, on the taxable property in said township, a sum sufficient to liquidate the said amount so advanced, with the interest thereon, as aforesaid, expended and paid in raising said volunteers.

When ordered by a majority of voters. 2. *And be it enacted*, That whenever such assessment shall be ordered by a majority of legal voters of said township, at their annual town meeting, the township committee of said township shall thereupon assume the payment of the sum so ordered to be assessed, which said sum shall be assessed and collected at the same time and in the same manner as other taxes are assessed and collected.

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

Approved March 14, 1863.

CHAPTER CXXXVIII.

AN ACT to confirm the acts of the Board of Chosen Freeholders of the county of Somerset in raising money by taxation to aid in the suppression of the rebellion and for the restoration of the Union.

WHEREAS, the board of chosen freeholders of the county of Somerset, at a meeting by them convened at the court house in Somerville, in the month of August last, did order the collector of said county to borrow, on the faith of the county of Somerset, the sum of twenty-six thousand five hundred dollars, for the purpose of raising money to pay a suitable bounty to each volunteer enlisted, or who might thereafter be enlisted, as soldiers in the service of the government of the United States, under the call of the President, then lately made, through the war department, for troops to serve for nine months, in the present war for the suppression of the rebellion and the maintenance of the Union, in order thereby to avoid the odium of a draft; and whereas, said collector did so borrow said sum and did expend the same in payment of such bounties; in order, therefore, that the burthen of the payment of such sum so borrowed might fall equally and equitably on all the taxable inhabitants of said county, the said board of freeholders did direct the board of assessors of said county to assess the said sum in addition to the other taxes to be assessed, on the inhabitants and taxable property of the several townships in said county, in the same manner as the other taxes by them to be assessed for the year eighteen hundred and sixty-two; and whereas, said board of assessors, at their annual meeting in September last, did order such assessment to be made in accordance with the directions of said board of chosen freeholders, upon the inhabitants and taxable property of the said several townships in said county; and whereas, doubts have arisen as to the validity of such assessment, and as to whether the collectors of the said several townships are authorized to enforce payment of such tax so ordered to be collected, in the same manner as the payment of other taxes are enforced; for remedy whereof, therefore— Preamble.

Acts confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said action and proceedings of the board of chosen freeholders of said county, in borrowing and causing to be assessed upon the inhabitants and taxable property of the several townships therein the amount of the sum so loaned for the purpose aforesaid, is hereby ratified and confirmed, and shall be holden valid and binding in all courts of this state; and the township collectors of the several townships of said county shall collect the taxes which have been assessed for the payment of the sum so borrowed the same as all other taxes by them to be collected, according to the laws of the state; and that no suits or proceeding shall be commenced or prosecuted to set aside the assessment so made as aforesaid.

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

Approved March 14, 1863.

CHAPTER CXXXIX.

AN ACT to authorize the inhabitants of the township of Franklin, in the county of Warren, to raise money for the payment of bounties to volunteers.

Preamble.

WHEREAS, it is represented that a large majority of the voters of the township of Franklin, in the county of Warren, have paid sums of money amounting in the aggregate to the sum of fourteen hundred dollars, as bounties to volunteers from said township, under the order of the President of the United States, bearing date August fourth, eighteen hundred and sixty-two, for nine months' service; and whereas, said money was paid upon the understanding that the same would be refunded by said township, when authorized so to do by law—therefore,

Inhabitants may vote and raise money by tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the persons qualified to vote at the town meetings of the township of Franklin, in the county of Warren, be and they are hereby authorized and empowered, at their annual town meetings, to vote, grant and raise such sum or sums of money as may be necessary to

refund the sum or sums of money paid as aforesaid in bounties as aforesaid, with legal interest, which money so voted and granted shall be assessed, levied and collected by the same persons and in the same manner and under the like fines, fees and penalties as the money raised in such township by the board of chosen freeholders of the county shall be assessed, levied and collected, and at such times and in such proportions as the said town meetings shall direct and appoint.

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

Approved March 14, 1863.

CHAPTER CXL.

AN ACT to make mortgages and other contracts assignable at law.

Mortgages and contracts made assignable.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all mortgages on property in this state, and all covenants and stipulations therein contained, and all contracts for the sale or conveyance of real estate, and all writings, whether sealed or not, containing any agreement for the payment of money, shall be assignable at law, and the assignee may sue thereon in his own name; but in such suit there shall be allowed all just set-offs and other defences against the assignor that would have been allowed in any action brought by him and existing before the defendant had notice of such assignment, and all payments made to the assignor in good faith before such notice; and leaving the assignment in the proper office to be recorded, shall be notice of the assignment of a mortgage; and no assignment shall prevent or interrupt the running of any statute of limitations.

How assignment proved.

2. *And be it enacted*, That any assignment authorized by this act shall be in writing, and the execution thereof may be proved or acknowledged as the execution of deeds is or shall be required to be proved to authorize the same to be recorded; and when so proved or acknowledged and a certificate thereof endorsed on or annexed to the same, may be

offered in evidence as if duly proved, and shall be sufficient to pass the right of the assignor, even if a married woman.

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

Approved March 14, 1863.

CHAPTER CXLI.

AN ACT to incorporate the Security Mutual Life Insurance Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Albert Matthews, junior, David Oakes, Joseph A. Davis, Charles R. Akers, Warren S. Baldwin, Horace Pierson, George Peters, William A. Howell, P. W. Vail, S. R. W. Heath, Frederick S. Thomas, junior, Oscar L. Baldwin, Richard Hall, Geo. A. Halsey, E. A. Smith, E. D. Burnet, S. W. Baldwin, Charles Williams, Simeon Harrison, Moses H. Williams, Elias O. Doremus, T. C. Elliot, Andrew Anderson, George Merrill, Abram M. Baldwin, Josiah F. Dodd, Jno. L. Blake, John C. Bailey, Wm. A. Parker, Charles Heath, Wm. V. Brokaw, Wm. C. Heath, and others, their associates, successors and assigns, shall be and are hereby ordained, constituted, and declared to be a body politic and corporate, in fact and in name, by the name of the "Security Mutual Life Insurance Company," to be located at Orange, in this state, and by that name they and their successors shall and may be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions, suits, complaints, matters and causes whatever; and that they and their successors may have a common seal, and may alter and change the same at pleasure; and, also, that they and their successors shall be in law capable of purchasing, holding, and conveying any estate, real or personal, for the use of the said corporation;

Proviso.

provided, the lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, be only such as shall be requisite for the purpose of erecting buildings thereon, in which to meet and transact the business of the

corporation, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgments or decrees which shall have been obtained for such debts; and with regard to all such lands, tenements and hereditaments so to be held by the said corporation, as aforesaid, except such as may be for its immediate accommodation, as aforesaid, or such as it may hold by way of mortgage, and whereof the actual possession shall be and remain in the mortgagers, their heirs and assigns, the corporation shall be bound to sell and dispose of the same, respectively, within six years after it shall acquire the same, and shall not be capable of holding the same after the expiration of six years.

Election of directors.

2. *And be it enacted*, That the property and concerns of the said corporation shall be conducted and managed by thirty-two directors, a majority of whom shall be citizens and residents of this state, as well as stockholders to the amount of five hundred dollars each, to be chosen by ballot and a plurality of votes, at annual elections, and that two inspectors, to preside at such election, shall previously be appointed by the board; and the said directors shall hold their office for four years, and until others are chosen; but one-fourth part or number of the directors must be re-elected every year, for which purpose, at their first meeting, they must divide themselves by lot into four sets or classes; the term of the first class shall expire at the end of one year, the term of the second class shall expire at the end of two years, the term of the third class shall expire at the end of three years, and the term of the fourth class shall expire at the end of four years, so that in each succeeding annual election eight directors shall be chosen, in addition to those necessary to fill vacancies, and that the election for directors shall be held on the third Monday of January in every year, at the office of the company, or such other place as the board of directors may previously designate, public notice of which shall be given by the secretary, in one or more newspapers printed or circulating in the county of Essex, at least seven days previous to the time of holding such election; and if any of the said directors shall die, refuse to serve, or neglect to act in their said office for the space of two months, then, and in every such case, the remaining directors shall have power to fill such vacancy or vacancies until the next annual election; and in case it should happen that an election for

directors should not be held on the day when, pursuant to this act, it ought to be held, the said corporation shall not be dissolved for that cause, but it shall and may be lawful to hold an election for directors pursuant to law; and that in such elections every shareholder shall be entitled, in person or by proxy, to one vote for each and every share of the capital stock then standing in his name on the books of the company.

First directors

3. *And be it enacted*, That the persons named in the first section of this act shall constitute the first board of directors, and that the company may organize, for the transaction of business, whenever the capital stock to the amount of twenty-five thousand dollars has been subscribed and paid in, as hereinafter provided; and that the first annual election shall be held on the third Monday of January next succeeding the time of such organization; and that the fiscal year of the company shall begin on the first day of January, and terminate on the thirty-first day of December in each year.

Election of officers.

4. *And be it enacted*, That at the first meeting of the directors, held after the organization of this company, and that at their meeting after every succeeding election, the directors shall choose from among themselves their president and vice president, and appoint a secretary, which officers shall continue in office until the next annual meeting, and until others shall be appointed in their places.

May insure on lives, &c.

5. *And be it enacted*, That it shall and may be lawful for the said corporation to insure their respective lives, and to make all and every insurance appertaining to or connected with life risks, of whatever kind or nature, as well of the sound in health as of the infirm or invalid, and to grant and purchase annuities.

Quorum.

6. *And be it enacted*, That seven directors shall constitute a quorum for the transaction of business, but a less number may meet and adjourn, from time to time, until a quorum shall be present; and the said directors shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, for the management and disposition of the stock, property, estate and effects of the said corporation; also, for the establishing of agencies, and for all such matters as appertain to the business thereof, and shall have power to appoint an actuary, and such other additional officers, clerks and servants, for carrying on the business of said corporation, as they may select, with such allowances as to them shall appear just and proper, and shall

and may regulate the premiums to be paid for insurance, and the mode and manner of paying the same; *provided*, that such by-laws, rules and regulations shall not be repugnant to the constitution or laws of the United States, or of this state. Proviso.

7. *And be it enacted*, That all policies of insurance which shall be made by the said corporation, in pursuance of this act, shall be made on such terms and conditions, and for such periods of time, and be confined to such persons as from time to time shall be ordered and prescribed by the by-laws, rules and regulations of said corporation, and if, at any time, it shall so happen that there shall be just claims against the corporation, for losses sustained, to an amount greater than they have funds on hand to discharge, and greater than the amount of the scrip issued by the company to policy holders as hereafter provided, the directors for the time being shall, without unnecessary delay, proceed to assess such deficiency over and above the amount of such scrip, in a ratable proportion, on the notes or other obligations of stockholders which may have been given as a guaranteed capital, and shall collect such assessments from such stockholders, or their lawful representatives; *provided*, that no such assessment shall exceed the amount of the note or obligation upon which it is made, and that notice shall be given, in writing, to each shareholder, or his lawful representatives, of the paid assessment, and of the amount required to be paid by him, her, or them; and each and every stockholder, or his or her lawful representatives, so notified, shall pay the amount of the said assessment, so made upon him or them, to the company, within sixty days after such notification; and shall also be liable for the amount of such assessment, with interest, to be recovered by action of debt, with costs of suit, before any court of competent jurisdiction. Insurance, how made. Proviso.

8. *And be it enacted*, That there shall be an original capital stock of at least twenty-five thousand dollars, with the privilege of increasing the same to any amount not exceeding one hundred thousand dollars, the said stock to be divided into shares of one hundred dollars each, which shall be personal property, and transferable only on the books of the company, in conformity with its by-laws; and the subscriptions to the said stock shall be paid in cash, or in the notes or other obligations of the shareholders, and the said shareholders shall be entitled to an annual interest of seven per cent. on their stock, to be credited on their respective notes or obligations until the same shall be fully paid, and, after- Amount of capital stock.

wards, to be paid to them in cash; and, after the current expenses, losses and interest on the said capital stock are ascertained for each year, and an adequate provision is made for outstanding policies, one-fourth of the profits of the business of said company shall be credited on the said notes or obligations until they are fully paid, and, afterwards, shall be issued annually to the shareholders in the form of scrip; and the remaining three-quarters of the profits shall be issued annually, in the form of scrip, to the holders of the policies which shall have been in existence for five years previous to such issue, and which shall not have expired; and, in the event of the death of an insured party, the scrip for his proportion of the profits which may have accrued previous to his decease, shall, at the next regular issue of scrip, be issued to his legal representatives or assigns, and, in making such issue of scrip, no fractions of a year shall be allowed; and the scrip so issued to policy-holders, or their representatives or assigns, shall be exhausted in the payment of the losses or other liabilities of the company, before the capital stock shall be in any way impaired, and all scrip for profits shall contain a provision to this effect; and in case the losses of any one year shall exceed the profits of that year, the excess shall be assessed on such outstanding scrip, and shall be charged to the holders thereof respectively, and interest shall be paid on the amounts registered by said scrip, at a rate not exceeding six per cent. per annum, until such scrip shall either be exhausted by losses or redeemed by profits; and that, after the said capital stock of one hundred thousand dollars shall be fully made up and maintained out of the profits of the business, the one-fourth of the annual profits shall be set aside for a surplus fund for the payment of losses on policies and otherwise.

Forfeiture on failure to pay premium.

9. *And be it enacted*, That any person insuring in the company, who shall omit to pay any premium or any periodical payment, due from him to the company, shall thereby forfeit to the company all claims under his policy, and all previous payments made by him; except that, in any case where scrip shall have been issued, the right thereto shall not be affected by any such default.

Policies may be purchased.

10. *And be it enacted*, That the board of directors may, for the benefit of the company, purchase all policies of insurance, and other obligations issued by the company, and may also extinguish, by purchase, all claims and demands of policy-holders for profits declared or accumulating.

11. *And be it enacted*, That the president may call a special meeting of the board, whenever, in his opinion, the interest of the company requires it; and it shall be his duty to call similar meetings on the written request of five or more directors. Special meetings.

12. *And be it enacted*, That it shall be lawful for the legislature, at any time hereafter, to alter, amend, modify or repeal this act. Act amended or repealed.

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

Approved March 14, 1863.

CHAPTER CXLII.

AN ACT to grant to Margaret Grant, formerly Margaret Cumming, the right and title of the state of New Jersey to certain lands whereof John Cumming, her husband, died seized.

WHEREAS, it is made known to the legislature of the state of New Jersey that one John Cumming, late of the city of New York, confectioner, departed this life on the twenty-first day of August, Anno Domini eighteen hundred and fifty-six, intestate, and seized in fee simple of certain lands and premises situated at Bergen Point, in the county of Hudson, and state of New Jersey, consisting of about twenty city lots as the same are there laid out, which are particularly described in two certain deeds of conveyance made to the said John Cumming by Rosewell Graves and his wife, bearing date, respectively, May twenty-fourth, eighteen hundred and fifty-three, and June ninth, eighteen hundred and fifty-three, and duly recorded in the clerk's office of the said county, in book thirty of deeds, pages six hundred and thirty-one to six hundred and thirty-six, both included; that the said John Cumming left no issue nor any other heirs-at-law, so far as can be ascertained, and left the said Margaret his widow him surviving; that the greater portion of the purchase money paid for said land consisting of money given by a relative to the said Margaret as her own property, and the balance consisted of earnings of the Preamble.

joint industry of her said husband and herself; that it was the desire of her said husband, expressed on his death bed, that all his effects should go to his said wife, and that the said lands, and a small amount of personal property in his business, was all the estate left by him, the widow's dower in which would be of trifling and inadequate value for her support—therefore,

Estate vested in Margaret Grant.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the title, estate and interest, claim and demand of the state of New Jersey in and to the said lands, by escheat or otherwise, shall be and hereby are vested in the said Margaret, now the wife of William Grant, her heirs and assigns.

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

Approved March 14, 1863.

CHAPTER CXLIII.

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

Act to extend to Washington, Warren county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of an act entitled "A supplement to an act for the preservation of sheep," approved April fourteenth, one thousand eight hundred and forty-six, which supplement was passed March twenty-fourth, one thousand eight hundred and fifty-two, be and the same are hereby extended to and shall be in force and effect within the township of Washington, in the county of Mercer, and the township of Lebanon, in the county of Hunterdon.

Repealer.

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

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

Approved March 14, 1863.

CHAPTER CXLIV.

A supplement to the act entitled "An act to secure to mechanics and others payment for their labor and materials in erecting any building," approved March eleventh, eighteen hundred and fifty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sale under a special scire facias, authorized by the eleventh section of the act to which this is a supplement, shall convey the estate of the owner in the lands and in the buildings, subject to all mortgages and other incumbrances created and recorded or registered prior to the commencement of the building; and in case of gearing or machinery, the bringing the same upon the premises, shall be such commencement; and such prior incumbrances shall have priority to all subsequent builders' liens upon said lands and upon all erections thereon, except such as by law may be removable as between landlord and tenant, which may be sold and removed by virtue of any building lien for the construction of the same free from such prior incumbrances. Effect of sale.

2. *And be it enacted*, That the third section of the act to which this is a supplement, be amended by authorizing and empowering any person who may have furnished materials used in the erection of any such house or building, to give the notice to the owner or owners of such building authorized by said section and the material man shall have all the rights and remedies conferred by said section upon the journeyman or laborers. Lien for materials furnished

3. *And be it enacted*, That when the curtilage or lot on which the building is erected shall not be surrounded by an enclosure separating it from adjoining lands of the same owner, then the lot on which the building lien shall extend, shall be such tract as in the place of its location is usually known and designated as a building lot, and bounded by the lines laid down for its boundaries on any map made for the sale of it or on file in any public office, to lay out in lots the tract including it, and in cases where no such map exists, such lot may be designated by the claimant in the lien claim, but in no such case shall the same exceed half an acre, or Boundary of curtilage.

New Jersey State Library

include any building not used and occupied with, or intended to be used and occupied with, the building for the cost of which the lien is claimed.

Repealer.

4. *And be it enacted*, That the words: "and no building or lands shall be liable for work done by any person not employed by the owner or his agent on his account," contained in the latter part of the second section of the act to which this act is a supplement, be and the same is hereby repealed.

Approved March 14, 1863.

CHAPTER CXLV.

AN ACT to authorize the people of the corporation of New Brunswick, in the county of Middlesex, to raise by tax an amount necessary to pay the bounties advanced to the nine months' volunteers of said corporation.

Preamble.

WHEREAS, the inhabitants of the corporation of New Brunswick, in the county of Middlesex, did advance to the nine months' volunteers for the United States service from said corporation, the sum of four thousand two hundred dollars, to aid the state in filling her quota of men called for by the governor, and relieve themselves from the odium of a draft and the severity of a conscription; and whereas, it is necessary that a law should be passed by the legislature to legalize the raising of said sum by taxation; therefore,

May provide by taxation for payment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of said corporation be and the same are hereby authorized to raise, by assessment on the taxable property in said corporation, a sum sufficient to liquidate the amount advanced and expended in paying said bounty to said volunteers.

Mode of proceeding.

2. *And be it enacted*, That the said assessment shall be made and collected at the same time and in the same manner as other taxes are assessed and collected.

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

Approved March 14, 1863.

CHAPTER CXLVI.

A supplement to an act entitled "An act concerning goats," approved March nineteenth, eighteen hundred and sixty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the provisions of the act to which this is a supplement shall apply to the township of Weehawken and the city of Jersey City, in the county of Hudson. Extended to Weehawken.

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

Approved March 14, 1863.

CHAPTER CXLVII.

AN ACT respecting the "First Congregation of the Presbyterian Church, at Springfield," in the county of Union.

WHEREAS, it is represented that the religious society heretofore known as the "First Congregation of the Presbyterian Church, at Springfield," was duly incorporated under said name, by an act of the legislature of New Jersey, in or about the year seventeen hundred and fifty-one, and by that name has held and still holds property, both real and personal; and whereas, the certified manuscript copy of said act of incorporation has been lost within a few years last past, and no other copy of the same, written or printed, can be found after diligent search among the public records and elsewhere; and whereas, great inconvenience and possible loss will be occasioned thereby, unless legislative enactment shall prevent—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the religious society heretofore and now known as "The First Congregation of the Presbyterian Church, at Springfield," in the county of Union, be Name of incorporation.

and the same is hereby declared to be a body corporate, in fact and in name, by its title aforesaid, and by that name shall have succession, and be capable of suing and being sued, impleading and being impleaded, in all courts of law and equity, may have a common seal and alter the same at pleasure, may have and hold property, real and personal, and sell and dispose of the same as other religious societies may do.

Election of trustees.

2. *And be it enacted*, That it shall be lawful for the members of the said congregation to elect, from year to year, at such time as they shall meet for that purpose, seven trustees, by whom all the affairs connected with the property of said congregation shall be managed, its secular business transacted, and its property disposed of, changed, mortgaged or conveyed, as by them may be deemed advisable; said trustees shall hold their office for the term of one year from the time of their election, and until their successors shall be elected; it shall be the duty of the said trustees to cause public notice to be given of the time and place of holding such election, at least ten days before such election, by setting up advertisements thereof in at least five public places within the bounds of said congregation.

Title to estate confirmed.

3. *And be it enacted*, That the title to all real and personal estate belonging to said congregation, and their liabilities and debts, shall be and remain unaffected by the loss of their said act of incorporation, and shall be held to be as if acquired or contracted by a corporate body, duly constituted by the laws of this state.

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

Approved March 14, 1863.

CHAPTER CXLVIII.

AN ACT to authorize the inhabitants of the township of Bloomfield, in the county of Essex, to raise money to pay volunteers.

May raise money by tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the inhabitants of the township of Bloomfield, in the county of

Essex, to raise by tax at their next annual, and at any succeeding annual town meeting, money in the same manner as other moneys are raised, to pay whatever sums have been advanced or assumed by said township, or on its behalf, as bounties to volunteers, such moneys, when collected, to be paid to the town committee of said township.

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

Approved March 14, 1863.

CHAPTER CXLIX.

A supplement to an act entitled "An act to create from parts of the town of Orange and the townships of Caldwell and Livingston, in the county of Essex, a new township, to be called the township of Fairmount, approved March eleventh, Anno Domini eighteen hundred and sixty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the town of Orange, in the said county of Essex, contained within the following bounds, to wit: Beginning at a point twelve chains westerly from the northwest corner of the bridge near the late residence of Alexander Sayre, deceased, on the dividing line between Orange and Bloomfield; thence running in a straight line to Francis Burnside's well; thence south in a straight line to the southwest corner of the gas works on White street; thence up the westerly side of said White street to the bridge; thence south in a straight line to the corner of the lands belonging to the heirs of Charles Lightipe, deceased, and the heirs of Jacob A. Sharp, deceased, on the south side of Main street; thence south in a straight line to the easterly line of Amos Stagg's lot; thence south in a straight line to a brook in Joyce street; thence along the line of said brook south to the north side of the Freemantown road; thence southwesterly along the line of said road to the county bridge near the school house; thence south down the brook to the South Orange line; thence west along the South Orange line to the southeast corner of Fairmount; thence north along the line of the township of Fairmount in its several courses to the Bloomfield line; thence along the Bloom- Alteration of township lines.

field line in its several courses to the place of beginning, be and the same is hereby set off from the town of Orange and annexed to and made a part of the township of Fairmount, in said county, to all intents and purposes as if said territory had originally been a part of said township; and that the act entitled "An act to create from parts of the town of Orange, and the townships of Caldwell and Livingston, in the said county of Essex, a new township, to be called the township of Fairmount," approved March eleventh, Anno Domini, eighteen hundred and sixty-two, shall have the same force and effect, within the territory hereby annexed, as they have heretofore held, and now rightfully have within the original limits of said township.

Named West Orange.

2. *And be it enacted*, That the name of said township of Fairmount be and the same is hereby changed to West Orange.

Property to be divided equitably.

3. *And be it enacted*, That the town committee of the said township of West Orange, together with an equal number of the common council of the town of Orange, shall meet on the third Monday in April next ensuing, at Carmer's hotel, in the town of Orange, at ten o'clock in the forenoon, and may adjourn from time to time, as a majority of them may direct, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the town of Orange and the township of West Orange all property and moneys on hand now due or to become due, in proportion to the taxable property and ratables as valued and assessed by the assessors of the said town of Orange, within their respective limits, at the last annual assessment, and the inhabitants of the said township of West Orange, within the respective limits hereby annexed and set off from the said town of Orange, shall be liable to pay their just proportion of debts, if any there be, and if any of the persons comprising either the common council of the town of Orange or the town committee of the township of West Orange, shall 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.

Regulation of road money.

4. *And be it enacted*, That the respective annual amounts assessed in said township of West Orange, for the working and keeping in repair the roads and highways in said township, shall be paid to the township collector in money, and in order to defray the expenses of working the highways and public roads by him, it shall be lawful for the town committee of the said township of West Orange to borrow money from

time to time, in the corporate name of said township, and to secure the payment thereof by bond, note, or other instrument of writing, under the common seal of said township; *provided*, that all loans so made shall be based upon the current taxes of the year, and shall not exceed in any one year the amount raised by the said township for the repairing said roads, and the town committee of said township of West Orange shall appoint one or more overseers of the highways for said township. Proviso.

5. *And be it enacted*, That all school districts, and all parts of school districts within the limits of said township of West Orange, are hereby abolished, and the school district of said township shall be, and the same is hereby placed under the control and supervision of the town superintendent of public schools, to set off and divide said township into convenient school districts, as in his discretion it may seem necessary and suitable, and that the present town superintendent of public schools of the said township of West Orange shall, and he is hereby authorized and empowered to collect and receive from the town superintendent of public schools of the town of Orange, on the first Monday of May next, at ten o'clock in the forenoon of said day, all moneys apportioned and due to the several public school districts heretofore belonging in the said town of Orange, and now included in the said township of West Orange, and it shall be the duty of the said town superintendent of the town of Orange to make out and deliver to the superintendent of the township of West Orange a statement of the amount due to each school district or parts of school districts, within the said limits of the town of Orange hereby annexed to the township of West Orange. School districts regulated.

6. *And be it enacted*, That the justices of the peace elected and residing at the present time in that part of the territory comprising the said town of Orange, hereby annexed and set off to the township of West Orange, and now in commission, shall hold their offices until their respective terms shall expire, as if this act had not been passed. Justices of the peace to continue in office.

7. *And be it enacted*, That an act entitled "An act to prevent horses, cattle, sheep and swine from running at large in the townships of Hackensack and Harrington, in the county of Bergen," approved February twelfth, eighteen hundred and fifty-two, be and the same is hereby extended to the said township of West Orange.

8. *And be it enacted*, That the township committee of the said township of West Orange shall have power, in addition Powers of township committee enlarged.

to said act last above entitled by a majority of their whole number, to pass all such ordinances, by-laws and regulations as they shall judge proper for any or all of the following purposes, namely: to establish and regulate one or more pounds, and to restrain and regulate the running at large or grazing in the streets or public places of horses, cattle, swine or other animals, and to authorize the impounding and sale of the same for the penalty incurred, and the costs of impounding, keeping and selling the same.

Exemption from liability of Orange township.

9. *And be it enacted*, That the inhabitants of the former township of Fairmount be and the same hereby are exempt from the liabilities of the town of Orange, and the same, if any there be, are to be assumed, borne and paid by the inhabitants of that portion of the town of Orange hereby set off and annexed to the said township of West Orange.

10. *And be it enacted*, That the inhabitants of that portion of the late town of Orange hereby set off from the said town of Orange and annexed to the said township of West Orange, be and the same are hereby exempt from the liabilities of the late township of Fairmount, and the same, if any there be, are to be assumed, borne and paid by the inhabitants of that portion of the township of West Orange, lately known as the township of Fairmount.

Provisions for bounty money for volunteers.

11. *And be it enacted*, That in case the legislature of the state of New Jersey should authorize the town of Orange, in said county, to issue bonds to an amount not exceeding forty thousand dollars, for the purpose of paying the bounty to the soldiers who have enlisted from said town of Orange in the army of the United States for the suppression of the rebellion, and those persons who have contributed to said bounty, that the inhabitants of that portion of the late town of Orange hereby set off and annexed to the said township of West Orange shall be liable to pay their just proportion thereof, according to the taxable property and ratables of the inhabitants of that portion of the late town of Orange hereby set off and annexed to the township of West Orange.

Militia.

12. *And be it enacted*, That the militia of West Orange shall constitute a part of the Orange brigade.

Repealer.

13. *And be it enacted*, That all acts and parts of acts contrary to or inconsistent with the provisions of this act, are hereby repealed, and this act shall be deemed and taken to be a public act and take effect the tenth day of April next.

Approved March 14, 1863.

CHAPTER CL.

AN ACT to regulate the recording of stamped instruments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the recording of deeds, mortgages, wills or other instruments of writing, required or authorized by law to be recorded, the clerk, surrogate or other officer whose duty it is to make the record, shall, if the same have affixed to them any stamp or stamps purporting to be in accordance with any law of the United States, make a scroll in the margin of the record in the place of the said stamp or stamps, and enter upon the record, within said scroll, the amount in value of the said stamp or stamps. Scroll for stamp.

2. *And be it enacted*, That the record so made, or a certified copy thereof shall be prima facia evidence of the original stamp or stamps, and that the same had been affixed on the original deed, mortgage, will or other instrument in writing, in the manner and to the purport indicated on the said record, or the certified copy thereof. Copy to be prima facia evidence of stamp.

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

Approved March 14, 1863.

CHAPTER CLI.

Supplement to an act entitled "An act providing compensation to the Adjutant General and Quartermaster General for actual service.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the compensation to the adjutant general and quartermaster general, for actual and unusual service, provided by the act to which this is a supplement, be and the same is hereby continued from the fifteenth day of April last, until, in the opinion of the governor, such actual and unusual service shall be no longer necessary. Extra compensation continued.

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

Approved March 18, 1863.

CHAPTER CLII.

A supplement to the act entitled "An act to incorporate the Jersey City and Bergen Railroad Company," approved March fifteenth, eighteen hundred and fifty-nine.

Dummy cars may be used.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the the last proviso of the sixth section of the act to which this is a supplement be and the same is hereby repealed, and that said company may use and run upon their road steam passenger cars, similar to those now owned by them, built by Grice & Long, and known as dummy cars and such steam cars only; but said cars shall not be run on any part of said road at a speed greater than twelve miles an hour, nor in the cities of Jersey City and Hudson at a greater speed than eight miles an hour; and in each of said cities the mayor and common council thereof, and in the town of Bergen the town council of said town, and of each of the said cities of Jersey City and Hudson may, in each of said cities, by ordinance, regulate and control the speed and manner of running said cars in all things, or prohibit the same, notwithstanding anything in this act contained; Proviso. *provided*, that said company shall not construct their road on that part of Avenue D, as laid down on the map of Bergen township, south of the Morris canal, in the county of Hudson, which lies south of Thirty-seventh street, as laid down on said map, but shall locate and construct the same between Avenue C and Avenue D, as near equi-distant from each as practicable, from Thirty-seventh street to Fifth street on said map; and said road shall not cross the Central railroad of New Jersey on a level therewith, but shall be so constructed as to pass over or under the same.

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

Approved March 18, 1863.

CHAPTER CLIII.

A further supplement to an act, approved March twenty-third, eighteen hundred and fifty-nine, entitled "An act to incorporate the West Hoboken and Hoboken Passenger Railway Company."

WHEREAS, doubts may arise whether the general language of the sixth section of the act to which this is a further supplement, authorizes the laying of said railway upon and along a street or highway, and it is obvious that it would be impracticable and inconvenient to the public to locate the said railway elsewhere except for short distances—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for said company to locate the route of said railway and construct, maintain and operate said railway upon and along any public street or highway between the termini in said sixth section of said act specified; and said company, if it elects to do so, either before or after the construction thereof, may change the location of said railway, so as to avoid double tracks in one street or highway, or to avoid one or more turnouts, and may construct, maintain and operate said railway upon and along streets and highways in part or in the whole on one route out, and another route in; and it shall further be lawful for said company to locate, construct, maintain and operate one or more branches to said railway over and along any street or highway in the city of Hudson and the township of West Hoboken; *provided always*, that nothing contained in this supplement shall be construed as authorizing or empowering the said company to construct any portion of their road, or any branch of the same, within the corporate limits of the city of Hudson without the consent of the mayor and common council of said city first had and obtained, nor within the corporate limits of the city of Hoboken without the consent of the mayor and common council of said city first had and obtained; and the construction of said railway, or of any branch thereof, within the corporate limits of the said city of Hudson, the consent as aforesaid of the said mayor and common council being first had and obtained, shall be under the

Laying out in streets authorized and regulated.

Proviso.

direction of the said mayor and common council, who shall have power to appoint a superintendent of such construction; and such officers' compensation may be fixed by the said mayor and common council, and shall be paid to said officer by the said company; *provided however*, that said railway and branches shall be constructed, so far as it is along or upon such streets or highways, in such manner as not to interfere (any more than a well constructed street railroad necessarily does) with the common public travel; *and provided further*, that nothing herein contained shall affect the seventh section of said act; *and provided further*, that no other than animal power shall be used to propel their cars through the streets or avenues of the city of Hoboken or the city of Hudson, without the consent of the respective mayor and common council of said cities being first had and obtained.

Proviso.

Proviso.

Proviso.

Repealer.

2. *And be it enacted*, That so much of said sixth section as limits the route of said railway to be located near the toll-house of the Paterson and New York Plank Road be and the same is hereby repealed.

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

Approved March 18, 1863.

CHAPTER CLIV.

A further supplement to an act entitled "An act to incorporate the city of Hudson," approved April eleventh, one thousand eight hundred and fifty-five.

Ordinances may be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council shall have power to amend at any time, by ordinance and without application therefor, any ordinance for flagging sidewalks, curbing and guttering, and to complete the improvement in accordance with such amended ordinance; and all assessments made for the payment of the expenses of such improvement, when completed, and all sales of real estate for the payment of such assessments shall be as legal and valid and as good and effectual in law as if the said improvement had been made in accordance with the original ordinance therefor; *provided*, such

Proviso.

amended ordinance shall in no case extend the improvement beyond the limits mentioned in the original ordinance.

2. *And be it enacted*, That the common council shall have power to pass ordinances to vacate any street or avenue, or any part or section of any street or avenue in said city, upon application from the property owners upon any avenue or street in said city. May pass ordinances regarding streets

3. *And be it enacted*, That all such parts of the act to which this is a supplement, and of any supplement thereto, as are inconsistent with any of the provisions of this act are hereby repealed. Repealer.

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

Approved March 18, 1863.

CHAPTER CLV.

AN ACT for the relief of the sureties of Henry B. Beatty, formerly sheriff of the county of Hudson.

WHEREAS, Daniel R. Van Reyper, Daniel Keenan, Joseph Aldridge, Hugh Slater, and John Sylvester, all of the county of Hudson aforesaid, were sureties on the bond of said Beatty for twenty thousand dollars, dated the tenth day of November, in the year eighteen hundred and fifty-seven, conditioned for his faithful performance of his duty as sheriff of said county for and during his term of one year; and whereas, the said bond has heretofore been prosecuted, and a judgment rendered thereon, to wit: on the tenth day of November, A. D. eighteen hundred and fifty-seven; and whereas, the said Daniel R. Van Reyper, Daniel Keenan, and John Sylvester, have paid all the claims and demands heretofore made against them upon said judgment; and whereas, the said judgment now stands uncancelled of record against them; and whereas, the said sureties are informed and believe that all claims and demands whatsoever against the said sheriff, or against his sureties, for the term aforesaid, have been presented and satisfied, and the said sureties desire that their property should not remain encumbered by the said judgment, which Preamble.

interferes with their disposal thereof; and whereas, Daniel R. Van Reyper, Edwin R. V. Wright, Hugh Slater, Christian Becker and Jasper Prior, all of the county of Hudson aforesaid, were sureties on the bond of said Beatty for twenty thousand dollars, dated the ninth day of November, in the year eighteen hundred and fifty-eight, conditioned for his faithful performance of his duty as sheriff of said county for and during his term of one year; and whereas, the said bond has heretofore been prosecuted, and a judgment rendered thereon, to wit: on the twenty-second day of October, A. D. eighteen hundred and fifty-nine; and whereas, the said Daniel R. Van Reyper, Edwin R. V. Wright, Hugh Slater, Christian Becker, and Jasper Prior, have paid all the claims and demands heretofore made against them upon said judgment; and whereas, the said judgment now stands uncancelled of record against them; and whereas, the said sureties are informed and believe that all claims and demands whatsoever against the said sheriff or against his sureties for the term aforesaid, have been presented and satisfied, and the said sureties desire that their property should not remain encumbered by the said judgment, which interferes with their disposal thereof.

Clerk of supreme court to give notice.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerk of the supreme court of the state of New Jersey cause to be published in one newspaper in each county of said state, (or in case no newspaper is published in any county, then in the newspaper that most generally circulates in any such county,) a notice to all persons having claims or demands against the said Beatty, as sheriff of said county, from November, A. D. eighteen hundred and fifty-seven, to November, A. D. eighteen hundred and fifty-nine, or against his sureties, such notice to be published at least once a week for six weeks, to present such claim in writing, on or before the first day of January next, to the clerk of the supreme court, at his office in Trenton, stating the particulars of such claim.

When judgments cancelled.

2. *And be it enacted*, That in case any such claims shall be presented as aforesaid, and shall be paid by said sureties, and if no claims shall be presented as aforesaid, then, upon filing in his office proofs of the publication of the notices as herein directed, it shall be the duty of such clerk, by virtue of this act, to cancel the said judgments by a proper entry in the margin of the record.

Expenses, how paid.

3. *And be it enacted*, That to enable the clerk of said court

to pay the expenses attending the execution of this act, the said sureties shall deposit with him a sufficient sum of money to cover the expenses of advertising said notices; and the said clerk shall be allowed the sum of fifty dollars for his services by this act, to be paid by said sureties, and for cancelling said judgments.

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

Approved March 18, 1863.

CHAPTER CLVI.

A supplement to the act entitled "An act to establish a new township in the county of Warren, to be called the township of Phillipsburgh," approved March seventh, eighteen hundred and fifty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of Phillipsburgh, in the county of Warren, shall hereafter be called and known by the name of "The township of Lopatcong." Name changed.

2. *And be it enacted*, That the inhabitants of said township, constituted by the act to which this is a supplement a body politic and corporate in law, by the name of "The inhabitants of the township of Phillipsburgh, in the county of Warren," shall hereafter be styled and known as a body politic and corporate in law, by the name of "The inhabitants of the township of Lopatcong, in the county of Warren." Incorporated.

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

Approved March 18, 1863.

CHAPTER CLVII.

AN ACT to confirm the acts of the city council of the city of Elizabeth, in paying bounties to volunteers.

Preamble. WHEREAS, the city council of the city of Elizabeth did, for the purpose of raising their quota of volunteers without draft, expend in the payment of bounties to volunteers who enlisted from the said city of Elizabeth, the sum of three thousand seven hundred dollars over and above the amount limited by the charter as the maximum of the debt of the said city, and have issued certificates of indebtedness therefor—therefore,

Acts of city legalized. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said expenditure is hereby declared to be legal, and that the said certificates of indebtedness so issued shall be and are hereby declared valid in law, against the said corporation, the same as if they had been issued by an express act of the legislature for that purpose.

May issue bonds. 2. *And be it enacted*, That it shall be lawful for the city council of the city of Elizabeth to issue bonds of the said city, for the whole amount expended by them for the purpose aforesaid, to bear interest not exceeding seven per centum per annum, and provide for the payment thereof by tax or otherwise.

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

Approved March 18, 1863.

CHAPTER CLVIII.

Supplement to the Militia Law.

Orange Brigade. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the persons now by law liable to do duty in the militia in the township of East Orange,

Essex county, shall remain attached to the Orange brigade as organized by the militia law approved March twenty-second, eighteen hundred and sixty.

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

Approved March 18, 1863.

CHAPTER CLIX.

A further supplement to the act entitled "An act to incorporate the Town of Orange, in the county of Essex," approved January thirty-first, one thousand eight hundred and sixty.

May borrow money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of the said town of Orange are hereby authorized to borrow, upon the credit of the town, any sum of money, not exceeding forty thousand dollars, that may be needed in the redemption of certain certificates, bearing date on the first day of September, eighteen hundred and sixty-two, which were issued by the treasurer of the town, under the direction of the said council, for the purpose of paying a bounty of two hundred dollars to each of the soldiers who had volunteered from the said town to serve for the term of nine months in the army of the United States, in the present war, except those persons who have left the service voluntarily or without an honorable discharge, prior to the passage of this act; the said sum of money to be paid in four equal annual installments, with annual interest thereon, at a rate not exceeding seven per cent. per annum; and that the said council are also authorized to issue bonds, notes or other evidences of debt therefor, under the corporate seal of the town and the signature of the mayor, and that the said council are also authorized and directed to determine, from year to year, what sum of money may be necessary to pay that portion of the debt and the interest thereon that will mature in that year, together with a reasonable allowance for expenses and losses from delinquent taxes, and to cause the said sum to be assessed, levied and collected by the several assessors and col-

lectors of the town, in the same manner as other town taxes;
Proviso. *provided*, that the property of all soldiers from the town of Orange who have served in the present war shall be exempted from any tax to be levied by virtue of this act.

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

Approved March 18, 1863.

CHAPTER CLX.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Act amended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the eighth section of the act to which this is a supplement be amended, by striking out after the words "judges of election" the words "together with the members of the board of councilmen whose term of office will not expire until after the next succeeding charter election," and also by striking out after the word "than" the word "five," and inserting the word "two."

Act amended. 2. *And be it enacted*, That section thirty-four of the act to which this is a supplement be and hereby is amended by striking out the word "four" and inserting the word "five" instead.

Repealer. 3. *And be it enacted*, That so much of the act to which this is a supplement, and all other acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall be deemed a public act, and shall take effect immediately.

Approved March 18, 1863.

CHAPTER CLXI.

AN ACT to incorporate the Trenton Car Works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph G. Brearley, Thomas J. Stryker and Andrew G. M. Provost, and their associates, shall be and they are hereby declared to be a body corporate and politic, in fact and in law, by the name of "The Trenton Car Works," for the purpose of manufacturing railroad cars of all descriptions, and for that purpose may hold such real estate, water privileges, machinery and effects as may be needful to carry on the said business, or may accrue to them in the course thereof, and may sell, mortgage, lease or otherwise dispose of the same. Names of corporators.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, divided into shares of five hundred dollars each, and the persons named in the first section of this act are hereby appointed commissioners to receive subscriptions to said capital stock, at such place in the city of Trenton as a majority of them may appoint, giving at least five days' notice thereof in two newspapers published in said city; and as soon as fifty thousand dollars of said capital stock is subscribed, and ten per cent. thereof paid in, the said commissioners shall, by like notice, call the first meeting of the stockholders for the purpose of organizing said company. Capital stock $100,000.

3. *And be it enacted*, That the business of said corporation shall be managed by not less than three nor more than five directors, all of whom shall be stockholders, and one of whom shall be president, who shall hold their office for one year, and until others are elected in their stead; and every year thereafter, at such time and place, and upon such notice as the by-laws may appoint, an election shall be held, at which election every stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock he may own. Election of directors.

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

States, and may appoint such subordinate officers as the business of the corporation may require.

Stock, &c., to be personal estate.

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

Books to be kept.

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

Powers of corporators.

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

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

Approved March 18, 1863.

CHAPTER CLXII.

AN ACT in relation to the public printing.

Session laws, &c., how printed, and compensation

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the laws enacted at each session of the legislature, the journals of the senate and minutes of the joint meeting, the minutes of the house of assembly and the legislative documents, shall be printed hereafter in royal octavo form, in strict conformity with the provisions of the act relative to the public printing, approved February eighteenth, eighteen hundred and sixty-two, at the following prices, to wit: For printing three thousand copies of the session laws, the sum of thirty dollars per sheet of sixteen pages; for printing one thousand copies of the journal of the senate, with the minutes of the joint meeting and the minutes of the house of assembly, the sum of twenty-two dollars per sheet of sixteen pages; for printing one hundred and thirty copies of the

public bills ordered by either branch of the legislature, at the rate of four dollars per sheet of four foolscap pages, on good writing paper, with pica type, each page to contain thirty-one lines; for printing the legislative documents and other papers ordered by the legislature, at the rate of sixty-five cents per one thousand ems for composition, and seventy-five cents per token of two hundred and fifty impressions of sixteen pages for the press-work; *provided*, that in all cases where rule and figure work is required, the prices for composition shall be double the rates above stated; *and provided further*, that one dollar extra shall be paid per page for all indices and tables of contents set in brevier type in the session laws, journals of senate and minutes of house of assembly. Proviso. Proviso.

2. *And be it enacted*, That the above prices shall include all the expenses incident to the printing, folding and stitching of all documents ordered, excepting the paper, which shall be of good quality, white printing paper, for documents in octavo form, weighing forty-four pounds to the ream of four hundred and eighty sheets, twenty-four by thirty-eight inches in size; the bills to be on good foolscap paper, weighing fourteen pounds to the ream; the price to be allowed for such papers shall be at the lowest rate per pound at which the same is sold by paper dealers in New York or Philadelphia during the first week in February for the paper used for the legislative documents and current work ordered by the legislature, and for the other work at the lowest prices aforesaid at which such paper is sold in said cities during the last week in March of each and every year; and satisfactory evidence of the price of such papers, within the said periods, shall be submitted to the auditor of accounts before the allowance by him of any bill for paper on which any public printing has been executed. What prices shall include.

3. *And be it enacted*, That the printer or printers who are hereby or who may hereafter be appointed to print the laws and proceedings of the legislature of this state, shall, within two months after he or they shall have received the copy therefor, deliver to the treasurer of this state as many copies of the laws and proceedings of the legislature, for the time being, as shall be directed by law. Laws to be delivered to the treasurer.

4. *And be it enacted*, That the journal of the senate and the minutes of the house of assembly shall hereafter be printed in the same compact form and style as the journal of the senate for the year eighteen hundred and sixty-two, and the Auditing.

auditor of accounts shall audit no bills for printing not executed in accordance with law.

Current printing. 5. *And be it enacted*, That David Naar be employed to execute the current printing of the present legislature and the legislative documents.

Laws. 6. *And be it enacted*, That E. N. Fuller, of Newark, be employed to print three thousand copies of the laws enacted at the present session of the legislature.

Minutes. 7. *And be it enacted*, That Eben Winton, of Bergen, be employed to print one thousand copies of the minutes of the general assembly for the current year.

Journal. 8. *And be it enacted*, That L. C. Voght, of Morris county, be employed to print one thousand copies of the journal of the senate of the current year, including the minutes of joint meeting.

Repealer. 9. *And be it enacted*, That the act to regulate the price of the public printing, approved March sixth, eighteen hundred and fifty-six, be and the same is hereby repealed, and that this act shall take effect immediately.

Approved March 18, 1863.

CHAPTER CLXIII.

A supplement to an act entitled "An act to provide for the publication of the public laws of this state," approved February sixteenth, eighteen hundred and fifty-four.

Number of papers to publish laws. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the public laws required to be published by the act to which this is a supplement, shall hereafter be printed in two newspapers in each county of this state, such newspapers to be designated and appointed by his excellency the governor, except in the county of Essex, where four newspapers shall be selected, one of them being published in the German language; also in three papers in the counties of Union and Cumberland; and the sum of seventy-five dollars shall be allowed to the publisher or publishers of each newspaper for such publication, and that the secretary of state be and he is hereby requested to furnish, within five days after its approval by the governor, for publi-

cation, to one of the newspapers in the city of Trenton selected to publish the laws, a copy of every public law required to be published in the newspapers of this state.

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

Approved March 18, 1863.

CHAPTER CLXIV.

AN ACT to authorize the people of the township of Weymouth, in the county of Atlantic, to raise by tax an amount necessary to pay the bounties advanced to the nine months' volunteers of said township.

WHEREAS, the inhabitants of the township of Weymouth, in the county of Atlantic, did advance to the nine months' volunteers for the United States service from said township, the sums necessary to pay the bounties to aid the state in filling her quota of men called for by the governor and relieve themselves from the odium of a draft and the severity of a conscription; and whereas, it is necessary that a law should be passed by the legislature to legalize the raising of said sum by taxation—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of said township be and the same are hereby authorized to raise, by assessment on the taxable property in said township, a sum sufficient to liquidate the amount advanced and expended in raising said volunteers. Tax, how raised.

2. *And be it enacted*, That the said assessment shall be made and collected at the same time and in the same manner as other taxes are assessed and collected.

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

Approved March 18, 1863.

CHAPTER CLXV.

AN ACT to incorporate Deptford School Society.

Preamble. WHEREAS, on the representation of James J. Lord, Samuel R. Saunders, Carleton P. Stokes, John M. Saunders, Thomas S. Pike, Thomas Glover and Benjamin J. Lord, it appears that Joseph Low and twenty-four other inhabitants of Deptford township, Gloucester county, and state of New Jersey, being moved thereto by charitable and public spirited motives, met at Woodbury, the twentieth day of the tenth month, seventeen hundred and seventy-three, to form an association for the establishment of a school for the education of youth, and unanimously agreed to establish a school under the title of "Deptford Free School Society," and made rules for the government of said association, among which are the following, to wit: Article second, that said school, when established, shall be free to the children of persons of every religious persuasion, provided they pay for their schooling, and are subject to the rules and regulations that from time to time may be agreed upon, either by the society or the trustees for the time being, for the well ordering of said school; article third, that any person subscribing and paying, or hereafter giving the sum of forty shillings for the use of said school, or the value thereof, shall be entitled to a vote for, or to be chosen trustee or treasurer for said school; *provided*, he or they be of the people called Quakers; article tenth, that as the contributors to this institution who now unite in forming this plan are all of the people called Quakers, and unanimity and harmony being essential in conducting thereof with regard to the modes, methods or customs to be observed or taught in the said school, therefore the persons chosen trustees and treasurer shall at all times be of the people called Quakers, and as the motives which gave rise to this institution are truly benevolent, in which the public good is the principal point in view, the public spirit, ability and candor of the persons to be chosen for the executing thereof should be principally considered; article eleventh, that if at any time there should not be twenty members

Proviso.

resident in Deptford, the society, at any of their annual meetings on the first seventh day of the fifth month, shall choose so many discreet, reputable men of the people called Quakers, for additional members, as always to have the number of twenty; in pursuance of the above object, Joseph Low gave one-quarter of an acre of land, and the association purchased lands adjoining, erected a school house, and established a school, which they successfully maintained for many years; the above named persons represent that they are all the members of this association at this time, and that, like many other religious societies, in the year eighteen hundred and twenty-seven, the Society of Friends became divided into two societies, each claiming to represent the original society; that in consequence of this division, a difficulty has arisen in keeping up the number of members to twenty, and strictly carrying out the intention of the founders of said association—therefore, for the better carrying out of the intention of the founders of said association,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James J. Lord, Samuel R. Saunders, Carleton P. Stokes, John M. Saunders, Thomas S. Pike, Thomas Glover, Benjamin J. Lord, Abraham P. Rudolph, Edwin Stokes, Samuel Lippincott, David J. Griscom, Samuel Ogden, William Knight, William Wade Griscom, D. C. Andrews, John H. Bradway, David C. Ogden and Charles Knight, members of the two societies, and all and every other person or persons who are or may become their associates or their successors, shall be and are hereby incorporated by the name of "Deptford School Society," and by that name shall be a body corporate and politic, and shall be capable in law to hold, by donation, purchase or otherwise, and also to lease and convey, from time to time, real and personal estate, so far as the same may be needed for the purpose of carrying out the object for which the said association is incorporated, which object is the establishment of a school, which shall be open to the children of persons of every religious persuasion, provided they pay for their schooling, and are subject to the rules and regulations of said school. Corporators and corporate name.

2. *And be it enacted*, That the persons above named, who have not heretofore been members of said association, shall each pay into the treasury the sum of five dollars before entering into the privileges herein granted; and on the payment of a like sum, other persons may become members, with the Money to be paid.

consent of two-thirds of the members of the association; Proviso. *provided*, they are members of either of the two societies or profess the principles of the Society of Friends.

Trustees empowered. 3. *And be it enacted*, That John M. Saunders and Carleton P. Stokes, surviving trustees, be and they are hereby authorized and empowered to sell at public or private sale so much of the land belonging to the association as it may be deemed expedient, and execute and deliver to the purchaser or purchasers a good and sufficient deed or deeds for the same, which deeds shall vest in the purchaser, his heirs and assigns, a good and sufficient title, free from, and clear and absolutely discharged, from all trust whatsoever upon which the same had heretofore been held, and that the proceeds of said sale shall be paid over to the treasurer of said association, and that the title of the property not thus sold, is hereby vested in the Deptford School Society, and the said John M. Saunders and Carleton P. Stokes are hereby released from all claim or demand on account of said trust.

By-laws. 4. *And be it enacted*, That the said association shall, from time to time, have power to make and establish such by-laws and regulations as they shall judge proper for the designation of the officers of said association, the election of the same, prescribing their respective functions, and the mode of transacting the affairs of said association; *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this state and the United States, or the testimonies of the Society of Friends.

Powers and restrictions. 5. *And be it enacted*, That this corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

Public act. 6. *And be it enacted*, That this act shall be deemed and considered a public act, and shall go into effect immediately.

Approved March 18, 1863.

CHAPTER CLXVI.

AN ACT to confirm the acknowledgments and proofs of deeds, mortgages and other instruments in writing, taken by Adrian Van Sinderen.

WHEREAS, it appears to the legislature that Adrian Van Sinderen, of the city of New York, was on the twenty-second day of February, eighteen hundred and fifty-nine, duly appointed by the governor of this state a commissioner for the state of New York, to take the acknowledgment or proof of deeds or mortgages of lands lying in this state, or of any other instrument of writing under hand and seal, required by the laws of this state to be acknowledged or proved, and that the said Adrian Van Sinderen proceeded under the said appointment to take acknowledgments and proofs of deeds, mortgages and other written instruments, and from ignorance of the laws of this state continued to take them longer than said laws authorized him to do, by reason of which defective acknowledgments and proofs innocent persons may be subjected to great loss—therefore, for remedy of the same, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no acknowledgment or proof of any deed, mortgage or other instrument of writing heretofore taken and certified by the said Adrian Van Sinderen, shall be deemed defective by reason of such acknowledgment or proof having been taken and certified after his term of office had expired; but all such acknowledgments and proofs shall have the same vitality and effect as if the said Adrian Van Sinderen had been at the time of taking and certifying such acknowledgments or proofs duly authorized by law to take and certify the same. Acts valid.

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

Approved March 18, 1863.

CHAPTER CLXVII.

AN ACT to regulate the election of Overseers of Highways in the township of Greenwich, in the county of Warren, and the township of Princeton, in the county of Mercer.

Overseers, how elected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of the highway of the several road districts in the township of Greenwich, in the county of Warren, and in the township of Princeton, in the county of Mercer, shall be elected by the legal voters of the several districts, as they may be arranged from time to time by the township committee in said townships; and for the purpose of carrying this provision into effect, it shall be the duty of the clerks of said townships to give public notice of the time and place of holding the first district road meetings under this act, and which meetings shall be held on the Saturday next previous to the annual town meetings in said townships, and shall cause notice thereof to be posted up in some conspicuous place in such district, at least ten days before the time of holding any such meeting, which shall be some convenient place in the district, when and where the legal voters of the townships, residing in such road district, shall assemble for the purpose of such election, and at which time and place such legal voters assembled, having been called to order by any legal voter in the road district, shall proceed, viva voce, by the holding up of hands or by count, to elect a moderator of such meeting by a plurality of votes; and being so organized, the meeting shall proceed by ballot, or viva voce, to elect an overseer of the highway for such road district; and the moderator of each district shall notify the clerk at the annual town meeting after such election, in writing, of the election of such overseer; and in case of the failure of any district to elect an overseer, or the person so elected to accept of the appointment, the township committee shall fill such vacancy, and furnish a list of the names of such overseers of the highways so elected or appointed to the clerk of the township, and it shall be his duty to publish the same, with the names of the officers and pro-

ceedings of said first town meeting after the election of said overseers.

2. *And be it enacted*, That all subsequent district road meetings in said townships shall be called by the overseers of the respective road districts, upon notice posted up in some conspicuous place in such road district, at least ten days before the time of holding such meeting, and such subsequent district road meetings shall be held on Saturday preceding the annual town meetings in said townships, and should the overseers of any district fail to call such meeting, or the individual elected refuse to accept such appointment, or in case of a vacancy arising from any other cause, the township committee shall fill such vacancy, and cause the names of the person so elected or appointed to be published as aforesaid. Meetings, when held.

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

Approved March 18, 1863.

CHAPTER CLXVIII.

A further supplement to an act entitled "An act revising and amending an act to incorporate the city of Paterson," passed March fourteenth, one thousand eight hundred and sixty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who has been or shall be appointed by the board of education of the city of Paterson, in the county of Passaic, to fill a vacancy in said board, shall hold and exercise such office until the next annual charter election in said city, succeeding such appointment, and no longer; and at such charter election every such vacancy shall be filled by the election of a school commissioner for the unexpired term, in the ward from which such vacancy occurred. Vacancies.

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

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

Approved March 18, 1863.

CHAPTER CLXIX.

AN ACT to incorporate the Ocean Glass Manufacturing Company at Marshallville, in the county of Cumberland.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas Van Gilder, Randolph Marshall, Edmond L. B. Wales, Anthony Steelman and Thaddeus Van Gilder, and such other persons as may be hereafter associated with them, shall be and they are hereby constituted and declared a body corporate and politic in fact and law, by the name of "Ocean Glass Manufacturing Company," and by that name shall have continued succession, and shall be capable of purchasing, leasing, mortgaging and conveying any lands, tenements, goods and chattels necessary or proper for the objects of the said corporation hereby created.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with the privilege, from time to time, of increasing the same to any sum not exceeding one hundred thousand dollars, divided into shares of one hundred dollars each, each stockholder being entitled, in person or by proxy, to as many votes as he holds shares of said stock, which shares shall be deemed personal property, and transferable in such manner as the said company by its by-laws may direct; that ten dollars on each share of stock shall be paid at the time of subscribing; said stock to be subscribed for and further paid in at such times and in such installments as the directors may from time to time appoint and direct; *provided*, that no installment shall be for more than ten dollars on each share, or called in at intervals of less than one month, and that notice be given thereof in one newspaper published in the county of Cape May at least three weeks, once in each next preceding the time of payment.

Proviso.

Election of directors.

3. *And be it enacted*, That the property and affairs of the said company shall be managed and conducted by a board of directors, not less than three or more than five in number, stockholders in said company, who shall be chosen annually, at such time and place in the county of Cape May, in such

manner and upon such notice as the by-laws of said company shall direct, who shall serve for one year and until others are chosen in their stead; and that Thomas Van Gilder, Anthony Steelman and Thaddeus Van Gilder shall be the first directors of this company under this charter, to continue in office until others are elected or appointed in their stead; that the directors of said company shall choose one of their number to be president, and may appoint such other officers and agents as they may deem expedient, fill vacancies in their own board until the next annual election, collect installments on stock when called for, or declare the stock forfeited, and all previous payments made thereon, in case of non-payment when duly called for, if they deem it expedient.

Books of account to be kept.

4. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, in which shall be regularly entered all the transactions and accounts of said company, and also books for the transfer of the stock of the company, which shall at all times, at reasonable hours, be open for the inspection of the said company; that the directors shall make an annual report to the stockholders of the affairs of the company, of the amount of stock actually paid in, and ot the assets and debts of the company, and no dividends shall be declared except from the actual profits of the company.

May be dissolved. Proviso.

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

Act may be amended.

6. *And be it enacted*, That it shall be lawful for the legislature of this state, at any time hereafter, to amend, alter and repeal this act.

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

Approved March 18, 1863.

CHAPTER CLXX.

AN ACT to create from the town of Bergen, in the county of Hudson, a new township to be called the township of Greenville.

Preamble. WHEREAS, By an act of the legislature of New Jersey, approved March eleventh, eighteen hundred and sixty-two, all that part or portion of Hudson county known as Bergen township, (at the time of the passage of said act,) was incorporated into a town proper, to be known in law as "the town of Bergen;" and whereas, it appears by the petition of the inhabitants of all that southwesterly part of the said town embraced within the limits (or nearly so) of what is known as Washington school district number three, that the act incorporating them into a town proper is not in accordance with their wishes, believing the same, as applied to their locality, premature, and complaining of the unfair operation of being taxed, either directly or indirectly, for the support of a corporation from which they derive no benefit; and from the peculiar and advantageous situation of their lands in that particular section of Hudson county, having within its limits hundreds of acres of farms and gardens, with a water front of over two miles on New York harbor, and nearly or quite as much on Newark bay and the Hackensack river, and claiming that the concentration of their resources within their own limits would not only be beneficial to themselves, but more to the interest of the state; therefore,

Repealing former act. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act entitled "An act to incorporate the town of Bergen," approved March eleventh, eighteen hundred and sixty-two, as applies or was intended to apply, to all that southwestern part or portion of the township of Bergen, as it existed immediately previous to the passage of said act, and comprised, or nearly so, within the limits of what is known as Washington school district, number three, bounded on the southeast by New York harbor, on the west by the Morris canal and lands of James Currie, Esq., on the northwest by Newark bay and

the Hackensack river, on the northeast by a road or lane known as Myrtle avenue, with a continued line running southeasterly from said avenue to New York harbor, and northwesterly from said avenue to the Hackensack river; (this last boundary being the unadjusted dividing line between the "town of Bergen" and the township hereinafter incorporated,) be and the same is hereby repealed.

Township of Greenville.

2. *And be it enacted*, That all that part or portion of the late township of Bergen, now "town of Bergen," Hudson county, and embraced within the limits as described and bounded in section first of this act, be and the same is hereby created into a township to be designated and known in law as the inhabitants of the township of Greenville; and the inhabitants of the said township of Greenville are hereby constituted a body politic and corporate in law, and shall be entitled to all the rights, powers, authority and privileges, and subject to the same laws as were the inhabitants of the township of Bergen previous to the passage of the act incorporting the "town of Bergen," and all other existing laws of the state not conflicting with this act.

Annual election.

3. *And be it enacted*, That the inhabitants of the township of Greenville, by their legal voters, shall, at their annual election, to be held on the second Tuesday in April of each and every year, elect five persons, to be denominated the township committee; one clerk, who shall also be the clerk of elections; one or more assessors, a collector, three commissioners of appeal, one chosen freeholder, two surveyors of the highways, one or more overseers of the poor, one or more constables, two or more overseers of the highways, one or more poundkeepers, a superintendent of schools, one or more justices of the peace; the said election to be conducted as by law provided for conducting township elections; the township committee, as soon as organized, shall appoint a treasurer; the collector elect and the treasurer shall, before they or either of them enter upon the duties of their office or offices, enter into a bond or bonds to the inhabitants of said township, in their corporate name, with one or more surety or sureties, being a freeholder or freeholders, and resident in the said township, to be approved of by the township committee of said township, and in such sum or sums as the said township committee shall direct, conditioned for the faithful performance of all the duties of the said office or offices according to law.

Commissioners.

4. *And be it enacted*, That John Waters, Peter Rowe,

Henry Van Nostrand, James Currie, and George Vreeland, senior, shall constitute a commission, with power to fill vacancies in their own body, in case of the neglect, inability or refusal of any member thereof to discharge the duties imposed upon him or them by this act; *provided nevertheless*, that the person or persons so appointed to fill such vacancy or vacancies shall be citizens resident of the township of Greenville; the said commissioners, as soon as may be after the passage and approval of this act, shall notify the councilmen of the "town of Bergen" to appoint a similar committee of five persons, citizens resident of the "town of Bergen," to meet and confer with the commissioners above named; the councilmen of the said "town of Bergen" shall and they are hereby enjoined and authorized to appoint such committee, and they the committee so appointed and the commissioners above named, shall adjust the dividing line between the "town of Bergen" and the township of Greenville; the avenue aforementioned as Myrtle avenue, forming the basis of the line of demarcation; a copy of the decision of this conjoint settlement of the dividing line between "the town of Bergen" and the township of Greenville, with the signatures of the parties as above authorized to adjust and define the same, shall be filed, one with the town clerk of the town of Bergen, and one with the clerk of the township of Greenville, and the decision thus made and filed shall be obligatory on all parties concerned until otherwise altered or amended by due course of law.

Proviso.

Commissioners empowered.

5. *And be it enacted*, That the commissioners before named and appointed by this act, or their substitutes, shall, and they are hereby empowered to meet and confer with the committee, as before stated, appointed by the councilmen of the town of Bergen, or a similar committee of five which they, the said councilmen of the town of Bergen, are hereby authorized and enjoined to appoint; and they the said commissioners and the committee appointed by the councilmen of the "town of Bergen," shall arrange, settle and adjust an equitable division of the debts and credits, of the money or moneys in the hands of the treasurer of the town of Bergen, or to be hereafter collected, and all other the assets of the town of Bergen, as appertaining or in any wise belonging to the "town of Bergen" immediately preceding or prior to the passage and approval of this act, as well also of a just division of their proportion of their estate in and to the poor house farm and the property or properties thereunto apper-

taining, and all or any other matters and things of a pecuniary or financial character whatever, which may be or was intended to be vested in the said town of Bergen, and in which the inhabitants of the township of Greenville had rights, privileges or interests, as part of the town of Bergen, immediately preceding or prior to the passage and approval of this act; they the parties to this conjoint settlement shall file a copy of so much of their proceedings as shall embody the decision of a majority of them, in all or any of the matters and things referred to them for adjustment, with their signatures thereunto annexed, one with the clerk of the town of Bergen and one with the clerk of the township of Greenville; and their decision, thus made by a majority of them, and filed, shall be obligatory on all parties interested therein, until otherwise altered or amended by due course of law; any three of the commissioners appointed for the township of Greenville, and three of the committee representing the town of Bergen, shall constitute a quorum under their proceedings; *provided nevertheless*, that in case of the neglect or refusal of any member or members of the commission or committee to attend the meeting or meetings, after having been notified by the chairman of such meeting, then five members of either or both of the parties indiscriminately shall form a quorum under their proceedings; or in case of the inability of the parties to arrive at a decision, in consequence of an equally divided opinion, it shall be lawful, and they the members of the conference are hereby required to select an umpire to decide between them, said umpire being a resident freeholder in the county of Hudson, and in nowise interested as a resident or property holder either in the town of Bergen or in the township of Greenville, or they may, at the outset of their proceedings, select such umpire to act with them, whenever his service as a decisor shall be necessary. Proviso.

6. *And be it enacted*, That in case any tax shall be authorized by law to be laid upon the taxable inhabitants of the present town of Bergen, in the county of Hudson, for the payment of bounties to volunteers, the taxable inhabitants and property of so much of said township as shall be set off by this act into a new township to be called the township of Greenville, in said county, shall be and are hereby made liable to pay the part or proportion of said tax for volunteers which would have been assessed upon them if this act had not been passed; and in order to ascertain such part or proportion, the assessors of the said town of Bergen, in said county, Bounties to volunteers.

shall certify under their hands the amount of the taxable property shown by the assessment roll of the year eighteen hundred and sixty-two, in the part so set off by this act, and also the amount of the taxable property in the remaining part of said town of Bergen, in said county.

Commissioners to meet.

7. *And be it enacted*, That the five commissioners appointed for the township of Greenville, vide section fourth of this act, be and they are hereby authorized and required to meet as soon as may be, and determine the various offices to be filled, according to law, for the township, the number of persons to be elected thereto, the purpose or purposes for which money must be raised by taxation, be it for township, poor, school, road, or otherwise, and they shall name and appoint one clerk and three judges of election, Stephen Terhune being one of them, and in not less than ten days before the day of the annual election of the township, shall post or cause to be posted in not less than five conspicuous places within the limits thereof, the name or names of the offices to be filled, the number of persons to be elected thereto, and the purpose or purposes for which money must be raised by taxation, and make all necessary arrangements for the conducting the said election according to the laws made and provided regulating the annual election of townships.

Repealer.

8. *And be it enacted*, That all acts or parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act, so far as relates to the appointment of commissioners for the township of Greenville and the appointment of the committee by the councilmen of the town of Bergen, and the proceedings had or held under them, take effect immediately; and so much of this act as incorporates the township of Greenville, as contained in section second of this act, shall take effect from and including the second Tuesday in April, being the fourteenth day of April, one thousand eight hundred and sixty-three.

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

Approved March 18, 1863.

CHAPTER CLXXI.

A further supplement to an act entitled "An act for the instruction of indigent deaf and dumb persons, inhabitants of this state," approved April tenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual expense for each deaf mute instructed at the charge of the fund to which this is a supplement, shall not exceed the sum of one hundred and eighty dollars, unless the governor or person administering the government shall be satisfied that the means of such deaf mute, or those of his or her parents or guardians, are insufficient to keep such deaf mute supplied with suitable clothing during his or her term of instruction, in which case clothing may be supplied at the charge of said fund, at an expense not exceeding twenty dollars in any one year for any one pupil so supplied. $20 additional at discretion of Governor.

2. *And be it enacted*, That the annual appropriation of five thousand dollars, authorized by the act to which this is a supplement, be and the same is hereby increased to six thousand dollars, subject to the provisions of the aforesaid act. Appropriation increased.

3. *And be it enacted*, That all acts and parts of acts to which this is a supplement, be and the same are hereby repealed. Repealer.

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

Approved March 18, 1863.

CHAPTER CLXXII.

AN ACT directing bills of exceptions to be sealed in certain criminal cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act direct- Former act to extend to indictments.

ing bills of exceptions to be sealed," passed March seventh, seventeen hundred and ninety-seven, and each and every of the provisions thereof, shall be taken, deemed and adjudged to extend to trials of indictments for crimes and misdemeanors, which by law are punishable by imprisonment at hard labor.

Judge to settle and sign bills of exceptions.

2. *And be it enacted*, That if on the trial of any indictment heretofore had in any court in this state, for any crime or misdemeanor included within the provisions of the first section of this act, any exception hath been taken or had to any decision of the court during the trial of such indictment, to the prejudice or injury of any defendant in the same indictment, it shall be the duty of the judge to settle a bill of the said exceptions, and to sign and seal the same bill, when two counsellors at law shall have certified the said exceptions to have been well taken, to the end that the same be returned with a writ of error to the court having cognizance thereof, and to the end that speedy justice may be done.

Repealer.

3. *And be it enacted*, That all acts and parts of acts in conflict with or contrary to the provisions and requirements of this act, shall be and the same are hereby repealed.

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

Approved March 18, 1863.

CHAPTER CLXXIII.

AN ACT to confirm the acts of the common council of the city of Rahway, in paying bounties to volunteers.

Preamble.

WHEREAS, the common council of the city of Rahway, in compliance with a resolution adopted at a public meeting of the citizens of said city, did borrow money to pay bounties to volunteers, and issue the bonds of the city therefor—therefore,

Act of issuing bonds made valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the issue of said bonds is hereby declared to be legal and valid in law, against the said city; and it shall be lawful for the common council of said city to provide for the payment thereof, by tax or otherwise.

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

Approved March 18, 1863.

CHAPTER CLXXIV.

AN ACT to legalize appropriations and payments made by the township committee of the township of West Windsor, in the county of Mercer, for bounties paid volunteers of said township.

Preamble. WHEREAS, the inhabitants of the said township of West Windsor, assembled in town meeting, did vote and direct that the township committee of said township should assign and transfer bonds and mortgages, belonging to the surplus revenue fund of said township, to the amount of three thousand dollars, to raise money to pay bounties to volunteers in said township; and whereas, the said township committee have made said assignment and transfer, and have applied the proceeds thereof to the payment of said bounties; and whereas, doubts have been suggested as to the legality of said assignment and transfer—therefore,

Act of township committee legalized. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assignment and transfer of said bonds and mortgages, and the appropriation of the proceeds thereof by the said township committee shall be and they are hereby made valid and effectual in law and in equity.

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

Approved March 18, 1863.

CHAPTER CLXXV.

A further supplement to an act entitled "An act to establish Public Schools," approved April seventeenth, one thousand eight hundred and forty-six.

School committee in Knowlton and Franklin.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Knowlton, in the county of Warren, and the township of Franklin, in the county of Bergen, are authorized and empowered, at their annual town meetings, to elect and choose, in the same manner as other township officers are elected, three suitable persons who shall be denominated the school committee of said townships, in lieu of the township superintendent now authorized by law to be elected.

Duties of school committee.

2. *And be it enacted*, That the said school committee so elected annually in said townships, shall perform the same duties which are directed to be performed by the town superintendent by the act to which this is a supplement, except that they shall receive no compensation for visiting schools.

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

Approved March 18, 1863.

CHAPTER CLXXVI.

AN ACT making appropriation to pay indebtedness of State Prison.

Appropriation to state prison

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of five thousand dollars be and is hereby appropriated for the purpose of paying off the indebtedness incurred by the former keeper, prior to March the fifteenth, eighteen hundred and sixty-two.

Treasurer to pay.

2. *And be it enacted*, That the state treasurer pay the sum of five thousand dollars to the present keeper, upon the warrant of the governor, for the purpose aforesaid.

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

Approved March 18, 1863.

CHAPTER CLXXVII.

AN ACT to authorize the township committee of the township of Piscataway, in the county of Middlesex, to raise by taxation the amount of moneys paid by them to procure volunteers from said township.

Preamble.

WHEREAS, the inhabitants of the township of Piscataway, in the county of Middlesex, at a town meeting held on the twenty-fifth day of August, Anno Domini eighteen hundred and sixty-two, resolved, by vote then and there taken and given, that an amount of money should be borrowed and expended by the township committee of said township, to the amount sufficient to pay to one hundred and ten volunteers for the period of nine months, for the war, the sum of sixty dollars each, and that that sum should be raised by tax in said township; and whereas, the said township committee of said township, in pursuance of said resolution, have borrowed and paid the said sum to such volunteers in the nine months' military service in the existing war; and whereas, there is doubt expressed whether, according to the existing laws, it would be lawful to raise the amount so expended for bounties by such tax and assessment, without legislation for that purpose had—therefore,

Township may raise money by tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assessor, for the time being, of said township, under the direction of the township committee of said township of Piscataway, shall proceed to assess the sum above mentioned in the same manner and at the same times as other township and county taxes are or shall be by law assessed in said township upon the real and personal estate of the tax payers of said township, and shall hand the duplicates of said assessment to the collector of said township, who shall proceed to collect the same, at the same times and in the same manner as the said other taxes

Proviso. shall be by law collected; *provided always*, that the said sum of money above mentioned shall be assessed and collected within the period of three fiscal years, of such township, next hereafter, and only one-third thereof in each year.

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

Approved March 18, 1863.

CHAPTER CLXXVIII.

A further supplement to an act entitled "An act to incorporate Jersey City."

Council may regulate wharves, docks and piers. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said common council shall have power to pass, alter and repeal ordinances to build and construct wharves, docks and piers which may adjoin the present or future termination of any of the streets within the limits of said city, and which may be flowed with tide water, and to control, regulate and govern the same, and have the proceeds therefrom deposited in the city treasury for the benefit of the city, and to purchase or hold such land, whether covered by tide water or otherwise, or the rights of the owners of the shore therein as they may deem for the interest of the city, in order to have constructed and built (when in their judgment the public necessities may require the same,) wharves, docks and piers, and to control, regulate and govern the same in the manner hereinbefore mentioned; *provided*, that no such wharf or pier shall be so extended into tide water as to obstruct navigation.

May issue bonds to pay expenses. 2. *And be it enacted*, That in order to enable the said the mayor and common council of Jersey City to defray the expenses of the improvements in the foregoing section mentioned, it shall be lawful for the said the mayor and common council to issue bonds for the payment thereof, at such rates of interest, not exceeding seven per centum per annum, and in such amounts as they may deem expedient, which said bonds shall be deemed and taken as a debt of the city, over and above any loans now authorized; *provided*, that the whole

amount for which such bonds shall be issued shall not exceed the sum of fifty thousand dollars.

Proceedings relative to sidewalks.

3. *And be it enacted*, That the common council of Jersey City may, by resolution approved in the same manner as resolutions affecting the interests of the city are approved, cause notice to be served on the owner or owners, or their agents, of any lot or tract of land within said city, requiring him or them to fill, refill, flag, reflag, curb, recurb, gutter, regutter or repair any sidewalk or part of a sidewalk opposite such lot or lots, tract or tracts, within the space of a certain number of days, not less than ten, after date of service of such notice, and in case the owner or owners shall refuse or neglect so to do within the time aforesaid, to order by said resolution the same to be done, and that the expenses of such filling, refilling, flagging, reflagging, curbing, recurbing, guttering, reguttering or repairing, shall be assessed and collected in the same manner as of other improvements provided for by the fifty-second section of the charter or the supplements touching the same.

Powers of council relative to nuisances.

4. *And be it enacted*, That the said common council shall have power, in addition to the powers enumerated in article fourth of the act to which this act is supplementary, to pass, alter and repeal ordinances to take effect within said city, to regulate or prohibit the manufacture of kerosene oil, or other oil, camphene and spirit gas, and the manufacture or keeping of gunpowder and other dangerous or combustible materials, and to raze or demolish any building or erection, or any part thereof, which may be deemed unsafe or dangerous to the public in the opinion of the mayor and committee on streets, after reasonable notice thereof to the owner or occupant of such unsafe or dangerous condition, and default after the expiration of such notice to secure the same; and to pass, alter and repeal such other ordinances for the peace and good order of the city, or the comfort or protection of the citizens, as they may deem expedient, and impose penalties for the violation thereof in the manner prescribed by the act hereinbefore mentioned.

Ordinances to be published.

5. *And be it enacted*, That the publication of all ordinances of the said the mayor and common council in at least one newspaper, as required by the act last above referred to, shall in all cases arising before the recorder in proceedings to recover penalties, be presumed to have been made, until the contrary be proved.

May pave streets.

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

have power, in addition to the powers enumerated in title sixth of the act to which this act is supplementary, to pave the streets or any part thereof with belgian pavement; *provided*, that the street so paved with belgian pavement shall not have been paved before such belgian pavement shall be laid, one-third part of the expense of the belgian paving stone shall be paid out of the city treasury, and if the street shall have been paved before such belgian pavement shall be laid, one-half of the expense of such belgian paving stone shall be paid out of the said treasury, and such amounts for said proportion of belgian stone shall be deducted from the assessment imposed on the property by the board of commissioners; *provided*, that in case one-half of the owners of land bounded by the street or part of a street so to be improved with belgian pavement shall, within two weeks after presentation of the application for such improvement to the common council, file with the city clerk a remonstrance signed by them against the same, said common council shall proceed no further with such improvement.

Proviso.

Proviso.

Amendment.

7. *And be it enacted*, That the fifty-second section of the act to which this act is supplementary be amended by inserting, immediately after the word paving, where the same first occurs therein, the words "and repaving," and that the cobble stones which shall be taken up from any street, for the purpose of repaving, shall be appropriated to the use of the said common council.

Amendment.

8. *And be it enacted*, That the fifty-second section of said act be amended by striking out after the words "city clerk," where the same first occurs therein, and "be by him recorded in the assessment book."

Assessor to be elected for three years.

9. *And be it enacted*, That there shall be elected at the next annual charter election, and every third year thereafter, in the same manner in which other ward officers are elected, from each of the wards of said city, an assessor, who shall be resident of the ward from which each of them shall be chosen, who shall hold their office for three years, and who shall perform the duties in the respective wards from which they shall be chosen, which now devolve upon the two assessors for said city; said assessors shall constitute a board of assessors, who shall confer together for the purpose of regulating the valuation of property in the several wards.

How taxes assessed.

10. *And be it enacted*, That all taxes shall be assessed, levied and collected in Jersey City in the manner prescribed by the act incorporating said city, and the supplements

thereto; and no act shall be deemed to repeal or modify this section unless expressed to apply to said city by name.

To regulate vacant lots.

11. *And be it enacted*, That in addition to the powers of the common council as set forth in the forty-second section of the act to which this is a supplement, the said common council may, by resolution approved in the same manner as resolutions affecting the interests of the city are approved, cause notices to be served on the owner or owners, or their agents, of any lot or tract of land which may become covered with stagnant water or obnoxious matter or substance, (whether the same shall be caused by the raising of streets or otherwise), or which may be unfenced, requiring him or them to fill or refill the said lot, or to fence the same, within the space of a certain number of days, not less than ten, after service of a copy of such notice; and in case the owner or owners shall refuse or neglect so to do, within the time aforesaid, to order by said resolution the same to be done under the direction of committee on streets, and that the expense of such filling or refilling or fencing shall be assessed and collected in the same manner as of other improvements, provided for by the fifty-second section of the charter, or the supplements touching the same.

Mode of proceeding in case of absentees.

12. *And be it enacted*, That in case no owner or agent of any lot or tract of land mentioned in the third or tenth section of this act, can be found within the limits of said city, to be served with the notice therein mentioned, it shall be lawful for the said common council to cause a copy of the resolution therein referred to, to be published in the corporation paper, for the space of ten days, before proceeding to make such improvement; which publication shall be deemed and considered as good and sufficient notice as though the same had been served in the manner in said section recited.

Repealer.

13. *And be it enacted*, That an act entitled "A supplement to an act entitled 'An act to incorporate Jersey City,' approved March eighteenth, eighteen hundred and fifty-one," which said supplement was approved March eighth, eighteen hundred and sixty-one, be and the same is hereby repealed.

Public act.

14. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and that this act shall be deemed a public act and shall take effect immediately.

Approved March 18, 1863.

CHAPTER CLXXIX.

AN ACT to incorporate the Manalapan and Freehold Turnpike Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the capital stock of the Manalapan and Freehold Turnpike Company shall be opened by John Rue Perrine, Augustus Ivins, Joseph Ely, Aaron R. Combes, James A. Perrine, Charles Snyder, William H. Conover and David C. Perrine, or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and such places as they, or a majority of them, may direct, giving notice at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state.

Amount of capital stock.

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

Payment of installments.

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

Proviso.

subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers in proportion to the amount or number of shares by them subscribed for as aforesaid; *provided also*, that no subscription for less than four shares of said stock shall be reduced by such apportionment; *provided also*, that the stockholders shall, upon request, have the right to pay the stock subscribed, except the first installment, by work upon said road, under such regulations, at such time, and upon such notice by either party as the directors may determine. Proviso. Proviso.

4. *And be it enacted*, That if the number of shares hereinbefore made necessary for the incorporation of the said company be not subscribed for within three years from the time of opening the said 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. Limitation.

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

6. *And be it enacted*, That within twenty days after the annual election as aforesaid, the said directors shall elect from among their number a president of their said company, who Officers and their duties.

shall be a citizen of this state, and a resident in the county of Monmouth, who shall hold his office for one year and until another shall be elected, and receive such compensation for his services as a majority of the said directors shall direct, and shall be the presiding officer at all meetings of said directors, and shall have the casting vote when they shall be equally divided; he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of the stockholders, or in case of his death, absence or inability so to do, the said directors shall appoint some other suitable person, who, for the time being, shall possess the same powers and authority and perform all the duties herein prescribed.

Powers of directors.

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

Proviso.

Annual statement to be made.

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

Special meetings.

9. *And be it enacted*, That special meetings of the stockholders may be called by order of said president, or three of the directors, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, as hereinbefore directed with regard to the annual meetings, which said notice shall specify the particular object of the meeting; but that no business of the company shall be transacted at such special meeting, un-

less a majority in value of the stockholders attend and concur therein, who may require the books, accounts and all other papers and proceedings of the company to be exhibited to them by the president and directors.

Corporation not dissolved for failure to elect.

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

May construct turnpike.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road, from William Armstrong's, in the county of Monmouth, to the village of Freehold, in said county, which said turnpike road shall be constructed on and along the public highway leading from the village of Freehold to William Armstrong's, and that the width of said turnpike road shall be governed by the width of the public road upon which it may be made; *provided*, that before the said company shall construct the said turnpike road aforesaid, along the highway aforesaid, they shall pay to the respective owners of the lands over which the said highway selected for constructing said turnpike road upon now passes, all damages which the said owners will sustain by reason of the construction of the said turnpike road; and in case said company and any of the said owners cannot agree upon the amount of the said damages, then the said damages shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for, for ascertaining and determining the damage which any land owner or owners shall sustain by the taking of stone, gravel or other materials from his or her land for the constructing or maintaining of said turnpike road; *provided also*, that the said company shall have power to take only the right of way over the lands whereon the said road is to be constructed, paying damages which the owners will sustain thereby; and the commissioners hereinafter named, if appointed, shall have power to assess damages for the right of way only.

Proviso.

Proviso.

Width and kind of road.

12. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in breadth, along the middle, as near as may be, of the said highway, and shall be sufficiently arched and drained to make and keep the same dry, and at least sixteen feet six inches thereof shall be so

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

Proceedings in case company and owners cannot agree.

13. *And be it enacted*, That it shall be lawful for said company, their officers, superintendents, engineers and workmen, with carts, wagons and other carriages, and with beasts of burthen and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of the said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosures thereof, and to make all ditches and underdrains across and through such lands, necessary for properly draining said road, and that when the said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of said company in the construction of the said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if there be any, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, or to one of the judges of the court of common pleas of the county of Monmouth, who shall cause said company to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, commissioners to examine and appraise the said land or materials, and to assess the damages, upon notice to be given to the persons interested as

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

Rates of toll.

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

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

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

Proviso.

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

Penalty for injuring works.

16. *And be it enacted*, That if any person shall wilfully break down, throw down, or deface any of the milestones or posts so erected on the said road, or wilfully tear down and deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be recovered by the said company by action of debt, or other proper action,

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

Penalty for delaying travellers.

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

Penalty for obstructing passage.

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

Road and bridges to be kept in repair.

19. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any justice of the peace of the said county of Monmouth, who may be disinterested, the said justice shall immediately appoint, by writing, under his hand and seal, three of the township committee of the township wherein the cause of the complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons, being disinterested in said road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine the said road so complained of, and to report to the said justice, in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such state as the law re-

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

Limitation.

20. *And be it enacted*, That if the said road is not commenced within three, and completed in five years from the passage of this act, then and in that case this act shall be void, and the said corporation shall possess the several powers and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

When gates may be erected.

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

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

Approved March 18, 1863.

CHAPTER CLXXX.

A supplement to an act entitled "An act to incorporate the Weehawken Fire Department, of the township of Union, in the county of Hudson," approved the sixth day of March, eighteen hundred and sixty one.

Name of incorporation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the male inhabitants of the township of Union, in the county of Hudson and state of New Jersey, between the ages of twenty-one and fifty-five years, be and they are hereby declared to be a body politic and corporate, under the name and style of "The Weehawken Fire Department, of the township of Union, in the county of Hudson."

Engine and hose companies.

2. *And be it enacted*, That the said inhabitants shall have power, at any time hereafter, to form such and so many fire engines, hose companies, and hook and ladder companies, as they may deem desirable for the purpose of protecting the property of the said township from damage or destruction by fire; *provided*, that not more than one fire company be formed to every two thousand inhabitants of said township, and that every such company be composed of not more than sixty men; *and provided also*, that not more than two hook and ladder companies, and one hose company, be formed to every two thousand of said inhabitants, each of the said hook and ladder companies to be composed of not more than forty members, and the said hose companies to be composed of not more than twenty-five members.

Proviso.

Proviso.

Election o trustees.

3. *And be it enacted*, That the legal voters of the said township shall, at their annual township meeting, to be held in and for said township, elect, in the same manner as other township officers are elected, seven persons as trustees of the corporation hereby created, who shall hold their office for the term of one year and until others are elected in their stead, which trustees so elected, or a majority of them, shall have power to grant or annul certificates of membership of either of said fire engines, hook and ladder or hose companies, and that such certificates of membership shall be necessary to con-

stitute membership of any such company, and no certificate shall be given at any time to honorary members.

Money to be voted for and how appropriated.

4. *And be it enacted*, That the inhabitants of the said township aforesaid be and they are hereby authorized, at their annual town meeting in each and every year, to vote for such sum or sums of money, not exceeding in any one year the sum of five hundred dollars, which money shall be assessed and collected in the same manner as other taxes are assessed and collected in said township, and when collected, shall be paid over by the collector of said township to the chairman of the said trustees, and his receipt for the same shall be a sufficient voucher for the same; which money shall be solely and exclusively applied by the said trustees to the procuring, repairing, maintaining and preserving the engines, engine houses, cisterns or reservoirs of water, ladders, hose and hose carts, buckets, fire-hooks, and all necessary implements and machines, and to the purchase of real estate necessary for such houses, and to such other incidental expenses as shall to the said trustees appear best calculated to secure the property of the said inhabitants from injury or destruction by fire.

Exempt.

5. *And be it enacted*, That seven years' service as a member of either of said companies organized under this act, or the act to which this is a supplement, shall entitle such member or person to the exemptions mentioned in the tenth section of the act to which this is a supplement, any thing in the said section contained to the contrary thereof in anywise notwithstanding.

Repealer.

6. *And be it enacted*, That sections one, two, three, five and seven of the act to which this is a supplement, and all acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

Department may raise money and apply the same.

7. *And be it enacted*, That it shall be lawful for the trustees of the said the Weehawken Fire Department, for the time being, in order to raise money for the purpose of building engine houses, and purchasing lands and other necessary things for the said fire department, to borrow money from time to time, as they may deem expedient, and to secure the payment of the same by mortgage, upon any of the real estate belonging to said corporation, which mortgage or mortgages shall be executed under the corporate seal of the said corporation, and be signed by the president and secretary and treasurer of the said trustees for the time being, by notice of a resolution of the said trustees, duly passed for that purpose,

and such mortgage, or any sale by virtue of a foreclosure of the same, shall be valid and sufficient to transfer to the mortgagee or purchaser of such mortgaged premises, all the estate and interest of the said fire department in and to such mortgaged premises, as fully as if such mortgage had been made by an individual; and the said trustees for the time being shall and may apply the moneys raised by taxes for the use of said fire department, or such part thereof as they may deem expedient, for the purpose of paying the principal and interest of such mortgage or mortgages respectively.

Public act.

8. *And be it enacted*, That this act shall be deemed to be a public act, and take effect on the first day of April next.

Approved March 18, 1863.

CHAPTER CLXXXI.

A supplement to the act entitled "An act to incorporate the town of Phillipsburgh, in the county of Warren," approved March eighth, one thousand eight hundred and sixty-one.

Council to lay out lines of 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 said town to ascertain and establish the boundaries of all streets, lanes and alleys in said town, and to straighten the lines of said streets, lanes and alleys, and for that purpose may take and appropriate any lands and real estate which may interfere with the straightening of said lines, upon making compensation to the owner or owners thereof, as is hereinafter mentioned and provided.

Powers of council.

2. *And be it enacted*, That whenever the common council shall determine, by ordinance, to straighten the lines of streets, lanes or alleys, or lay out and open any new street, lane or alley within said town, or to make any sewer or drain in any part of said town, and to take and appropriate for such purpose any lands and real estate; they are hereby authorized to treat with the owner or owners thereof for the same, and for that purpose they may purchase such lands and real estate of the owner or owners thereof, and make such compensation therefor, as they shall judge reasonable, and

shall receive from such owner or owners a conveyance of such lands and real estate to said town.

Commissioners to make estimate and assessment of damages.

3. *And be it enacted*, That in case no agreement can be made for such purchase, it shall be lawful for the common council to appoint three disinterested freeholders, one of whom shall be a resident of said town, and two of whom shall be residents of the township of Greenwich, in the county of Warren, commissioners to make an estimate and assessment of the damages that any such owner or owners may sustain by taking and appropriating in the manner aforesaid such lands and real estate; and in estimating and assessing such damages, the said commissioners shall have due regard, both to the value of the lands and real estate, and to the injury or benefit to the owner or owners thereof, by making such improvement as aforesaid.

To take oath.

4. *And be it enacted*, That said commissioners, before they enter upon the duties required of them, shall severally take and subscribe an oath or affirmation, before the mayor or clerk of said town, to make the said assessment and estimate fairly and impartially, according to the best of their skill and judgment.

Notice to be given.

5. *And be it enacted*, That said commissioners shall give public notice of the time and place of their meeting, by advertisement in seven public places of said town, and shall have power when met, or a majority of them, to examine witnesses under oath or affirmation, to be administered by one of them, to enter upon and view the premises, and to adjourn from time to time, and shall make a just and true estimate and assessment as aforesaid, and make and sign a certificate of the same, and file the same with the town clerk, and the same being ratified by the common council, shall be binding and conclusive on the owner or owners of said land and real estate; and the said common council shall cause the same to be converted and used for the purpose aforesaid; *provided*, that any person or persons conceiving himself, herself or themselves aggrieved by the proceedings of said common council may appeal, within sixty days from the time of making the final order of said common council, to the court of common pleas in and for the county of Warren, and said court shall order a trial by jury, to assess the damages sustained by the party aggrieved, the trial whereof shall be conducted as in other cases of trial by jury.

Proviso.

In case of non-payment of damages.

6. *And be it enacted*, That in case of non-payment, on demand, of any damages estimated and assessed as aforesaid,

with interest from the date of the assessment, in case of no appeal as aforesaid, the person or persons entitled thereto may sue for and recover the same from the mayor and common council of said town, in an action of debt, with costs, in any court having cognizance thereof, and the said proceedings of the said commissioners and common council shall be conclusive evidence against the defendants.

Compensation to be made for lands taken.

7. *And be it enacted*, That the town treasurer shall, under the direction of the common council, tender and pay to the owner or owners as aforesaid, if resident of the town, the amount of such estimate and assessment due to him or them, but if such owner is not resident in the town, or cannot be found therein, or is a lunatic, idiot, under age, or from any other lawful cause shall be incapacitated to receive the same, or if such owner shall not accept the same and sign a receipt therefor when tendered, then the said treasurer shall make affidavit of such facts, and file the same with the town clerk, and the common council shall direct the amount to be placed in the town treasury, for the use of the person to whom it may be due, without interest, on demand.

8. *And be it enacted*, That nothing in this supplement shall authorize the removal of any dwelling house in said town, nor shall the provisions of this act be construed to apply to the lands of the Trenton Iron Company, within the limits of said borough.

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

Approved March 18, 1863.

CHAPTER CLXXXII.

AN ACT to provide for the recording of certain papers in the office of the Secretary of State.

Secretary of state to record papers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the secretary of state, in addition to filing in his office the certificates of the organization under the general incorporation laws of this state, or of any acceptance of a special charter, or the location or survey of any road, or any other agree-

ment or paper by law required or authorized to be filed in said office, to record said agreement or other papers in a book to be provided for such purpose, at the proper charge of the party or parties for whom the same is filed.

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

Approved March 18, 1863.

CHAPTER CLXXXIII.

AN ACT to confirm the acknowledgments and proofs of deeds, mortgages and other instruments in writing, taken by Meline W. Bonnell, of the county of Union.

Preamble.

WHEREAS, it appears to the legislature that Meline W. Bonnell was appointed a commissioner to take the acknowledgment and proof of deeds for the county of Union, on the nineteenth day of February, eighteen hundred and fifty-seven, and was duly commissioned and sworn, and on the fifth day of March, eighteen hundred and sixty-two, was re-appointed to the said office, but by mistake of law was not duly sworn, and continued to discharge the duties pertaining to said office; therefore, for remedy of the same,

Acknowledgment to be valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no acknowledgment or proof of any deed, mortgage, or other instrument in writing, heretofore taken and certified by the said Meline W. Bonnell, shall be deemed defective by reason of such acknowledgment or proof having been taken and certified after his term of office had expired; but all such acknowledgments and proofs shall have the same validity and effect as if the said Meline W. Bonnell had been, at the time of taking and certifying such acknowledgments or proofs, duly authorized by law to take and certify the same.

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

Approved March 18, 1863.

CHAPTER CLXXXIV.

AN ACT to authorise the inhabitants of the township of Clinton, in the county of Essex, 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 Clinton, in the county of Essex, are hereby authorized and empowered, at their next annual town meeting, to raise by tax the sum of twenty-eight hundred dollars, in the same manner as other moneys are raised for township purposes, for the purpose of refunding any moneys that may have been advanced or raised by loan, in said township, as a township bounty fund, and paid to volunteers in the United States service, in the army or navy of the government. Township may raise money by tax.

2. *And be it enacted*, That the collector of said township shall pay over the sum so raised, to the township committee, to be by them applied to the payment of any moneys borrowed for the purpose aforesaid. Collector to pay over money.

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

Approved March 18, 1863.

CHAPTER CLXXXV.

AN ACT to revive the act entitled "An act to incorporate the Middletown and Keyport Turnpike Company," approved March fifteenth, eighteen hundred and fifty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to incorporate the Middletown and Keyport Turnpike Company," approved March fifteenth, eighteen hundred and fifty-nine, be and the same is hereby revived and reënacted, except that the said road may be commenced within three years and completed within six years from the passage of this act. When to be completed.

New Jersey State Library

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

Approved March 19, 1863.

CHAPTER CLXXXVI.

AN ACT to authorize the inhabitants of the township of Readington, in the county of Hunterdon, to vote by ballot at their town meetings.

Officers to be elected 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 Readington, in the county of Hunterdon, authorized by law to vote at town meetings, are hereby authorized and required to elect by ballot and not otherwise, at their annual town meetings, the following officers, to wit: a township clerk, a judge of election, an assessor, a collector, one chosen freeholder, two surveyors of the highway, three commissioners of appeal, one or more overseers of the poor, one or more pound keepers, a township committee consisting of five persons, a town superintendent of public schools, as many justices of the peace as the inhabitants of said township may be constitutionally entitled to elect, and one or more constables; and shall also, upon the same ballot, vote for the amount of money to be raised for the support of the poor, for school purposes, for the repair of roads, the amount of dog tax, and all other money necessary for township purposes, and for the places of holding the next annual town meeting, and the election of state and county officers.

Election of overseers of the highway.

2. *And be it enacted*, That the overseers of the highways of the several road districts in the township of Readington, in the county of Hunterdon, shall be elected by the legal voters of the several road districts, as they may be arranged from time to time by the township committee, and for the purpose of carrying this provision into effect, it shall be the duty of the township committee to give public notice, as shall be hereafter directed in the third section of this act, which shall be within six days after the next annual town meeting, and of the place, which shall be some convenient place in the district when and where the legal voters of the township re-

siding in such district shall assemble for the purpose of such election; and at which time and place, such legal voters assembled having been called to order by any legal voter of the district, shall proceed, viva voce, by holding up of hands, or by count, to elect a moderator of such meeting by plurality of votes; and being so organized, the meeting shall proceed as in the election of moderator to elect an overseer of the highway for the district; the moderator of each district meeting shall, at their first meeting after such election, notify the township committee in writing of the election of such overseer; in case of the failure of any district to elect an overseer, or of the person so elected to accept of the appointment, the township committee shall fill such vacancy; the overseers of the highway shall account to and settle with the township committee as required to do by law.

District road meetings.

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 they 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, how called.

4. *And be it enacted*, That all subsequent district road meetings shall be called by the overseers of the respective districts, upon notice posted up in some conspicuous place in such road district, at least ten days from the time of holding such meeting; and all such district road meetings shall be held on the Saturday preceding the annual town meetings, and should the overseer fail to call such meeting, or in case of a vacancy arising from any other cause, the township committee shall fill such vacancy.

Officers of election.

5. *And be it enacted*, That the judges of election, elected at the last town meeting, shall preside at and conduct the election at the next annual town meeting; and the clerk of the said township shall be clerk thereof.

Elections, how conducted.

6. *And be it enacted*, That the election shall open at ten o'clock in the morning and close at four o'clock in the afternoon of said day, and be conducted in the same manner and be subject to the same rules as elections for state and county officers are or shall be; and the same duties shall devolve upon the judge of election and the clerk as are to be performed by the board of election and the clerk in other elections; they shall take the same oath or affirmation, as far as applicable, to 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, &c. how supplied.

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 meetings or the state and county elections; but a majority of all the votes cast shall be required to determine an amount of money to be raised or specified; and in case there shall be a neglect or failure to elect any officer by the town meeting or to fix the place of holding the next town meeting or state and county elections, or in case of the refusal of any person elected to accept of the appointment, or if a vacancy occurs from any other cause, or in case two or more have an equal number of votes for the same office, the town 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; and in that case shall have power to call such special meeting as now provided by law.

Clerk to keep record of proceedings.

8. *And be it enacted*, That the clerk of the township shall be clerk of the township committee, and shall keep a book of minutes of the proceedings of said committee, which shall at all times be open to the inspection of the voters of said 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.

Reports of township committee to be filed.

9. *And be it enacted*, That the reports of the township committee, the overseers of the poor and town superintendent of public schools shall be presented to the township committee and filed and preserved by the town clerk; in posting up the list of officers, 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 judges of election and clerk shall receive the same compensation for attending any town meeting as for attending a state or county election; and the township

committee may allow the clerk such compensation for the additional duties required by this act as they may deem reasonable.

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

Approved March 18, 1863.

CHAPTER CLXXXVII.

AN ACT to incorporate the Hibernia Mine Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Abram S. Hewitt, Edward Cooper, Dudley B. Fuller, George T. Cobb, Theodore T. Wood, Charles Jackson, Jr., George Richards, Thomas E. Allen, Joseph C. Kent and Charles Hewitt, and such other persons as shall hereafter be associated with them, are hereby constituted and declared to be a body politic and corporate, by the name of "The Hibernia Mine Railroad Company."

Amount of capital stock.

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

Commissioners to receive subscriptions.

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, at such time and place as they or a majority of them may think proper, giving notice thereof for at least ten days prior to the opening of said books, by publishing the same in one newspaper published at Morristown, in the county of Morris.

Election of directors.

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 one hundred shares of the capital stock shall be subscribed for it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders to choose seven directors, a majority of whom shall be resi-

dents in this state; the election shall be held in this state, 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 above named corporators, or any two of them, shall be inspectors of said election of the first directors of said corporation, and shall certify under their hand the names of the directors duly elected, and deliver over to them the subscription books and money paid in, 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 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 powers and functions as the by-laws of said corporation shall provide.

Corporation not dissolved by failure to elect.

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.

Powers and privileges.

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 installments, not to exceed twenty-five dollars on each share; *provided*, that no two installments shall be demanded within thirty days of each other; and in case of the non-payment of said installments, or any of them, to forfeit the share or shares upon which such default shall arise.

Proviso.

May construct railroad.

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 expe-

dient to survey, lay out and construct a railroad from the Hibernia Mines, in the county of Morris, to some convenient and accessible point or points on the Morris canal, in the county of Morris, with the privilege of extending the said railroad northwardly to the adjacent mines in the county of Morris, and southwardly as far as may be necessary to connect with the Morris and Essex railroad, and of constructing such spurs or branch roads as may be necessary to afford access to the adjacent mines in the said county of Morris, subject to the restrictions herein contained; and it shall be lawful for said company to lay out and locate the railroad and spurs or branches hereby authorized, forty feet in width, with as many sets of tracks and rails as they shall deem necessary, and to take and appropriate lands necessary for such purposes in the manner and form, and upon making payment therefor, as hereinafter provided; and for the purpose of cuttings, embankments, and procuring gravel and stone, may in the manner and form and upon the terms and conditions hereinafter prescribed, take as much more land as may be necessary for the proper construction and security of the road; and said company are invested with all powers necessary or convenient to survey, locate and lay out, construct and maintain said road; and it shall be lawful for the said 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 a practicable route for such railroad, and of locating the same, doing no unnecessary damage to private property; and when the route and location of said road, or the branches, or any portion thereof, shall have been settled and determined upon, 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 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 object of this act, when and so soon as said corporation shall have obtained the right and title to the lands, or the use of the same, upon and over which said railroad is located and laid out, and subject to such compensation, provisions and regulations, and upon such terms as are hereinafter provided for; *provided always*, that the said road hereby authorized to be surveyed and constructed

Proviso.

shall not be constructed, located or laid over or upon the dock property lying westerly of the highway leading from the steel furnace, in the village of Rockaway, in said county of Morris, to its intersection with the highway leading from the Presbyterian Church, in said village, to Horse Pond, in said county, without the consent of the owner or owners thereof.

Proceedings when company and owners 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 any such required lands, for the use or purchase thereof, or in case the owner or owners of any such required lands shall neglect or refuse to accept the offer of the said company, to submit to the arbitration by three residents and freeholders of said county of Morris, of the value of and damages to the said required lands by the location and construction of said railroad over the same, one arbitrator to be named by the company, one by the owner or owners of the said lands, and the two thus chosen to select a third, the decision of a majority of whom shall be conclusive or binding upon both parties, or if, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands so required for the use of the said company in the construction of the said road, and impossible to be obtained by the means or by reason of the disabilities aforesaid, shall be given in writing under oath or affirmation of some engineer or proper agent of said company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court, who shall cause the said company to give notice thereof to the person or persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, resident of the county of Morris, in this state, commissioners to examine and appraise the said lands, and assess the price or value of the same and the damages sustained by the owner thereof arising from the removal, making and maintaining the fencing on the line of the said railroad, through any improved lands over which the same may run, upon such notice, not less than ten days, to be given to the persons interested, or to be published as aforesaid, as shall be directed by the

judge making the appointment of commissioners; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding, to meet at the time and place appointed and to proceed to view and examine said lands, and to make a just and equitable appraisement or estimate of the value of the same and an assessment of the damages thereto, 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 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 or affirmations aforesaid, in the clerk's office of said county, to remain of record therein; which report, or in case of an appeal the verdict of the jury and the judgment of the court thereon, and a copy thereof certified by the clerk of said county, the damages assessed or found, with the costs adjudged, being first paid as hereinafter mentioned, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land; and either of the justices of the said court shall, on application of either party, on reasonable notice to the others, tax and allow such fees, costs and expenses to the justice, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and order and direct the same to be paid by said company; *provided always*, that if the owner or owners of the said land shall elect not to receive the sum awarded by the commissioners for the damages arising from the removal, making and maintaining the fencing as aforesaid, and shall notify the company thereof in writing, within ten days after said award, the company shall retain the said sum, and themselves make, remove, forever thereafter maintaining the said fencing. Proviso.

9. *And be it enacted*, That in case the said company, or the owner or owners of the lands and materials, shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the supreme court at the next term after the filing of the said report, the court shall have power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the How appeal may be taken.

said parties, and to order a jury to be struck and a view of the premises or materials to be had, and the said issue to be tried at the next circuit court to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained as aforesaid; and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon with costs shall be entered against the said company and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the company shall have offered or the said commissioners awarded, then the said costs to be paid by the said applicant or applicants, and either deducted out of said sum found by said jury, or execution awarded therefor as the court shall direct; but such application shall not prevent the company from taking the said land, upon the filing the aforesaid report, the value and damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owner or owners thereof being under any legal disability, or residing out of this state, the same being first paid into the court of chancery.

Road and bridges to be kept in repair.

10. *And be it enacted*, That it shall be the duty of the said company, in order to avoid cutting the adjacent farms, to lay their tracks along the side of the public roads, or along lines of division between real estate owners, so far as the directors shall deem the same practicable, and 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 shall cross the same, so that passage of carriages, horses and cattle on the said road shall not be impeded thereby, and good and sufficient fences along the said railroad where the said company assume or are by the provisions of this act compelled to maintain the same, 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 further that for all injuries and damages to the property, real or personal, of any person occasioned by, through, or in any way, by reason of the neglect, carelessness, intent, or act of the said company, their agents, employees or property, the said company shall become and be responsible therefor and liable to pay the same, to be recovered in any court of record of competent jurisdiction in this state.

Engines, &c., may be constructed.

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, subject to the restrictions and limitations in the proviso to this section contained, all machinery, engines, cars, wagons, carriages or vehicles, for the transportation of 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 every species of property whatsoever thereon as they from time to time shall think reasonable and proper, not exceeding eighteen cents per ton per mile; 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 no locomotive engine or other steam motive power shall be permitted to run upon the said railroad, except upon that part of the same between the intersection of the road hereby authorized, or any extension of the same, with the Morris and Essex railroad and the point where the railroad hereby authorized, or any extension of the same, strikes the Morris canal, near the public road leading from said village of Rockaway to the said Hibernia iron mines, and no further, without the consent of the owners of the land over which the said railroad passes between the said canal and the said mines.

Proviso.

May hold real estate.

12. *And be it enacted*, That the said company may purchase, have, hold and occupy such real estate at or near the commencement and termination of said road, and at each of its depots, as may be necessary for the convenient transaction of business, not exceeding five acres in each place, and may erect and build thereon warehouses, depots, and such other buildings and improvements as may be necessary for the safety of their property and the transaction of their business.

Penalty for injuring works.

13. *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, the sum of fifty dollars, in addition to 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 to be filed.

14. *And be it enacted*, That as soon as the said railroad is finished so as to be used from the Hibernia mines, or any of the said mines, or any opening, working shaft or vein of any of said mines, to the Morris canal, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said railroad, including all expenses, in the office of the secretary of state, and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds and expenses of said road, and whenever the financial condition of the said road and company shall warrant the declaration of dividends to the amount of seven per centum per annum, the said corporation shall pay to the treasurer of this state, to be applied to the school fund, a tax of one-half of one per centum on the cost of said road, to be paid annually on the first Monday in January, and that until the declaration and payment by the said company of regular and successive dividends, the said corporation shall be regularly assessed and pay tax for the value of its real estate, as now taxed, in the said township wherein it lies, at the same time and rate, and in the same manner, for the same purposes, and by the same person or persons as other taxes are assessed in the said township; Proviso. *provided*, that after the declaration and payment of regular and successive dividends to the amount per annum aforesaid, no other tax or impost, except the tax paid to the school fund, shall be levied or raised from said corporation by virtue of any law of this state.

Error in title.

15. *And be it enacted*, That in case it shall at any time appear that by reason of any mistake or error in the proceedings for acquiring the title of lands for the road or roads hereby authorized, the title to any such lands shall fail, or it shall appear that the title to lands necessary for said roads has not for any reason been acquired, then it shall be lawful for said company to proceed anew in the manner hereinbefore provided and directed, to acquire the right and title to any such lands.

May contract with other companies.

16. *And be it enacted*, That it shall be lawful for the said company to make contracts and engagements with any other corporation, or with individuals, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfillment of such contracts.

When to be commenced and finished.

17. *And be it enacted*, That if the said railroad shall not be commenced within five years, and completed and in use

from the Hibernia mines to the Morris canal, or a feeder thereof, within ten years from the fourth day of July next, then and in that case this act shall be void.

Bonds authorized to be issued.

18. *And be it enacted*, That the said company shall have the power, and they are hereby authorized to make their bonds, and for the purpose of securing their payment, to mortgage their real and personal estates, road or roads, and all the appurtenances, franchises, powers, privileges and rights belonging thereto, which they may possess under their act of incorporation, to such amount as they may deem expedient, and to sell or negotiate the same, at such rate of interest or discount as they may deem best for the interest of the company, without invalidation thereof by virtue of any statute of this state, and the said bonds and mortgages so sold or negotiated shall be valid and binding in law and equity, and the purchaser or purchasers, under a decree in equity or foreclosure founded upon any such bond or mortgage, shall be invested with all the estate, rights, franchises, powers and privileges which are or may be conferred upon or possessed by the said company, under or by virtue of their act of incorporation and the several supplements thereto, subject, nevertheless, to all the restrictions, conditions and limitations contained therein.

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

Approved March 18, 1863.

CHAPTER CLXXXVIII.

AN ACT to revise and amend the Charter of the City of New Brunswick.

TITLE FIRST.

OF THE BOUNDARIES AND LINE DIVISIONS OF THE CITY.

Boundary lines.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that district of country in the county of Middlesex contained within the boundary lines of the city of New Brunswick, to wit: Beginning at the mouth

of Mile Run Brook where it falls into Raritan river; thence southwesterly up the said Mile Run Brook to where it crosses George's Road; and thence due east until it strikes Lawrence's Brook, and thence down the said Lawrence's Brook, following the several courses thereof, until it falls into the Raritan river; thence in a straight line, crossing the said river, continuing the last course of Lawrence's Brook, to the south boundary line of the township of Piscataway; thence following said boundary line up the said river to a point opposite the said Mile Run Brook; thence crossing said river to the place of beginning, shall continue to be a city by the name of the city of New Brunswick, and all the inhabitants of this state within the limits aforesaid shall continue forever hereafter to be a body corporate and politic, in fact and in name, by the name of "The Mayor and Common Council of the City of New Brunswick," and that by that name they and their successors forever 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 that they and their successors may have a common seal and alter the same at their pleasure, and also by their corporate name aforesaid, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said corporation, and that the said "The Mayor and Common Council of the city of New Brunswick," and their successors, shall, by virtue of this act, become and be absolutely and completely vested with, and shall possess and enjoy, all the lands, tenements, hereditaments, property, rights, causes of action and estate whatsoever, both in law and equity, in possession, reversion or remainder, which at the time of the passage of the charter of the city of New Brunswick, approved February twentieth, eighteen hundred and forty-nine, and the several supplements thereto, were vested in or belonging to the inhabitants of the city of New Brunswick in their corporate capacity, as then incorporated by the name of "The Mayor, Recorder, Aldermen and Common Council of the City of New Brunswick," according to such estate and interest as the said "Mayor, Recorder, Aldermen and Common Council," at the time of the passage of the said charter and the several supplements thereto, had or of right ought to have had in the same, or which since that time have become

vested in and belong to the said "Mayor, Recorder, Aldermen and Common Council of the City of New Brunswick," in their corporate capacity.

Boundaries of wards.

2. *And be it enacted*, That the said city of New Brunswick shall continue to be divided into six wards, as heretofore, the boundaries of which shall be described as follows: the First Ward shall be bounded on the north by New street and the Trenton and New Brunswick turnpike, on the east by the Raritan river, on the south by Lawrence's Brook, and on the west by the boundary line of the city of New Brunswick; the second ward shall be bounded by Albany street on the north, by the Raritan river on the east until it intersects a line drawn from the centre of New street to the said river, on the south by New street, and west by Neilson street; the Third Ward shall be bounded on the north by Albany street, on the east by Neilson street, south by New street, and west by George street; the Fourth Ward shall be bounded on the north by Church street and the old post road leading from New Brunswick to Princeton, on the east by George street, on the south by New street and the New Brunswick turnpike, and on the west by the boundary line of the city of New Brunswick; the Fifth Ward shall be bounded on the north by the Raritan river and the boundary line of the city of New Brunswick, east by George street and a line drawn from the centre of the northern extremity of George street to the Raritan river, south by Church street and the old stage road leading from New Brunswick to Princeton, and west by the boundary line of the city of New Brunswick; the Sixth Ward shall be bounded on the north and east by the Raritan river, south by Albany street, and west by George street and a line drawn from the centre of the northern extremity of George street to the Raritan river.

Lines intersected, how determined

3. *And be it enacted*, That if any drawn line between any of the said wards shall intersect any dwelling house, such dwelling house shall be considered as included in and belonging to the ward in which the largest portion thereof shall happen to lie.

TITLE SECOND.

ELECTION AND APPOINTMENT OF CITY AND DISTRICT OFFICERS.

Election of officers.

4. *And be it enacted*, That the mayor shall be the chief executive officer of the city of New Brunswick, and shall

possess the powers and privileges and perform the duties which are hereinafter specified; he shall be elected for the term of two years, at the annual charter election in the year eighteen hundred and sixty-three, and in every second year thereafter, and shall receive such annual compensation for his services as the common council shall by ordinance appoint.

Aldermen to be elected by districts.

5. *And be it enacted*, That the common council of the said city of New Brunswick shall be composed of twelve aldermen, to be elected by districts, as follows: the first ward of the said city shall compose the first district; the second, third and sixth wards shall compose the second district; the fourth and fifth wards shall compose the third district; each district shall be authorized to elect four aldermen at the first charter election held after the passage of this act, and two aldermen at each annual charter election thereafter; at the first meeting of the common council after the first election held under this act, it shall be the duty of the person who at that time holds the office of clerk of common council to prepare and place in a box four tickets, two of which shall contain the words "one year," and the other two the words "two years;" said tickets shall be carefully folded so as to conceal the writing thereon, and each alderman elected by the voters of the first district shall be called by name, in alphabetical order, to draw a ticket from said box; the two aldermen who shall draw tickets on which are written the words "one year," shall continue in office for one year, and the two aldermen who draw tickets on which are the words "two years," shall continue in office two years; the same course shall be pursued with the aldermen elected in the second and third districts; and at all subsequent elections for city officers held under this act, each district shall elect two aldermen in place of those whose terms shall expire.

Election to be by ballot.

6. *And be it enacted*, That an election, by ballot, shall be held in each of the districts of said city, on the second Tuesday in April next, and on the second Tuesday in April in every year thereafter, at such places as the common council shall appoint, and of which at least six days' previous notice shall be given by the common council in the newspapers printed and published in said city; at which time, once in two years, as hereinbefore specified, there shall be elected in and for said city, one mayor, who shall hold his office for the term of two years; and once in three years one recorder for the said city, who shall hold his office for the term of three years; and in each and every year there shall be elected in and for

said city three chosen freeholders, two surveyors of highways, and one collector, who shall hold their offices respectively for one year; and in each of the districts of said city two aldermen (except at the first election as hereinbefore specified), who shall hold their offices for the term of two years; one assessor, three judges of election, one district clerk, one commissioner of appeals in cases of taxation, and two constables, who shall hold their offices respectively for the term of one year; the election of justices of the peace to which said city may be entitled, from time to time, shall be held, in accordance with the laws of the state, at the annual charter election.

Judges of election, how appointed.

7. *And be it enacted*, That the present common council of the city of New Brunswick shall have power to appoint three judges of election and one clerk for each of the three districts of said city specified in this act, which said judges and clerks shall possess and exercise all the powers and perform all the duties which are to be exercised and performed by the judges of election and clerks of the several districts to be elected under this act at the next and at each subsequent election in the said districts.

Election, how held.

8. *And be it enacted*, That the aforesaid annual charter election in each district shall be held and conducted by the judges of election and the clerk of election, at the same hours, in the same manner and under the same regulations, in all things, as prescribed by law for the state elections for members of the legislature, except as hereinafter provided.

Persons entitled to vote.

9. *And be it enacted*, That every person entitled to vote by the existing laws of this state, at an election for members of the legislature, if held on that day, who is at the time an actual resident of the district in which he offers his vote, shall be entitled to vote in the district in which he resides, but not elsewhere, for all or any of the officers to be chosen at such election.

Statement of result when to be made.

10. *And be it enacted*, That the statement of the result of such election in each of the districts of said city and the certificate thereof in the manner required by law at the state election for members of the legislature, shall be made within five days after such election by the proper officers, and shall be filed without delay with the city clerk.

Votes to be canvassed.

11. *And be it enacted*, That the common council of the said city, for the time being, shall convene on Monday next succeeding such election, at two o'clock in the afternoon, at their usual place of meeting, for the purpose of canvassing

the votes given at such election, and the original statements of the votes filed with the city clerk shall be produced by the said clerk; the common council shall make a written statement of the whole number of votes given at such election, for mayor of the said city and for the several other officers to be elected in and for the said city and the several districts thereof, the names of the persons for whom such votes were given and the number of votes given for each; and shall thereupon determine and declare what person or persons have received the highest number of votes for each of the offices mentioned in such statement; the statement and final declaration of the common council shall be certified by the presiding officer and the clerk, and filed in the office of the city clerk; and within ten days after the said common council shall have determined what persons have been elected to the several offices in the said city, the city clerk shall cause a written notice of his election to be given to each of the persons so elected.

In case of tie vote.

12. *And be it enacted*, That the person or persons receiving the greatest number of votes, of those given in the city for any city office, and of those given in each district, for any office in that district, shall be elected to that office; and if, at any election for charter officers authorized by this act, any officer except mayor or recorder or alderman or justice of the peace shall not have been chosen by reason of two or more candidates having received an equal number of votes, the common council of said city shall, by ballot, elect such officer from the two or more candidates having the highest number of votes.

Who eligible.

13. *And be it enacted*, That no person shall be eligible to any office at any such election, unless he shall then be an elector and resident of said city; nor shall he be eligible to any office for any district unless he shall then be an elector and resident of such district; and when any officer elected at any such election shall cease to reside in said city, or if elected for any district shall cease to reside in such district, his office shall thereby become vacant.

Term of office, when to commence.

14. *And be it enacted*, That the term of office of the chosen freeholders of the said city shall commence on the second Wednesday in May next succeeding their election; the term of office of justices of the peace of the said city shall commence at the time or times provided by law; and the term of office of all other officers elected at the annual charter election, as herein provided, shall commence on the

first Monday after the first day of May next succeeding such election, unless elected to supply a vacancy.

Vacancies, how supplied.

15. *And be it enacted*, That whenever a vacancy shall occur in the office of mayor, recorder or alderman, by the refusal or neglect of such officer to take the oath of office within the time required by law, by his resignation, death, ceasing to be an inhabitant of the city or district for which he shall have been elected, or by any other cause, the common council of said city shall immediately appoint a special election to be held in the several districts of said city, or in the district in which such vacancy has taken place, to supply such vacancy, of which special election the same notice shall be given as is required by this act to be given of the annual charter election of said city; and such special election shall be conducted and the result be determined and certified in the manner prescribed in this act for conducting and determining the result of the annual election in the said city for the same office; in case any such vacancy shall occur in the office of mayor or alderman, within three months before the second Tuesday in April in any year, it shall be within the discretion of the common council to appoint a special election or not, as they shall deem expedient.

Of vacancies.

16. *And be it enacted*, That if at any annual election to be held in the said city, there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person voted for, for the said office is intended, shall be designated on the ballot.

Persons elected when to qualify.

17. *And be it enacted*, That if any person who shall be elected to any office at the annual charter election shall not qualify, according to law, for the space of twenty days after the first Monday after the first day of May next succeeding such election, or if any person who shall be elected or appointed to fill any vacancy in any of the said offices shall not qualify, according to law, for the space of twenty days after such election or appointment, his office shall be deemed vacant.

Of vacancies.

18. *And be it enacted*, That in case a vacancy shall occur in the office of any of the aforesaid officers, except mayor or recorder or alderman, or justice of the peace, by death, resignation, neglect to qualify according to law, or by any other cause, the common council may, in their discretion, proceed to fill such vacancy by the appointment of a suitable

person who is eligible to such office according to the provisions of the thirteenth section of this act.

Members of legislature and county officers, how elected.

19. *And be it enacted*, That all elections hereafter to be held within the said city, for members of the senate and general assembly of this state, for sheriff, clerk, surrogate and coroners of the county of Middlesex, and for members of congress and electors of president and vice-president of the United States, or for any other officers of the general or state governments, or officers of said county of Middlesex, to be elected by the people, shall be held in the several districts of the said city, on the day or days which now are or hereafter may be designated for holding such elections, at the places therein appointed by the common council for holding the annual charter elections; the polls shall be opened at eight o'clock in the forenoon, and closed at seven o'clock in the afternoon; and the judges of election in the several districts shall preside at and conduct all such elections; and the district clerks of the said districts shall be the clerks of such elections in their respective districts; every person in said city entitled to vote at such elections shall vote in the district wherein he actually resides at the time of such election, but not elsewhere; and in case any person at any election whatever held in said city, shall vote or offer his vote in a district in which he is not entitled to vote, he shall be liable to the penalty prescribed in the fiftieth section of the act entitled "An act to regulate elections," approved April sixteenth, eighteen hundred and forty-six, to be sued for and recovered in the name of the district clerk of the district where the offence shall be committed in an action of debt with costs, and applied to the use of the poor of said city.

Elections, how conducted.

20. *And be it enacted*, That the said judges of election shall take the same oaths, and conduct such elections and make returns thereof, in the same manner as township officers of elections are or may be by law required to do, and shall be vested with the same powers and authority, entitled to the same compensation, and perform the same duties and be subject to the same penalties as the like officers of the townships of this state are or may be by law vested with, allowed or subject to; and in case of the absence, death, incompetency, or refusal to serve of any of the said officers of election, at any election provided for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the townships of this state, and the district clerks of the said districts, respectively, shall

procure election boxes for the use of their districts, in such manner and of such description as are required to be procured by the township clerks of this state, and be subject to the same penalties as township clerks are subject to, for neglecting to procure such boxes and keep the same in repair.

Officers appointed by council.

21. *And be it enacted*, That the common council shall from time to time appoint, by a majority of the whole number of the members of said common council, a city clerk, city treasurer, street commissioner, city surveyor, sealer of weights and measures, city attorney, chief of police, one or more collectors of arrears of taxes, one or more overseers of the poor, and such other subordinate officers, not herein named, as they shall think necessary for the better ordering and governing the said city, and the carrying into effect the powers and duties conferred and imposed upon the said common council by this act; every person who shall be appointed to any office under the provisions of this act shall be a resident and elector of the said city, and shall continue in office until the office for which he shall have been appointed shall be declared vacant, or until another person shall be appointed to succeed him and shall enter upon the duties of his office.

Officers to give bonds.

22. *And be it enacted*, That the city treasurer, street commissioner, collector, collector of arrears of taxes, and such other officers as the common council may require, shall, before they enter on the duties of their respective offices, give bonds to the city in its corporate name, in such sums and with such sureties as the common council may approve, for the faithful performance of their duties.

Oaths of constables, by whom administered.

23. *And be it enacted*, That every constable of the said city shall, before he enters upon the duties of his office, take and subscribe before the city clerk an oath or affirmation in the form prescribed for constables of townships, in the nineteenth section of the act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," using the word "city" instead of the word "township;" and the said clerk shall endorse on the said oath or affirmation the day and year on which the same was taken and subscribed, and file the said oath or affirmation and endorsement thereon in his office; and further, that every constable of the said city, before he enters upon the execution of his office, shall enter into bond to "The Mayor and Common Council of the City of New Brunswick," with one or more sureties, to be approved by the said common council, in such sum as the said common council shall direct, in the

form, as near as may be, prescribed in the first section of the act entitled "An act respecting constables;" which bond shall be delivered to the city clerk, who is hereby directed and required to file the same in his office; and all suits or actions on such bonds shall be conducted and prosecuted in the manner provided by law in such cases.

Oath of allegiance to be made.

24. *And be it enacted*, That every person who shall be elected or appointed to any office in pursuance of this act, shall, before he enters upon the duties of his office, take and subscribe before the city clerk or the mayor of said city, the oath of allegiance to this state, and likewise an oath or affirmation that he will faithfully and impartially execute the trust reposed in him, according to the best of his ability and understanding, which oaths shall be filed and preserved in the office of the said clerk.

TITLE THIRD.

POWERS AND DUTIES OF THE COMMON COUNCIL.

Aldermen.

25. *And be it enacted*, That the aldermen of the said city duly elected by the several districts thereof, shall constitute and be called "The Common Council of the City of New Brunswick."

President to be elected by council.

26. *And be it enacted*, That the common council shall annually elect a president from its own body, and in his absence a president pro tempore, choose officers, appoint its times and places of meetings, determine the rules of its own proceedings, be the sole judge of the election, returns and qualification of its own members, keep a journal of its proceedings, and may punish or expel a member for disorderly conduct or a violation of its rules; but no expulsion shall take place except by the vote of two-thirds of all the members elected, nor until the delinquent member shall have had five days' notice of the proceeding, and an opportunity to be heard in his defence.

City clerk.

27. *And be it enacted*, That the city clerk shall be the clerk of the common council; he shall keep accurate minutes of the proceedings of the common council, and shall perform such other duties as may be prescribed for him.

Quorum.

28. *And be it enacted*, That a majority of the whole number of aldermen shall constitute a quorum for the transaction of business; but a smaller number may adjourn from time to time, and compel the attendance of absent members; the mayor and the president of the common council shall respec-

tively be authorized to call special meetings of the common council, when the public good shall in their opinion render it necessary; and on the request of five members of the common council, in writing, addressed to the mayor, it shall be his duty to call a special meeting.

Of ordinances.

29. *And be it enacted*, That no ordinance or resolution shall be passed by the common council, except with the concurrence of a majority of all the members of the common council; every ordinance shall be read three times before its final passage, and every ordinance involving the expenditure of money or affecting personal liberty, shall be published for the space of two weeks, once in each week, in two newspapers printed and published in the city of New Brunswick, between its second and third reading.

Ordinances to be approved by mayor or returned to council.

30. *And be it enacted*, That every ordinance or resolution passed by the common council shall, before it takes effect, be presented to the mayor by the city clerk, duly certified by the president of the common council and the city clerk; if he approve it, he shall sign it, if not, he shall return it with his objections, and file it with the clerk within ten days after he received it; and the said common council shall, at its first regular meeting thereafter, enter the objections at length on its journal, and shall proceed to reconsider the same, and if a majority of all the members of the common council agree to pass the same, it shall take effect; but in every such case, the votes shall be taken by ayes and noes, and entered on the journal; and if such ordinance or resolution shall not be returned within ten days as aforesaid, it shall take effect in like manner as if he had signed it; but each and every ordinance so passed as aforesaid shall be published for the space of three weeks, once in each week, in two newspapers printed and published in said city, before the same shall take effect.

Ordinances, how may be repealed.

31. *And be it enacted*, That the common council shall have power within the said city to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws for the following purposes:

Finances.

I. To manage, regulate and control the finances and property, real and personal, of the city.

To preserve public peace.

II. To prevent vice and immorality, to preserve public peace and good order, to prevent and quell riots, disturbances and disorderly assemblages.

Gaming houses, &c.

III. To restrain and suppress disorderly and gaming houses, and houses of ill fame, all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices.

Victualing houses. IV. To regulate victualing houses or cellars, billiard tables, and bowling saloons.

Public performances. V. To prohibit, restrain and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and exhibitions for money.

Boundaries of streets. VI. To ascertain and establish the boundaries of all streets, highways, public lanes and alleys in said city, and to prevent and remove all encroachments upon said streets, highways, lanes and alleys.

Regulation of streets. VII. To regulate, clean and keep in repair the streets, highways, bridges, wharves, docks and slips in said city, and to prevent all obstructions in the river Raritan, near or opposite to such wharves, docks and slips; to prevent and remove obstructions and encumbrances in and upon all streets, sidewalks, cross-walks, lanes, alleys, bridges, aqueducts, wharves, docks or slips, in any manner whatever; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, parks and grounds of the city; and to enforce the removal of snow, ice or dirt from the sidewalks and gutters by the owners or occupants of the premises fronting thereon.

To prevent the erection of stoops, &c. VIII. To prevent or regulate the erection or construction of any stoop, step, platform, bay window, cellar door, area, descent into a cellar or basement, sign, or any post or erection, or any projection or otherwise, in, over or upon any street or avenue, and to remove the same at the expense of the owner or occupant of the premises.

To prevent horse racing. IX. To prevent and punish horse racing and immoderate driving or riding in any street, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street, and to regulate the speed and running of locomotive engines and railroad cars through said city.

Cattle. X. To prohibit the driving any drove or droves of cattle through any of the streets of the city on the first day of the week, commonly called Sunday, and to regulate the same at other times.

Public grounds. XI. To regulate, protect and improve the parks, public burial grounds, and other public grounds in said city.

Lamps, &c. XII. To provide lamps and gas fixtures, and to light the streets, parks and public places of every description in said city.

Aqueducts. XIII. To preserve the aqueducts in said city, and to make

and regulate wells, pumps and cisterns in the public streets and squares.

XIV. To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and other poultry, and to authorize the impounding and sale of the same for the penalty incurred and the costs of keeping and impounding. Pounds.

XV. To regulate and prevent the running at large of dogs, to authorize the destruction of dogs running at large, and to impose taxes on the owners of dogs. Dogs.

XVI. To regulate or prohibit the keeping of swine. Swine.

XVII. To locate, regulate and remove slaughter houses, establish and regulate public markets, license and regulate butchers, designate the places, times and manner of selling meats, fish, and to prohibit persons from selling without license. Markets.

XVIII. To prescribe and regulate the places of vending or exposing for sale, hay, straw and wood, from wagons or other vehicles. Sale of hay, &c

XIX. To regulate and prohibit any practice having a tendency to frighten animals, or to annoy persons passing in the streets or on the sidewalks in said city. To prevent annoyances.

XX. To restrain and punish drunkards, vagrants, mendicants and street beggars. Vagrants.

XXI. To establish a board of health, to define its powers and duties, and provide for the protection and maintenance of the health of the city. Board of health.

XXII. To abate or remove nuisances of every kind, and to compel the owner or occupant of any lot, house, building, shed, cellar, or place wherein may be carried on any business or calling, or in or upon which there may exist any matter or thing which is or may be detrimental to the health of the inhabitants, to cleanse, remove or abate the same, from time to time, as often as they may deem necessary for the health of the inhabitants of the city, at the expense of the owner or occupant thereof. Nuisances.

XXIII. To regulate the burial of the dead, prohibit interments within such limits as it may prescribe, purchase land for public burial places, direct the keeping and return of bills of mortality, and to establish such regulations for conveying the dead through the streets of said city, as the health, quiet and good order of the city may in their opinion require. Burial of the dead.

XXIV. To license and regulate cartmen, porters, hack, cab, omnibus, stage and truck owners and drivers, carriages Cartmen, porters, &c.

and vehicles used for the transportation of passengers and merchandise, goods or articles of any kind, (or to authorize the mayor to grant such licenses and to require the owners to mark the same in such manner as the common council shall designate;) auctioneers, common cryers, hawkers, pedlers, pawnbrokers, junk-shop keepers, sweeps and scavengers, and to fix the rates of compensation to be allowed to them, and to prohibit unlicensed persons from acting in such capacities.

Ringing of bells.

XXV. To regulate the ringing of bells, and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets.

Bathing.

XXVI. To regulate or prohibit swimming or bathing in the waters of, or bounding the city.

Weights and measures.

XXVII. To regulate weights and measures, in conformity with the standard of weights and measures established by law, and to require every merchant, retailer, trader and dealer in merchandise or property of any description, which is sold by measure or weight, to cause his or her weights and measures to be sealed by the city sealer, and to be subject to his inspection.

Police.

XXVIII. To establish, regulate and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and their compensation.

Fire department.

XXIX. To establish, regulate and control a fire department; to regulate and define the manner of the appointment and removal of the officers and members of the fire department, their duties and their compensation; to provide fire-engines and other apparatus, and engine-houses and other places for keeping and preserving the same, and to provide water for extinguishing fires.

Regulation of buildings.

XXX. To regulate and control the manner of building dwelling-houses and other buildings, and to prohibit within certain limits, to be from time to time prescribed by ordinance, the building or erection of any dwelling-house, store, stable, or other building of wood or other combustible materials; to regulate the construction of chimneys, and to compel the sweeping thereof; to prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things in such a manner as to be dangerous; to prohibit the deposit of ashes in unsafe places; to authorize any city officer or person or persons whom they may designate for that purpose, to examine and inspect by day, any place or places, for the purpose of ascertaining whether the same is or are in a safe condition,

and if not, to direct or cause the same to be made so; to regulate or prohibit the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale or use of fireworks and the use of firearms in said city; to regulate or prohibit the keeping and conveying gunpowder, camphene, spirit gas, and other dangerous materials, and the use of lights in barns, stables and other buildings; to raze or demolish any building or erection when necessary to prevent the extension of a conflagration, and to provide for the ascertainment and payment of just compensation to owners of property destroyed in such cases; to require all such further or other acts to be done, and to regulate or prohibit the doing all such further or other acts as they may deem proper to prevent the occurrence and provide for the extinguishment of fires in said city.

Paving streets, &c.

XXXI. To level, grade, curb and pave, flag or gravel the sidewalks in any street, highway, lane or alley, to prescribe the manner in which the said work shall be performed, and to cause the expense thereof to be assessed on the adjoining lots, whether improved or unimproved, and collected in the same manner as for regulating, grading and paving streets.

Draining and filling up lots,

XXXII. To direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground, in all cases where such digging down, draining, filling up or fencing is necessary to prevent or abate a nuisance, to prescribe the manner in which the said work shall be performed, and to cause the expense thereof to be assessed on such lots, pieces or parcels of ground, whether improved or unimproved, and collected in the same manner as for regulating, grading and paving streets; but no special ordinance shall be introduced, to authorize or compel the performance of any work or improvement mentioned in this or the last preceding sub-division or paragraph, being sub-divisions thirty-one and thirty-two of the thirty-first section of this act, until public notice shall be given of the intention of the common council to cause said work or improvement to be done and performed, and to that end it shall be the duty of the street commissioner, by direction of the common council, to give notice in two newspapers printed and published in the city of New Brunswick, of the intention of the common council to cause such work or improvement to be done and performed, briefly describing such work or improvement, and requesting such persons as may object thereto to present their objections in writing, at the street commissioner's office, on or before the expiration of

twenty days from the date of such notice, and at any time thereafter, the common council may proceed to consider such special ordinance, as aforesaid.

Taxes. XXXIII. To adopt all legal and requisite measures for levying and collecting the taxes.

To define duties of officers. XXXIV. To prescribe and define the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law.

Compensation of officers. XXXV. To fix and determine a reasonable compensation to be paid to any officer of said city, or other person employed by them, for any service required of him by this act, or by any ordinance or resolution passed by them, for which no specific fee or compensation is provided by this act, to be paid by the person or persons for whom such service shall be performed, for the use of the city.

Council may make ordinances. 32. *And be it enacted*, That the common council shall have power to make, establish, alter, modify, amend and repeal all such other ordinances, rules, regulations and by-laws, not contrary to the laws of this state or of the United States, as they may deem necessary to carry into effect the powers and duties conferred and imposed on them by this act or by any other law of this state.

Penalties for violation of ordinances. 33. *And be it enacted*, That in all cases where, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof, either by imprisonment not exceeding sixty days, or by fine, not exceeding fifty dollars, to be recovered, with costs, in an action of debt, in the name of "The Mayor and Common Council of the City of New Brunswick," for the use of the said city, before the recorder thereof, in which action the first process may be either by warrant or summons, and in which action it shall be lawful to declare, generally, in debt, for such penalty, and give the special matter in evidence; and further, it shall be lawful for said recorder, before whom judgment of imprisonment shall be given, to carry such judgment into effect, by warrant of commitment, under his hand and seal, directed to the keeper of the common jail of the county of Middlesex; the book of record of the ordinances of the city of New Brunswick shall be taken and received as evidence of the passage according

to law of all ordinances duly recorded therein; and further, the volume of ordinances printed by authority of the common council shall, in like manner, be taken and received as evidence of the due passage thereof, and the publication of the said ordinances in two newspapers according to law, shall, in all cases, be presumed to have been made, until the contrary be proved.

Council may establish work houses.

34. *And be it enacted*, That the common council shall have power to build, establish, keep and maintain one or more work-house or workhouses, and one or more alms-house or alms-houses, for the relief of the poor; and shall have power, by ordinance, to regulate the said houses, and to direct or order what persons shall be placed therein, and for what length of time, and the manner of ordering, placing and keeping persons therein; the application and expenditure of all moneys raised for the maintenance and relief of the poor of the said city, shall be under the government and direction of the said common council, and of such overseers of the poor and other officers as they shall for that purpose constitute and appoint; and the overseer or overseers of the poor appointed by the common council, shall possess the powers and perform the duties of the like officers of the townships of this state, so far as such powers and duties shall be consistent with the provisions of this act.

Council may borrow money

35. *And be it enacted*, That it shall and may be lawful for the said common council to borrow money in the name of the city, on note or other security, in anticipation of the taxes or sums levied and voted at the preceding annual city or town meeting; *provided*, that the sum or sums so borrowed shall not amount in all to more than one-half of the taxes or sums levied and voted at the preceding annual town meeting, nor be made payable later than thirty days after the time fixed by law for the collection of the said taxes; and that upon all taxes remaining unpaid after the time fixed by law therefor, interest at and after the rate of twelve per cent. per annum shall from that time be charged and collected by the collector or other qualified person collecting the same.

Proviso.

TITLE FOURTH.

OF THE POWERS AND DUTIES OF CITY OFFICERS, AND THE ENFORCEMENT OF THE ORDINANCES OF THE CITY.

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

Mayor to make annual statement.

mayor to communicate to the common council, at their first meeting in May in each year, and at other times when he shall deem it expedient, a general statement of the situation and condition of the city, in relation to its government, finances and improvements, with such recommendations as he may think proper; to be vigilant and active in causing the laws and ordinances of the city to be duly executed and enforced, and to examine into all complaints preferred against subordinate officers for a violation or neglect of duty; and generally to perform all such duties as may be required of him by law.

Mayor to have power to quell riots, &c.

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

Vacancy in the office of mayor, how supplied.

38. *And be it enacted*, That whenever there shall be a vacancy in the office of mayor, or whenever the mayor shall be prevented, by absence from the city, sickness, or any other cause, from attending to the duties of his office, the president of the common council, or, if the said president shall be absent or disabled, the president to be elected pro tempore, shall act as mayor, and possess all the rights and powers of the mayor, during the vacancy in office caused by the absence or disability of the mayor or president of the common council.

Duties and powers of chosen freeholders.

39. *And be it enacted*, That the chosen freeholders, surveyors of highways, collector, commissioners of appeals in cases of taxation, constables, and city clerk, elected or appointed as aforesaid, shall respectively possess the powers and perform the duties of the like officers of any township of this state, so far as such powers and duties shall be consistent with the provisions of this act; and that the assessor and judges of election of each of the districts of said city shall respectively possess the powers and perform the duties of the like officers of any township of this state, to the same extent, and in the same manner, in all respects, as if each of the districts of said city was constituted a separate township of the county of Middlesex, so far as such powers and duties

shall be consistent with the provisions of this act; and that the members of the common 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.

Duties and powers of treasurer.

40. *And be it enacted*, That the city treasurer shall receive all moneys belonging to the city, and shall deposit and keep the same as directed by the common council, and shall keep an account of all receipts and expenditures in such manner as the common council shall direct, and shall perform such other duties appertaining to his office as may be required of him by law, or by any ordinance or resolution of the common council; the said treasurer shall, at the close of the fiscal year, make out a full and true account of the receipts and expenditures during the year, and also the state of the treasury, and within five days thereafter deliver said account to the city clerk, who shall lay the same before the common council at their next meeting; and if, upon examination, it shall be found correct, it shall be filed in the office of the city clerk; and it shall be the duty of the said clerk to cause a copy of the said account to be published in two newspapers printed and published in said city, within one week after the same shall have been filed in his office; the fiscal year shall commence on the first day of April in each and every year.

Duties of city clerk.

41. *And be it enacted*, That the city clerk shall keep the common seal and all the records, books, papers and documents of the city, which shall be filed in his office; he shall sign all licenses, and keep the record of the proceedings of the common council, whose meetings it shall be his duty to attend; he shall engross all the ordinances of the city of New Brunswick in a book provided for that purpose, with proper indexes, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the mayor or acting mayor, the president of the common council and city clerk; and copies of all papers duly filed in his office, and transcripts thereof, and of the records and proceedings of the common council, and copies of the ordinances of the said city, certified by him under the common seal, shall be evidence in all courts and places; he shall also receive and pay over to the treasurer all moneys which, by any law, ordinance or usage, are paid to the city

clerk, and report to the common council monthly the amount of such receipts and payments.

Duties of sealer of weights and measures, and powers conferred.

42. *And be it enacted*, That the city sealer of weights and measures shall possess the powers, and be subject to the obligations conferred and imposed upon him by law, or by the ordinances of the said city; and the standard of weights and measures of this state, for the approving and sealing of the same in the several counties thereof, shall be the standard of weights and measures for the said city of New Brunswick; and on application for that purpose, the secretary of state of this state shall allow and assist the said city sealer of weights and measures to compare and adjust a corresponding standard of weights and measures for said city, and shall certify to and seal the same in the manner required by the first section of an act entitled "An act to establish a uniform standard of weights and measures in this state."

Street commissioner, city attorney, &c.

43. *And be it enacted*, That the street commissioner, city surveyor, city attorney, chief of police, collectors of arrears of taxes, and all other officers appointed by the common council, not herein named, shall possess the powers and be subject to the obligations conferred and imposed upon them by law, or by the ordinances, by-laws, rules and regulations of the common council.

Licenses to keep inns and taverns.

44. *And be it enacted*, That the sole and exclusive power to grant licenses to persons to keep inns and taverns and victualing houses, with the privilege of retailing spirituous liquors within said city, shall be vested in the common council.

Application for license to be made to council.

45. *And be it enacted*, That every application for any such license to keep an inn and tavern or victualing house, shall be made to said common council, by the petition of the person or persons applying for the same, stating the place or premises where the said inn and tavern or victualing house is proposed to be kept, and a certificate thereunto annexed, signed by at least twelve respectable citizens and freeholders in the district in which the place or premises is or are situate, setting forth that such inn and tavern or victualing house is necessary to accommodate the public, and entertain strangers and travellers, and that such person or persons is or are of good repute for honesty and temperance, well capable of carrying on the trade or business for which the license is requested, and well provided with room and other suitable conveniences for the comfort and accommodation of the public, of strangers and travellers.

Council may grant and revoke license.

46. *And be it enacted*, That the common council shall have power on every application to keep an inn and tavern or victualing house as aforesaid, to grant or withhold the same, and to revoke for cause shown, any license whatever granted by such common council; the said common council shall charge for every license granted, not less than thirty nor more than one hundred dollars, and may attach such terms and conditions to the license as they may deem proper; and no license shall be granted for a longer term than one year; no license shall be delivered until the fee therefor shall be paid to the city clerk; and all moneys received for licenses shall be paid to the city treasurer; every license granted as aforesaid, and the person or persons to whom the same shall be granted, shall be subject to the provisions of an act entitled "An act concerning inns and taverns," and the supplement or supplements thereto, except so far as the same may be inconsistent with the provisions of this act.

Firemen exempt from tax

47. *And be it enacted*, That the chief engineer of the fire department, assistant engineers and firemen of said city, shall, during their term of service, be exempt from tax not exceeding the sum of three dollars in each year, and from serving as jurors, or in the militia, in time of peace.

Powers of recorder.

48. *And be it enacted*, That the recorder of the said city shall have and possess all the powers as are now held and possessed by justices of the peace in and for the several counties in this state, and be amenable in like manner; but said recorder shall not, by virtue of his office, be authorized to hear and try any civil action, except such as may be brought to recover a penalty under some ordinance of the said city, in which case he may act as a justice of the peace in his civil capacity.

Proceedings before recorder prescribed

49. *And be it enacted*, That unless when otherwise directed, all actions or proceedings before the recorder under the provisions of this act, shall, as nearly as may be, be regulated by the provisions of, and conducted in the manner prescribed in and by an act entitled "An act constituting courts for the trial of small causes," and the several supplements thereto, and that the court of the said recorder in and for the said city of New Brunswick, shall be a court of record, and vested, for the purposes mentioned in this act, with the usual powers of courts of record of this state.

Recorder may issue certain writs of subpœna.

50. *And be it enacted*, That the recorder may, in all matters or causes pending before him, award and issue writs of subpœna ad testificandum into any county of this state.

May issue warrant for breach of ordinances.

51. *And be it enacted*, That the recorder shall be empowered, on oath, affirmation or affidavit, made according to law, and filed in his office, that any person or persons has or have been guilty of a violation of any of the ordinances of the said city, to issue a process, either in the nature of a warrant or a summons, against the person or persons so charged, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in not less than five nor more than fifteen days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, when, and in what manner the same has been violated, and that on the return of such process, or at the time to which the recorder shall have adjourned the same, the said recorder shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleadings; and that the recorder shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and person of the defendant or defendants; *provided*, that nothing herein contained shall prevent the enforcement of the ordinances of the said city in the manner hereinbefore provided.

Proviso.

Not to be issued unless upon oath filed.

52. *And be it enacted*, That no warrant, or process in the nature of a warrant, shall be issued by the recorder against any person or persons, on any complaint made as aforesaid, for the violation of any of the ordinances of the said city, unless upon oath or affirmation made and filed before said recorder, establishing to his satisfaction, by one or more particulars mentioned therein, that such process is necessary to secure the due enforcement of the ordinance, in the matter of said complaint, against such person or persons.

Parties may appeal.

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

Police officers to have powers of constables.

54. *And be it enacted*, That the chief of police and the officers of the day and night police, appointed by the common council, shall, (in addition to the authority conferred upon them by the ordinances, by-laws, rules and regulations of the common council,) possess and have all the powers of constables within the city limits, for the purpose of preserving the peace and enforcing the ordinances of the city.

Entitled to school quota

55. *And be it enacted*, That the city of New Brunswick shall be entitled to its just quota of the annual appropriation

made by the state for the support of public schools, to be ascertained according to law, and to be paid to the treasurer of the board of education of the city.

TITLE FIFTH.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

56. *And be it enacted*, That it shall be the duty of the common council of the city of New Brunswick to cause to be published in the newspapers of the said city, at least six days before each annual election for city officers, a statement of all moneys received or collected for the use of the city, or city purposes, during the past year, the sources thereof, how applied, the amount of the then indebtedness of the city, and balance of funds, if any in their hands, and also the amount, in their opinion, necessary to be raised by tax for the ensuing year for the use of the city, under appropriate heads and sums thereto; and that the annual city or town meeting shall be held at the hour of ten o'clock in the forenoon of the second Tuesday in April, yearly, at the same place where the annual election for the second district is being held, for the purpose of raising, voting and appropriating all such sums of money as the qualified inhabitants of said city may desire to raise, vote and grant, and said inhabitants shall and may then and there in the usual way and form vote, grant, raise and appropriate such sums; *provided*, that the same do not exceed the amount so recommended by the common council, and which said sums shall be assessed and collected by the assessors and collector, or other qualified person, in like manner and at the same time as the state and county taxes shall be assessed and collected; *provided*, that all moneys collected for the use of the city shall be paid to the treasurer thereof, and shall and may be drawn therefrom by common council on due warrant or order; *provided further*, that no appropriation of money for any purpose shall be made by common council after the sum voted by the inhabitants for such purpose has been expended, or has been authorized to be expended by the action of the common council; and if at the close of the fiscal year, it shall appear that any moneys remain in the treasury of the city unexpended for any of the purposes for which said money was raised, in accordance with the vote of the inhabitants, said sum or sums shall be reported in the annual statement to be made to the inhabitants

Council to publish statement of money received for city purposes.

Proviso.

Proviso.

Proviso.

by the common council, and shall be credited to the account of the purposes named, to be used, if necessary, the following year.

Mode of assessment and collection of taxes.

57. *And be it enacted*, That such sum or sums of money shall be assessed by the assessors, and collected by the collector of the said city, in the manner in which the taxes of the county of Middlesex are assessed and collected.

Duties of assessors.

58. *And be it enacted*, That the said assessors of the said city, in making their assessments, as now provided by law, are hereby directed and required to assess all lands, tenements, hereditaments and real estate, whether said lands and real estate be improved or not, in the names of the owners thereof, respectively, and to designate the same by the street where situate, and by the number thereof, where the same is numbered, and if not numbered, then by such other short description as will be sufficient to ascertain the location and extent thereof; that only one assessment shall be made on any improved lot, together with unimproved lands adjacent thereto and connected therewith, and belonging to the same owner; and that the said assessors of said city shall, when maps are for that purpose provided by the common council, make their assessments, as nearly as may be, according to such maps.

Colored persons exempt from poll tax.

59. *And be it enacted*, That all persons of color, resident in the said city, shall be and are hereby declared to be exempt from any poll tax.

Assessors, when to meet.

60. *And be it enacted*, That the assessors of the several districts of the city of New Brunswick shall meet annually on the last Monday in August in each year, and may from time to time adjourn, and when so met they shall constitute a board of assessors for the said city, and it shall then be their duty, as such board of assessors, to review the several assessments made by the respective assessors of the several districts of the said city, and to diminish, increase or alter any such assessments, in order that the assessments on property, whether real or personal, in the several districts of the said city, may be made as just and as nearly equal as possible; which assessments, so revised and approved by the said board, shall be the assessments for the several districts of the city of New Brunswick, subject as heretofore to the action of the commissioners of appeals in cases of taxation.

Meeting of commissioners of appeal.

61. *And be it enacted*, That the commissioners of appeals in cases of taxation in and for the several districts of the said city shall meet annually on the third Tuesday in No-

vember, in each year hereafter, to perform the duties required of them by law.

Assessments to be a lien.

62. *And be it enacted*, That any assessment of taxes hereafter made in the city of New Brunswick against any person or persons, shall be and remain a lien on all the lands and real estate of such person or persons within the said city, for the amount of such assessment, with interest thereon at the rate of twelve per cent. per annum, and all costs and fees, for the space of two years from the twentieth day of December of the year in which said assessment shall be made; and any assessment of taxes hereafter made upon any lands and real estate within the said city, shall be and remain a lien upon such lands and real estate, with interest thereon, and all costs and fees, for the space of two years from the twentieth day of December of the year in which such assessment shall be made, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereof, and notwithstanding any mistake in the name or names of the owner or owners, or omission to name the owner or owners of such lands and real estate; and any assessment of taxes in which such mistake or omission occurs, shall be valid and effectual in law, and if unpaid shall be returned in the list of delinquent taxes, and such lands and real estate may be proceeded against and sold in the manner provided by this act.

List of delinquent tax payers to be made out.

63. *And be it enacted*, That if the collector of the city of New Brunswick shall neglect for the space of ten days after the twentieth day of December in each and every year, to make out a list of the names of delinquents, as directed by the twelfth section of the act entitled "An act concerning taxes," and to deliver the same to a justice of the peace of the county of Middlesex, residing in said city, or to settle his accounts with the city treasurer and pay over the moneys received by him, he shall, for such neglect, forfeit all fees and compensation to which he would have been entitled for collecting and paying over the taxes for the year in which such neglect shall occur; *provided*, that no such neglect shall in any wise be held to relieve any person or persons from the payment of his, her or their tax or taxes, or to affect the proceedings for the collection thereof, hereinafter mentioned.

Proviso.

Tax warrant to be delivered to collector of taxes.

64. *And be it enacted*, That it shall be the duty of any justice of the peace to whom any list of delinquents shall be returned as aforesaid, immediately upon the receipt thereof, to administer to the collector returning the same, the oath prescribed by the thirteenth section of the act entitled "An

act concerning taxes," and to issue his warrant directed to "the collector of arrears of taxes of the city of New Brunswick," containing a list of the names of the several persons and of the sums due from them, respectively, either in figures or words at length, as the same shall have been returned to him as aforesaid; and shall thereby command the said collector to cause the said several sums of money, with interest thereon as aforesaid, and all lawful costs and fees, to be levied and made of the goods and chattels of the several persons therein named, and from whom the same are due, respectively, by selling the same at public auction, giving at least one week's notice of the time and place of such sale, in two newspapers, and in case the said collector of arrears of taxes cannot find sufficient goods and chattels of said persons, whereof the tax or taxes due from them, respectively, with all costs and fees, can be made, and in case there are no lands and real estate of said persons within the said city, then the said warrant shall further direct the said collector of arrears of taxes to take such further proceedings, to be set forth in said warrant, as are mentioned in the eighteenth section of the act entitled "An act concerning taxes," which warrant the said justice, before delivery thereof to said collector, shall record in his docket; and if any justice of the peace residing in the city of New Brunswick shall neglect or refuse to perform any duty required of him by this act, he shall, for every such neglect or refusal, forfeit and pay the sum of five hundred dollars, to be sued for and recovered, with costs, in the name and for the use of "The Mayor and Common Council of the City of New Brunswick," before any court of competent jurisdiction.

Collector of taxes to pay over money received to treasurer.

65. *And be it enacted*, That it shall be the duty of the said collector of arrears of taxes to execute, according to the command thereof, all warrants which shall be issued and delivered to him as aforesaid; to pay over, from time to time, and at least once in each week, without delay, all moneys received by him, to the treasurer of said city; and within sixty days from the date of any warrant directed and delivered to him, to make a full return and statement in writing to the common council of said city, of his proceedings on the same, setting forth particularly the amount of money received by him, the several sums then remaining unpaid, and the names of the several persons then in arrear, and the sums due from each respectively; and on or before the first day of March next after receiving any warrant, as fully as practica-

ble, to execute the same, and make return to the justice who issued the same, with a full return of all his proceedings thereon; and at the same time to make a full return and statement to the common council of said city, setting forth the amount of money received by him thereon since his first return and statement, the sums, if any, remaining unpaid, the names of any persons still in arrear, and the sums due from them respectively, which said return and statement shall be verified by the affidavit of the said collector; and in case there are no lands and real estate of said persons within the said city, it shall be lawful for the justice who issued such warrant, or in case of his death, removal from office, or other disability, for any other justice of the peace residing in said city, thereupon to issue another warrant for the collection of the sum or sums remaining unpaid, with interest, costs and fees, in the like form, and to be proceeded upon in the same manner as hereinbefore mentioned, and so until the whole is collected.

Collector may be removed from office.

66. *And be it enacted*, That the said collector of arrears of taxes shall be removable at the pleasure of the common council of said city; and in case of a vacancy in the office by removal, death, or otherwise, the common council shall have power at any time to fill such vacancy; and any warrant in the hands of said collector, at the time any vacancy occurs, may be executed, in whole or in part, as the case may require, by his successor; and it shall be the duty of any collector, within twenty days after being removed from office, or the expiration of the term of his appointment, to make a full return of his proceedings upon any warrant or warrants in his hands to the justice or justices who issued the same, together with such warrant or warrants, and within the same time to make and deliver to the common council of said city a full return and statement of his proceedings thereon, including all the particulars mentioned in the preceding section.

Receiver liable for amount of taxes.

67. *And be it enacted*, That the said collector of arrears of taxes shall be liable to the said "The Mayor and Common Council of the City of New Brunswick," for the amount of taxes mentioned in any warrant directed and delivered to him under this act, with interest, for such part thereof as shall not have been paid to the treasurer of said city, on or before the first day of March next after said collector shall receive said warrant, unless the deficiency happen without any neglect, fraud or default on his part, to be recovered, with interest and costs, in an action on the case for so much money had

and received by the said collector, for the use of the said "The Mayor and Common Council of the city of New Brunswick."

Return and statement to be recorded.

68. *And be it enacted*, That the full return and statement for each of the districts of the city of New Brunswick to the common council of said city, made by the collector of arrears of taxes, on or before the first day of March next after receiving any warrant as hereinbefore required, shall, by order of the common council, be delivered to the city treasurer; and on the receipt by him of such returns and statements as aforesaid, the treasurer shall prepare a transcript of the unpaid taxes so far as the same have been assessed upon any lands and real estate within the said city, or are a lien upon any such lands and real estate, including in such transcript the names of the owners, if any be given, of such lands and real estate, the description thereof and the amount of the taxes thereon respectively, and enter the same in a book to be kept for that purpose; and the said treasurer may, in such transcript, correct any errors of description in such returns and statements by comparing the same with the original assessment of taxes made by the assessors of the several districts respectively; and immediately after completing such transcript, he shall cause a notice to be published in two newspapers printed and published in said city, stating that said transcript of unpaid taxes has been made, and that unless said taxes shall be paid at his office within twenty days after the first publication of said notice, he will proceed to collect the same by public sale, according to law.

Assessments to be published.

69. *And be it enacted*, That whenever the common council shall order and direct the city treasurer to collect any assessment or assessments upon any lands and real estate remaining unpaid, as provided in the ninety-ninth section of this act, the treasurer shall prepare a transcript of such assessments, including in such transcript a brief description of the improvement or work for which such assessment or assessments was or were made, the names of the owners, if any be given, of such lands and real estate, the description thereof, specifying the street, road or avenue on which each lot, tract or parcel of land and real estate fronts, on which side thereof, and near or between what streets it may lie, and the amount of the assessments thereon respectively, and enter the same in a book to be kept for that purpose; and immediately after completing such transcript, he shall cause a notice to be published in two newspapers printed and published in said city,

stating that the said transcript of unpaid assessments has been made, and that unless said assessments shall be paid at his office within twenty days after the first publication of said notice, he will proceed to collect the same by public sale, according to law.

70. *And be it enacted*, That after the expiration of the said twenty days it shall be the duty of the said treasurer to collect the taxes or assessments in any such transcript then remaining unpaid, by public sale at auction of the lands and real estate whereon said taxes or assessments have been imposed or may be a lien; and public notice of the time and place of the sale of any lands and real estate under the provisions of this act shall be given by advertisement, signed by the city treasurer, and published in two newspapers printed and published in said city, for the space of six weeks, at least once in each week before the time appointed for such sale.

Treasurer to sell lands for assessments.

71. *And be it enacted*, That if any such tax or assessment remain unpaid on the day specified in such notice, the city treasurer shall proceed to sell by public auction, at the time and place appointed therein, the lands and real estate on which said tax or assessment shall have been imposed, or may be a lien, for the lowest term of years, but in no case exceeding fifty years, for which any person will take the same and pay the amount of such tax or assessment, with the interest thereon, and all costs, fees, charges and expenses; such payment shall be made before the conclusion of the sale; and if not so made, the treasurer may re-sell the property, or the city may have its action against the purchaser for the payment and interest at the rate of fifteen per cent. per annum; the sale may be adjourned from time to time until the lands and real estate are disposed of, and such as are not bid for when offered for sale, or for re-sale as aforesaid, shall be struck off to the city for the term of fifty years; a certificate of the sale of each lot, tract or parcel of land and real estate, sold as aforesaid, shall be made by the treasurer and delivered to the purchaser; such certificate shall contain a description of the property and the term for which it was sold, and state the particular tax or assessment, the amount thereof, with interest and expenses, for which the sale was made, and the time when the right to redeem will expire; and the treasurer shall enter and record in his office his proceedings upon such sales, and all sales made, and certificates granted by him, and all redemptions of property sold by him.

72. *And be it enacted*, That every certificate of sale shall be

Certificate of sale to be recorded.

presumptive evidence of the facts stated therein, and shall be recorded in the office of the city clerk, in proper books kept for that purpose, and shall constitute a lien upon the land and premises therein described, after the same shall have been so recorded; and no assignment of any certificate given on the sale of lands and real estate, for any taxes or assessment, shall have any effect until the same shall be recorded as aforesaid in the office of the city clerk; a declaration of sale shall not be executed and delivered until the certificate has been cancelled and filed with the city clerk, unless the loss or destruction thereof be established by affidavit to the satisfaction of the common council.

Provisions of act to apply to city in cases of sale.

73. *And be it enacted*, That if the city becomes the purchaser of any lands and real estate upon any such sale, the certificate of sale shall be assignable, and all the provisions of this act in relation to such sale shall apply to the city the same as to any other purchaser.

Mortgagee not divested of rights.

74. *And be it enacted*, That no mortgagee, whose mortgage shall have been duly recorded before sale for any tax or assessment, shall be divested of his rights in such property, unless six months' notice in writing, of such sale, shall have been given to him by the purchaser, or by any person or persons claiming under him, personally, if a resident of the city of New Brunswick, and if not such a resident, then upon the owner of the premises, if he be a resident of the city of New Brunswick, and by depositing such notice in the post office of said city, directed to the mortgagee at his place of residence, as stated in the mortgage or assignment thereof; but nothing herein contained shall be so construed as to impair the lien created by such sale; within a month after the service of such notice, it shall be the duty of the person serving or causing the same to be served, to file in the office of the city treasurer a copy of the notice served, together with the affidavit of some person who shall be certified by the officer before whom said affidavit shall be taken, to be a creditable person, proving the due service of said notice.

Owners may redeem lands.

75. *And be it enacted*, That the owner, mortgagee, occupant, or any person or persons having a legal or equitable interest in any lands and real estate sold for taxes as aforesaid, or for any assessment, under the provisions of this act, may redeem the same at any time within three years from the time of such sale, by paying to the city treasurer, for the use of the purchaser, his heirs and assigns, the said purchase money, together with any other tax or assessment chargeable

thereon, and which the said purchaser may have paid; *provided*, a notice of such payment has been filed in the office of the city treasurer, with interest on such purchase money, at the rate of fifteen per cent. per annum from the time of such sale, and on such payment or payments, from the time of filing such notice as aforesaid, and the certificate of such treasurer, stating the payment and showing what property such payment is intended to redeem, shall be evidence of such redemption; upon the receipt of such moneys by the city treasurer, he shall cause the same to be refunded to the purchaser, his heirs or assigns, and all proceedings in relation to said sale shall cease and determine; if the person so redeeming be a judgment creditor or mortgagee of the premises, he shall have a lien on the lands and real estate redeemed by him, by virtue of this act, for the amount paid by him to the city treasurer to effect such redemption, with the interest which may thereafter accrue thereon, at the rate of seven per cent. per annum, in like manner as if the same had been included in his mortgage or judgment, and may enforce the same in the same manner. Proviso.

76. *And be it enacted*, That if any lands and real estate so sold, shall not be redeemed as by this act provided, the common council shall execute to the purchaser, his legal representatives or assigns, a declaration of sale under the common seal, signed by the mayor and attested by the city clerk, containing a description of the premises, the fact of assessment, advertisement and sale, the date of sale and the period for which the premises were sold; which declaration shall be recorded in the office of the city clerk, and until the same shall have been so recorded, such lands and real estate may be redeemed as hereinbefore provided, notwithstanding the period of three years may have expired from the time of said sale; such declaration of sale shall be presumptive evidence in all courts and places, that such sale and proceedings were regularly made and had, according to the provisions of this act; and such purchaser or purchasers, and his and their legal representatives, shall, by virtue thereof, lawfully hold and enjoy such lands and real estate, with the rents, issues and profits thereof, for his and their own proper use, against the owner or owners thereof and all persons claiming under him or them, until the term shall be completed and ended, for which the purchaser or purchasers may have agreed to take the same, and at the expiration of the said term shall peaceably and quietly yield up such lands and real estate to Declaration of sale to be executed if property is not redeemed.

the lawful owner or owners thereof, and shall be liable for any injury or waste by him or them done or committed therein, in the same manner as a tenant for a term of years.

Certificates of sale to be recorded.

77. *And be it enacted*, That it shall be the duty of the city clerk to record, in proper books kept for that purpose, all certificates of sale and assignments thereof and all declarations of sale, to give certificates of search in relation thereto, to any person or persons applying for the same, and to cancel such certificates of sale and assignments thereof so recorded, when the land and real estate for which they were given shall be redeemed, on certificate of the treasurer of such redemption, and to file such certificates in his office; it shall be the duty of the treasurer to make out two receipts for all property redeemed, one for the person redeeming and one to be filed in the office of the city clerk.

Record of taxes to be kept.

78. *And be it enacted*, That a complete record of all taxes and assessments shall be kept in the office of the city treasurer; the record of taxes shall be the assessments of taxes prepared and returned by the assessors of the several districts of the said city, the final returns and statements to the common council made by the collector or collectors of arrears of taxes, and the transcripts of unpaid taxes prepared by the city treasurer; the record of assessments shall be the original certificates of assessment with the maps accompanying the same, the abstracts thereof, and the transcripts of unpaid assessments prepared by the city treasurer.

Compensation of officers.

79. *And be it enacted*, That the said collector of arrears of taxes shall be entitled to receive the sum of fifty cents for executing a tax warrant against each person named therein, and in addition thereto, two cents on each dollar collected by him and paid over to the treasurer of said city; and for making the final return and statement to the common council of said city, such amount as may be allowed by the said common council; and the justice of the peace issuing such warrant, for his services, shall be entitled to receive the same fees as are now allowed by law for issuing tax warrants; and the city treasurer shall receive, for the use of the city, for advertising any lot, tract or parcel of land and real estate, the sum of one dollar, and for a declaration of sale to a purchaser, the sum of one dollar.

TITLE SIXTH.

OF STREETS, HIGHWAYS, SEWERS, GENERAL AND LOCAL IMPROVEMENTS, AND ASSESSMENTS THEREFOR.

80. *And be it enacted*, That it shall be lawful for the common council of the city of New Brunswick, whenever in their opinion the public good requires it, by ordinance—

I. To lay out and open any street, road, highway or alley, public park or square, within said city; to order and cause any street, road, highway or alley, already laid out, or which shall hereafter be laid out, to be vacated, straightened, altered or widened; and to take and appropriate for such purpose, any lands and real estate, upon making compensation to the owner or owners thereof, as is hereinafter mentioned and provided. Laying out streets.

II. To order and cause bridges, culverts, sewers or drains to be constructed in any part of said city; and, if necessary, to take and appropriate for such purpose any lands and real estate, upon making compensation to the owner or owners thereof, as is hereinafter mentioned and provided. Bridges and sewers or drains.

III. To order and cause any street or section of a street to be graded, gravelled, paved, flagged, macadamized, or otherwise improved or regulated, in such manner as they may deem advisable, under the supervision and direction of the street commissioner, at the expense of the owners of lands and real estate on the line of said street or section of a street. Grading and paving.

81. *And be it enacted*, That no ordinance shall be introduced or presented to the common council, for making any improvement or performing any work, under and by virtue of the provisions of the last preceding section of this act, or either of the sub-divisions thereof, until public notice shall be given of the intention of the common council to cause such improvement to be made, or such work to be done and performed, and to that end it shall be the duty of the street commissioner, by direction of the common council, to give notice in two newspapers printed and published in the city of New Brunswick, of the intention of the common council to cause such improvement to be made, or such work to be done and performed, briefly describing such work or improvement, and requesting such persons as may object thereto to present their objections in writing at the street commissioner's office, on or before the expiration of twenty days from the Notice to be given of intended improvements.

date of such notice, and at any time thereafter, the common council may proceed to consider such ordinance, as aforesaid.

Further proceedings under ordinance to be by resolution.

82. *And be it enacted*, That whenever any ordinance shall be passed by the common council for making any improvement or performing any work, under and by virtue of the provisions of the eightieth section of this act, or either of the sub-divisions thereof, all further acts and proceedings which it may be necessary for the said common council to take, to carry out said improvements or work to completion, and all orders relating thereto, shall be by resolution and not by ordinance.

Lands may be purchased for improvements.

83. *And be it enacted*, That whenever the common council shall determine, by ordinance, to lay out and open any street, road, highway or alley, public park or square, within said city, or to alter, widen or straighten any street, road, highway or alley, or to make any sewer or drain in any part of said city, and to take and appropriate for such purpose any lands and real estate, they are hereby authorized to treat with the owner or owners thereof for the same, and for the purpose expressed in such ordinance; they may purchase such lands and real estate of the owner or owners thereof, and make such compensation therefor as they shall judge reasonable; and thereupon shall receive from such owner or owners a conveyance of such lands and real estate to the city; and such compensation shall constitute a part of the whole amount of costs, damages and expenses, to be assessed under and in pursuance of the provisions contained in the eighty-ninth section of this act.

Proceedings in case city and owners cannot agree.

84. *And be it enacted*, That in case no agreement for such purchase can be made, it shall be lawful for the common council to appoint five disinterested freeholders of the said city, residing in different wards, commissioners to make an estimate and assessment of the damages that any such owner or owners will sustain by taking and appropriating in the manner aforesaid, such lands and real estate; and in estimating and assessing such damages, the said commissioners shall have due regard both to the value of the lands and real estate, and to the injury or benefit to the owner or owners thereof, by making such improvement as aforesaid; and if, in any case, the commissioners shall estimate the benefits to any such owner or owners to be greater than the damages, they shall so declare in their report, and shall specially estimate and assess the value of the lands and real estate, which are necessary to be taken and appropriated for such improve-

ment; and after such award shall be made, the remaining lands and real estate of any such owner or owners shall be liable to assessment, for the payment of the costs, damages and expenses of such improvement, under and in pursuance of the provisions of the eighty-ninth section of this act.

Commissioners to take oath.

85. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required of them, shall severally take and subscribe an oath or affirmation before the city clerk or mayor of said city, to make the said estimate and assessment fairly and impartially, according to the best of their skill and judgment.

Commissioners to give notice of meeting.

86. *And be it enacted*, That the said commissioners shall give public notice, by advertisement in two newspapers printed and published in said city, of the time and place of their first meeting, at least ten days before the time of said meeting; and the said commissioners, or a majority of them, when met, shall have power to examine witnesses under oath to be administered by any one of them, to enter upon and view the premises, if they shall deem it necessary, and to adjourn from time to time, and shall make a just and true estimate and assessment as aforesaid, and make and sign a certificate of such estimate and assessment and file the same with the city clerk, and the same being ratified by the common council, shall be binding and conclusive upon the owner or owners of any such land and real estate, and the said commissioners shall cause the same to be converted and used for the purpose aforesaid; *provided*, that any person or persons conceiving himself, herself or themselves aggrieved by the proceedings of the said common council, or of the said commissioners, may appeal therefrom to the supreme court of this state, within sixty days from the time of making the final order of the common council, and the supreme court shall order a trial by jury to assess the damages sustained by the party aggrieved, the trial whereof shall be conducted as in other cases of trial by jury.

Proviso.

Suit may be brought for non-payment damages.

87. *And be it enacted*, That in case of non-payment on demand of any damages estimated and assessed as aforesaid, with interest from the date of the assessment, in case of no appeal to the supreme court as aforesaid, the person or persons entitled thereto, may sue for and recover the same from the mayor and common council of the said city, in an action of debt, with costs, in any court having cognizance thereof, and the said proceedings of the said commissioners and com-

mon council, or the award of said jury, as the case may be, shall be conclusive evidence against the defendants.

Proceedings in case owner will not accept amount of assessment of damages.

88. *And be it enacted*, That the city treasurer shall, under the direction of the common council, tender and pay to the owner or owners of such lands and real estate, if resident in the said city, the amount of such estimate and assessment of damages due to him or them; but if any such owner is not resident in the city, or upon due inquiry cannot be found therein, or is a lunatic, or idiot, or under age, or if for any other lawful cause he is incapacitated to receive the same, or if such owner will not accept the same and sign a proper receipt therefor, when tendered, then the city treasurer shall make affidavit of such facts, and file the same with the city clerk; and the common council shall, after inquiry into the facts of the case, direct the amount of such assessment to be placed in the city treasury, for the use of the person to whom it may be due; and the said moneys so placed in the city treasury, shall be paid by the city to the person or persons entitled thereto, on demand, without interest, except from such time as the demand may be made and payment refused.

Assessments for improvements.

89. *And be it enacted*, That in order to provide for the payment of the costs, damages and expenses of laying out and opening, altering, widening or straightening any street, road, highway or alley within said city, the common council shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment thereof, upon the owners of all the lands and real estate intended to be benefited thereby, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire; that in order to provide for the payment of the costs, damages and expenses of laying out and opening any public park or square within said city, the common council shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment of two-thirds of such amount upon the owners of all the lands and real estate intended to be benefited thereby, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire; the remaining one-third thereof to be assessed upon and paid by the city of New Brunswick; and that in order to provide for the payment of the costs, damages and expenses of constructing any bridge, culvert, sewer or drain, in any part of said city, the common council shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable

assessment thereof, either in whole or in part, upon the owners of all the lands and real estate benefited thereby, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire; and in case a part only of such amount shall be assessed upon such owners, then the balance of the whole amount of such costs, damages and expenses shall be assessed upon and paid by the the city of New Brunswick.

Commissioners to make assessments.

90. *And be it enacted*, That the common council shall appoint five disinterested freeholders of said city, residing in different wards, commissioners to make any such assessment; unless in the acts and proceedings of the said common council, taken for the purpose of carrying out said improvement or work, commissioners shall have been appointed to make an estimate and assessment of the damages sustained by any owner or owners for lands and real estate, taken and appropriated for such improvement or work, as authorized in the eighty-fourth section of this act, in which case the same commissioners appointed as aforesaid, shall be the commissioners to make the assessment of the whole amount of the costs, damages and expenses of such improvement or work, in the manner herein required.

Commissioners to take oath.

91. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required of them, shall take and subscribe an oath or affirmation, before the city clerk or the mayor of said city, to make the said assessment fairly and impartially, according to the best of their skill and judgment.

92. *And be it enacted*, That the said commissioners shall make a report, by a certificate in writing, of the assessment so made, and before proceeding to sign the same, shall place the said report in the office of the city clerk for examination, by the parties interested therein, and shall give notice in two newspapers printed and published in the city of New Brunswick, which notice shall be published for two weeks once in each week, that such report has been deposited as aforesaid, and also of the time and place when and where the parties interested can be heard by the said commissioners; and after hearing the parties, the said commissioners shall proceed and complete the report, and sign the same, and return the said report with all objections in writing, which shall be presented to, and left with them, by any of the parties interested, to the common council.

Expenses of regulating and paving streets

93. *And be it enacted*, That the whole amount of the cost and expenses of regulating, grading and paving any street,

or section of a street, or grading, graveling, flagging, macadamizing or otherwise improving any street, or section of a street, shall be assessed upon the owners of lands and real estate upon the line of said street, or section of a street; and whenever such improvement shall have been made under the provisions of this act, the common council shall ascertain the whole amount of the costs and expenses of such improvement in any street, or section of a street, and shall cause to be made a just and equitable assessment thereof, upon the owners of lands and real estate on the line of said street, or section of a street, by the street commissioner; *provided*, that the provisions of this section shall not be construed to apply to necessary repairs of any street, road, highway or alley; *provided also*, that after any street, or section of a street, shall be once entirely paved or macadamized, at the expense of the owners of property as aforesaid, the common council shall take charge of and keep the same in repair, without further direct assessment on the property on such street, or section of a street.

Proviso.

Proviso.

Street commissioner to make report.

94. *And be it enacted*, That the street commissioner shall make a report, by a certificate in writing, of the assessment so made, and before proceeding to sign the same, shall give notice in two newspapers printed and published in the city of New Brunswick, which notice shall be published for two weeks once in each week, that such report has been deposited in his office, for examination by the parties interested therein, and also of the time and place when and where the parties interested can be heard by him; and after hearing the parties, the street commissioner shall proceed and complete the report and sign the same, and return the said report, with all objections in writing, which shall be presented to and left with him, by any of the parties interested, to the common council.

Certificate of assessment to be referred to committee.

95. *And be it enacted*, That every certificate of assessment made as aforesaid, under the provisions of the eighty-ninth, ninetieth, ninety-first and ninety-second sections of this act, or under the provisions of the ninety-third and ninety-fourth sections thereof, and presented to the common council, shall be referred by them to the proper committee, for consideration; and in case of any objections in writing being returned with such report, the said committee shall publish a notice in two newspapers printed and published in the city of New Brunswick, which notice shall be published for two weeks, once in each week, to the parties interested, of the time and place when and where they will meet to hear them on the

objection and report; the said committee shall thereupon examine the matter and report to the common council, and return to them the said report of the said commissioners, or of the said street commissioners, as the case may be, with the objections of the parties, together with the views and opinions of the said committee respecting the said report.

Proceedings of council on report.

96. *And be it enacted*, That the common council shall thereupon examine the matter, and may correct said report and assessment, if they deem proper, and ratify the same; and every certificate of assessment which shall be duly ratified by the common council shall be final and conclusive; or they may return such report and assessment to the said commissioners, or to the said street commissioner, who may have signed the same, and the like proceedings shall be had when the report is returned as in the first instance.

Vacancies, how supplied.

97. *And be it enacted*, That in case of the resignation, death or disability of one or more of the commissioners appointed under the provisions of the eighty-fourth or ninetieth sections of this act, it shall be lawful for the common council to supply by appointment the vacancy or vacancies caused by such death, resignation or disability.

Treasurer to record and publish assessment.

98. *And be it enacted*, That whenever any certificate of assessment as aforesaid shall be ratified by the common council, such certificate shall be delivered to the city treasurer, and on the receipt by him of such certificate as aforesaid, the treasurer shall prepare an abstract of such assessment, and enter the same in a book to be kept for that purpose, and shall give notice in two newepapers printed and published in the city of New Brunswick, which notice shall be published for two weeks, once in each week, stating in general terms the streets or sections of streets comprised in such assessment, and requiring the owners of land and real estate assessed in such certificate to pay the amount to him, at his office, within sixty days from the first publication of the notice.

Suits may be brought for unpaid assessments.

99. *And be it enacted*, That if any such assessment upon any lot, tract or parcel of land and real estate shall not be paid within the time appointed in said notice, the common council of the said city may, as they shall deem proper, either bring an action on the case, in any court of competent jurisdiction, in the name of "The Mayor and Common Council of the City of New Brunswick," against the owner or owners of such lot, tract or parcel of land and real estate, for so much money laid out and expended by them for the use of such

owner or owners, and declare generally, and give the special matter in evidence, and either party, from any judgment rendered therein, may have the same remedy, by appeal or otherwise, as if said parties were private individuals; or may order and direct the city treasurer to collect such assessment by public sale at auction of the lands and real estate whereon such assessment has been imposed, or may be a lien.

Agreements between owners and tenants for tax not affected.

100. *And be it enacted*, That nothing contained in this act shall be construed to affect any agreement between the owner or owners of any lands and real estate, and the occupant or tenant thereof, respecting the payment of any tax or assessment on such lands and real estate, but they shall be answerable to each other in the same manner as if this act had not been passed; and if any such tax or assessment shall be paid by any person, when by agreement or by law the same ought to have been paid by some other person, then it shall be lawful for the person paying the same, to sue for and recover the amount of such tax or assessment, with interest and cost of suit, in any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same; and the proof of such tax or assessment, and of the payment thereof, shall be conclusive evidence in said suit; and in all cases where there is no agreement to the contrary, the owner or owners of the lands and real estate upon which such tax or assessment shall have been imposed, or may be a lien, and not the occupant or tenant, shall be deemed the person or persons who, in law, ought to bear and pay such tax or assessment.

Provisions of act to extend to removal of buildings.

101. *And be it enacted*, That all the provisions of this act in relation to laying out, opening, altering or widening any street, highway, road or alley, shall be construed to extend to and embrace the removal of any building, or part of a building, which has been heretofore erected within the lines of any street or road whose lines and courses have been or shall hereafter be run, marked, laid out and designated by commissioners appointed and acting in conformity with the provisions of the one hundred and fifth section of this act.

Alterations in streets occupied by railroad tracks.

102. *And be it enacted*, That whenever any street or part of any street in the said city, occupied or used by the track of any railroad company, shall require to be altered or widened for the convenience of public travel, and proceedings for the altering or widening the same shall have been taken under the provisions of this act, it shall be lawful for the commissioners appointed by the common council, and whose

duty it may be, to make a just and equitable assessment of the whole amount of the costs, damages and expenses of such altering or widening among the owners of all the lands and real estate intended to be benefited thereby.

Surveys of streets to be made and recorded.

103. *And be it enacted*, That it shall be lawful for the common council, whenever they shall deem it expedient, to cause surveys to be made, and the same to be filed in the office of the clerk of the county of Middlesex, and recorded in the book of records of roads and highways for the said county, of such streets, roads, highways and alleys, as they may think proper, which heretofore have been or at any time hereafter may be opened by the owner or owners of any land over which the same runs, and which has been by such owner or owners dedicated to the public, by permitting the public to use the same, and by selling lots fronting thereon, and all such streets, roads, highways and alleys, when surveyed, and such surveys filed and recorded as aforesaid, shall be deemed and taken to be public streets or highways, and shall be made, maintained and treated as such in all respects.

Public streets to be laid out under direction of council.

104. *And be it enacted*, That no street, road, highway or alley, hereafter to be laid out and opened, shall be recognized, considered or treated as a public street, road, highway or alley, unless the same has been or shall be laid out and opened under the direction of the common council, or has been or shall be surveyed, and such survey filed and recorded as aforesaid.

Commissioners to lay out lines of streets.

105. *And be it enacted*, That, whereas, there are several roads, highways and streets within the said city of New Brunswick, the lines of which have not been, and cannot be certainly ascertained, by reason of the indefinite surveys, and plots and maps thereof; for the better fixing upon and settling the lines and courses of said streets, roads and highways, the common council of said city shall and may appoint, from time to time, four disinterested freeholders of the said city, residing in different wards, as commissioners who, together with the street commissioner for the time being, shall constitute a commission to run, mark, lay out and designate the lines and courses of any such street, road or highway, as are not and have not been ascertained and clearly designated, which said commission shall have full power and authority to run, mark, lay out and designate the lines and courses of any such street, road or highway within said city, and shall make a full and clear map and profile of said street, road or highway, or such part thereof as they shall run, mark, and lay

New Jersey State Library

out, designating by some notable and permanent marks, or monuments, the beginnings and endings of said street, or part thereof, as aforesaid; which said map or profile, certified under the hands of said commissioners, or a majority of them, shall be recorded in the office of the city surveyor; which said record, or original map or profile, so filed as aforesaid, shall be full evidence of the street, road or highway, or part thereof, as the case may be, and of its lines and courses; and the said four commissioners shall receive for their services such compensation as shall be made and granted by the said common council.

TITLE SEVENTH.

MISCELLANEOUS PROVISIONS.

Inhabitants not incompetent as witnesses or jurors.

106. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact to which "The Mayor and Common Council of the City of New Brunswick" is a party, or in which it is interested, no person shall be deemed an incompetent judge, witness, or juror, by reason of his being an inhabitant, freeholder or freeman of said city; and that if any person shall be sued or impleaded by reason of anything done by virtue of this act, it shall be lawful for such person to plead the general issue and give this act and special matter in evidence at the trial.

Former ordinances in force until repealed.

107. *And be it enacted*, That all ordinances of the said city passed by the common council, under and by virtue of the provisions of the act entitled "An act to incorporate the city of New Brunswick," and the several supplements thereto, not inconsistent with the provisions of this act, shall continue in force until altered or repealed by the common council.

Revision of ordinances.

108. *And be it enacted*, That whenever the common council shall cause a revision of the ordinances of the city to be made, and shall direct the same to be published in a printed volume, such revised ordinances shall take effect without the publication thereof in two newspapers printed and published in the city of New Brunswick, as provided in the twenty-ninth and thirtieth sections of this act.

Books of record to be evidence.

109. *And be it enacted*, That the books of record kept by any of the officers of the city, under and by virtue of the provisions of any city ordinance, shall be admitted as evidence of the matters and things therein contained and recorded, in all courts and places whatsoever.

110. *And be it enacted*, That it shall be lawful for the common council, when they shall deem it expedient, to cause to be made a series of maps embracing the whole city, in sections of convenient size, and upon such a scale as to admit thereon the plotting of every lot in said city; they shall cause a notice to be inserted in the newspapers of said city, informing the different lot owners that they may produce their titles to the person employed to make said maps, and have the lots described therein plotted on said maps without charge; the person so employed shall make said maps, with the information that he may thus or otherwise acquire, and shall number or letter the maps, and each lot on every map; when said maps shall have been completed they shall be reported to common council, and if approved by that body, the president thereof shall endorse that fact, with his signature, on each map; they shall then be bound in suitable binding, as an atlas, and be called the city atlas; said atlas shall be renewed from time to time, and the alterations made therein, as hereinafter provided, incorporated into the body thereof, whenever the council shall deem it expedient; said atlas, as well as the renewals thereof, shall be deemed public records of the city. Council to cause maps to be made and bound as an atlas.

111. *And be it enacted*, That the city surveyor shall have the custody of said atlas, and he shall also keep a book, in which he shall register the names of the several lot owners, as far as he can ascertain the same; and whenever thereafter the purchaser or seller of any lot shall desire him so to do, and present to him the deed of conveyance, he shall record in said register the date thereof, and the name of the persons by and to whom the said conveyance was made, and when part of a lot plotted on said maps shall have been conveyed, it shall be his duty, when so requested, to mark on said map, in different colored ink, the part so conveyed; the city surveyor shall be entitled for his services under this section, from the persons applying to him therefor, to such fees as common council may from time to time fix and determine by ordinance. City surveyor to have custody of atlas.

112. *And be it enacted*, That in the month of January, after said atlas shall have been so made, and in the month of January, in each third year thereafter, it shall be the duty of common council to appoint three judicious freeholders of said city, whose duty it shall be to affix to each lot, and each subdivision thereof, as the same stands recorded on the city atlas, distinguishing the same by their marks or numbers, Valuation of lots to be affixed.

the fair value of each lot or subdivision, as in their opinion the same would produce if sold for cash free of encumbrance at sheriff's sale; when they shall have completed such valuation, they shall leave the same with the city surveyor, for the inspection of all persons interested; such valuers shall also give public notice thereof, for two weeks, in the newspapers printed in the city, in which notice they shall set a time and place at which they will attend and hear the objections any person may desire to make to any part of said valuation; after hearing said objections, and altering such parts of said valuation as they may deem proper, said valuers shall affix their names to the same, which shall then be final and conclusive, and deposit the same with the city surveyor for safe keeping.

Valuation to be adopted by assessors.

113. *And be it enacted*, That the valuation so made shall be adopted by the assessors of the several districts in valuing the real estate of the city for the assessment of taxes until the next valuation; but if, after such valuation, any subdivision shall be made of any lot, and such subdivision shall be marked on said atlas as aforesaid, said subdivision shall be assessed separately, and shall be valued for so much of the whole valuation as its superficial area bears to the superficial area of the whole lot, unless the parties to the conveyance shall have filed, in writing, with the city surveyor, an agreement fixing the proportion of the tax which said subdivision shall pay until the next triennial valuation.

Assessors to arrange duplicates.

114. *And be it enacted*, That it shall be the duty of the assessors of the several districts of the city to so arrange their duplicates as to specify therein, by their letters and numbers in the city atlas, the several lots or subdivisions of lots so assessed, with the valuation thereof, and the amount assessed thereon, and the name of the owner or owners, as shown by the register kept by the city surveyor, to the end that each lot and the amount assessed upon it may be clearly ascertained and identified.

Assessments to be made upon lots as recorded in city atlas.

115. *And be it enacted*, That all assessments upon lot owners in said city, which may be made for the opening, widening, or altering of streets, for the construction of sewers, or for any other purpose authorized or to be authorized by law, shall be made upon the lots, or subdivisions of lots, as they stand recorded in the city atlas; and in advertising the same for sale for such assessment or for taxes, it shall be sufficient to describe the said lots, or subdivisions of lots, by the letters and numbers by which they are distinguished in said city

atlas, together with the name or names of the owner or owners thereof, as the same appear in the register kept by the city surveyor.

Provision in case of sale noted on atlas

116. *And be it enacted*, That all assessments for taxes and all assessments referred to in the preceding section shall be made upon the whole lots, or subdivisions thereof, as they stand at the time upon the city atlas, and each lot or subdivision shall be liable for the whole assessment or tax thereon; but that if any part of the same shall have been sold, and such transfer not entered on said atlas and register as aforesaid, the person who shall have paid the assessment or tax thereon shall have the right to recover from the other parties interested his or their proportion of said assessment or tax, in proportion to the superficial arrears of the different parts thereof.

Justices of the peace to be a court of record and cognizant of offences against ordinances.

117. *And be it enacted*, That the justices of the peace now resident in the said city, or hereafter elected and resident therein, are hereby severally declared and constituted a court of record to take cognizance of all offences against the ordinances and by-laws of the said city, and as fully and in manner provided or given to the recorder of said city by the charter of said city, the supplements thereto, or any ordinances in pursuance thereof, and to take and receive the fees and sums allowed or provided for such services, and may issue and direct their process to the same officers as are therein provided, or to any one of the constables of the said city, and such constables or officers shall and may serve, execute and return all such lawful process, issued and delivered to them, or either of them, by any such justice for any violation of any city by-law or ordinance of the said city, or by the recorder of said city, who may in all cases issue process to said constables as to any other police officer of said city, and such constable or other officer shall be entitled to demand and receive all fees allowed and provided for such services.

Repealing former act.

118. *And be it enacted*, That from and after the passage of this act, all acts and parts of acts inconsistent with, or repugnant to this act, are hereby repealed; but nothing herein contained shall be construed so as to destroy, impair, or take away any right or remedy acquired or given by any act hereby repealed; and all proceedings commenced under any such former act, shall and may be carried out and completed, and all prosecutions for any offence committed, or penalty or forfeiture incurred, shall be carried on in all respects in the same manner, and with the same effect, as

though this act had not been passed; and the present charter officers shall continue in office until their successors shall be elected and qualified under this act.

When to take effect.

119. *And be it enacted*, That this act shall take effect immediately, and shall be deemed and taken to be a public act, and the legislature may at any time alter, modify or repeal the same.

Approved March 18, 1863.

CHAPTER CLXXXIX.

A supplement to an act entitled "An act to incorporate the Ringwood Valley Railroad Company," approved March ninth, eighteen hundred and fifty-four.

Commencement and completion of road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time limited in the act to which this is a supplement, for the commencement and completion of the said railroad, shall be computed from the fourth day of July next; and that the said company shall, so far as the directors shall deem it practicable, lay their railroad track along the side of the public road, so as to avoid making new divisions of the adjacent fields and farms.

Repealer.

2. *And be it enacted*, That the twenty-second section of the act to which this is a supplement, be and the same is hereby repealed; and that it shall and may be lawful for the legislature, at any time, to alter, amend or repeal the said act, and this supplement thereto.

Approved March 19, 1863.

CHAPTER CXC.

Further supplement to an act entitled, "An act to incorporate the New Brunswick Water Company," approved March first, eighteen hundred and fifty-nine.

Preamble. WHEREAS, the said incorporation will be unable to commence the construction of their works, as required by the eleventh section of their act of incorporation; and whereas, an extension of said limitation is necessary—therefore,

Time for constructing extended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time for commencing the construction of said works be extended, and if the work of constructing shall not be commenced on or before the first day of March, eighteen hundred and sixty-seven, this act shall be null and void.

Additional corporators. 2. *And be it enacted*, That Henry R. Baldwin, James Hutchings, McRee Swift, Benjamin D. Stelle, Frederick Staat, Garret G. Voorhees, Lewis Hoagland, and Johnson Letson, be added to and associated with the corporators and commissioners named in the first section of the act to which this is a supplement, and that said above named persons, in connection with those named in said first section of said act, have the powers and perform the duties delegated and set forth in said act and the supplement thereto.

Subscription to capital stock limited. 3. *And be it enacted*, That the amount of subscription of the city of New Brunswick to the capital stock of said water company, authorized by a supplement approved March fifteenth, eighteen hundred and sixty-one, be limited to seventy-five thousand dollars.

Of issuing city bonds. 4. *And be it enacted*, That in order to expedite the construction of said water works, the mayor and common council of the city of New Brunswick be, and hereby are empowered to appoint a special election, for the purpose of enabling the electors of said city to vote upon the question of subscribing to the stock of said water company, and of issuing the bonds of the said city in payment therefor, the said election to be conducted in all other respects as provided in the third section of the supplement to the act of incorporation above referred to.

Repealer. 5. *And be it enacted*, That all acts and parts of acts con-

flicting with this act be, and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 19, 1863.

CHAPTER CXCI.

AN ACT to legalize certain acts of the inhabitants of the townships of Hamilton, Washington and East Windsor, in the county of Mercer, and also of the assessors and collectors of said townships.

Preamble.

WHEREAS, the township committee of the townships of Hamilton, Washington and East Windsor, in the county of Mercer, upon notice did call a meeting of the inhabitants of said townships, and the said meetings thus assembled did unanimously vote to borrow a sufficient sum of money to pay to volunteers for the war; and whereas, the credit of the said townships was pledged at said meetings, by vote, for the payment of said sums so directed to be raised, and to that end the same was directed to be assessed and collected from the taxable property of said townships; and whereas, at a subsequent meeting of said inhabitants it was voted that a sufficient sum for said purposes be assessed and collected, and the proceedings of the former meetings were ratified in all things; and the said assessments having been made and partially collected, and doubts having arisen as to the legality of the said doings of the township committees and the inhabitants of the said townships—therefore,

Act of township committee legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the acts and doings of the township committees and the inhabitants of the townships of Hamilton, Washington and East Windsor, in the county of Mercer, mentioned in the preamble to this act, to raise by assessment and collection a sum of money sufficient to pay bounties to volunteers for the war, to make up the quota of men from said townships, and also to pay the bounties of twenty-seven volunteers raised in the township of Hamilton over the said quota required, are made valid in all respects, and binding upon the inhabitants and taxable property in said townships.

2. *And be it enacted*, That the collectors of the said townships of Hamilton, Washington and East Windsor, shall have full power and authority to collect the said sum so assessed as aforesaid, in the manner now prescribed by the act relative to the collection of taxes in said townships. Powers of collectors.

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

Approved March 19, 1863.

CHAPTER CXCII.

AN ACT to incorporate the New Jersey Mutual Life Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Wright, Beach Vanderpool, Cornelius Walsh, Hosea F. Clark, Marcus L. Ward, George Peters, David Campbell, Peter S. Duryee, James H. Tichenor, James R. Sayre, junior, Theodore P. Howell, Thomas B. Peddie, William M. Simpson, John C. Denman, James G. Barnet, John H. Kase and others, their associates, successors and assigns, shall be and are hereby ordained, constituted and declared to be a body politic and corporate, for the purpose of life insurance, and by the name of "The New Jersey Mutual Life Insurance Company," to be located at Newark, in this state, and by that name to sue and be sued, to plead and be impleaded, in all courts of justice, and to have and to use a common seal, and the same to alter and change at pleasure, and also by that name shall be and hereby are empowered to purchase, hold and possess, and enjoy to themselves, and their successors, any estate, real or personal, for the use of said corporation; *provided*, the lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, be only such as shall be requisite for its accommodation in the transaction of its business, or such as shall have been mortgaged to it in good faith by way of security for loans, or such as shall have been conveyed in satisfaction of debts previously contracted in the course of its business, or such as shall have been purchased at sales, upon judgments or decrees obtained for such debts, and all such Names of corporators. Proviso.

real estate as shall not be necessary for the accommodation of said corporation in the convenient transaction of its business, except lands mortgaged as aforesaid, shall be sold and disposed of within five years after the said corporation shall have acquired title to the same, and it shall not be lawful for the said corporation to hold such real estate for a longer period.

Persons insured to be members while insured.

2. *And be it enacted*, That all persons who shall at any time hereafter insure in or with the said corporation, shall, while they continue so insured, be deemed and taken as members of said corporation, and that the property and concerns of said corporation shall be managed and conducted by sixteen, with the privilege of increasing their number to twenty directors, a majority of whom shall be citizens and residents of this state, to be chosen by ballot, by and from among the members, and the said board of directors shall, at their first meeting, divide themselves by lot into four classes; the term of the first class shall expire at the end of one year, the term of the second class shall expire at the end of two years, the term of the third class shall expire at the end of three years, and the term of the fourth class shall expire at the end of four years, and so on successively each and every year, and an insurance of at least five hundred dollars in amount shall be necessary to entitle any member to a vote, and a plurality of votes shall constitute a choice; and that the election for directors shall be held on the third Monday of January in each year, at the office of the company, or such other place as a majority of the directors may previously designate, public notice of which shall be given in one or more newspapers published in the city of Newark, at least two weeks previous to the time of holding such election, and if any of the said directors shall die, refuse or neglect to act in their said office, for the space of two months, then, and in every such case, the remaining directors shall have power to fill such vacancies until the next annual election; and in case it should happen that an election for directors should not be held on the day when in pursuance of this act it ought to be held, the said corporation shall not be dissolved for that cause, but it shall and may be lawful to hold an election pursuant to law; and until an election for directors shall be held, according to the provisions of this act, the persons named in the first section of this act shall have the direction and management of said corporation.

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

the said corporation to make insurances predicated upon the lives of persons, on such terms and conditions as shall be from time to time ordered and provided for by the by-laws of said corporation, and to make contracts upon any and all conditions appertaining to or connected with life risks, of whatever kind or nature; and if at any time it shall so happen that there shall be just claims on the corporation for losses sustained to a greater amount than they have funds on hand to discharge, in such cases the directors for the time being shall, with all convenient expedition, proceed to assess such deficiency in a ratable proportion on the members of the corporation, or their lawful representatives, according to the amount of each member's insurance; *provided*, that such assessment shall not exceed the amount of the note or obligation given by such member, which rates of assessment shall be approved of by a majority of the directors; and notice in writing shall be given to such member, or his lawful representative, of the assessment and amount by him or them required to be paid, and each and every member, or his lawful representative, so notified, shall pay the same to the treasurer for the time being within sixty days after such notification, and in default thereof shall forfeit all right or claim to any policy or privilege that he may have obtained, and be no longer a member of the corporation, and shall be liable for the amount of such assessment, with interest, to be recovered by action of debt, with costs of suit, before any court of competent jurisdiction.

Life insurances to be made.

Proviso.

4. *And be it enacted*, That it shall be lawful for any married woman, in her own name, or in the name of any third person as trustee, to cause to be insured the life of her husband for any given period or for the term of his natural life; and in case of her surviving her husband, the sum or net amount of insurance shall be payable to her for her sole use and benefit, free from any claims of either or any of the creditors or representatives of her husband; and in case of the death of the wife before the decease of her husband, the amount of the insurance may be made payable after her death to her child or children, for his, her or their benefit, or their guardian or guardians if under age; *provided*, that this section shall not apply to insurance where the annual premium shall exceed the sum of three hundred dollars, unless paid from the private property of the wife.

Married women may insure lives of husbands.

Proviso.

5. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to raise a guarantee

Powers of directors.

capital, to be held in such a manner as the board of directors may deem expedient and for the better security of the insured, and shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper for the management and disposition of the stock, property and effects of the corporation, and in all such matters as appertain to the government of said corporation and the transaction of its business, and shall have power to appoint an actuary and such other additional officers, clerks and servants for carrying on the business of said corporation as they may select, with such allowance as to them shall appear just and satisfactory; *provided*, that such by-laws, rules and regulations shall not be repugnant to the constitution or laws of this state or of the United States.

Proviso.

Election of officers.

6. *And be it enacted*, That at the first meeting of the directors held after the organization of this company, and subsequent to every annual meeting of the members in each year after, the directors shall choose from among themselves one person for president, who shall continue in office until the next annual meeting, and until another shall be appointed in his place; they may also choose a vice president in like manner, who shall perform the duties of the president in case of his absence or inability to serve.

Notice to be given.

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

Funds, how invested.

8. *And be it enacted*, That no part of the funds shall be used for the purpose of banking, and no investments shall be made except either in loans on bonds and mortgages upon real estate of double the value of the debt secured thereon, or in United States stocks, or stocks created by any state in the Union, or in bonds of the city of Newark, or in bonds of such other cities of the United States as may be approved of by the board of directors.

May amend.

9. *And be it enacted*, That it shall be lawful for the legislature, at any time hereafter, to alter, amend or modify this act.

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

Approved March 19, 1863.

CHAPTER CXCIII.

AN ACT to incorporate the Phillipsburgh Gas Light Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph C. Kent, John C. Bennet, Charles Sitgreaves, Lewis C. Reese, Benjamin T. Harris, Patrick Walsh, George W. Bearder, Jacob Seigle, John S. Bach, John Lander and Edmund Teel, and all and every person or persons who may become subscribers according to the mode hereinafter prescribed, and their successors, are hereby created a body politic and corporate in fact, by the name of the "Phillipsburgh Gas Light Company," and by that name are authorized to make and sell gas for the purpose of lighting the streets, buildings and other places in the town of Phillipsburgh, in the county of Warren, and to enter into and execute contracts and agreements in relation to all matters connected therewith, and shall be capable of purchasing, taking and holding any estate, real or personal, that may be necessary therefor, or may be acquired in the securing of debts due to them in the regular course of their business, and of selling and disposing of the same.

Powers of corporators.

2. *And be it enacted*, That the said company shall be empowered to do all things necessary, for the lighting with gas, of the streets, bnildings and other places in the said town of Phillipsburgh, and to lay down gas pipes and to erect gas posts, burners, lanterns and reflectors in the streets, avenues, roads, alleys, lanes and public grounds of the said town; *provided*, that the public travel shall not at any time be unnecessarily impeded thereby, and that the said streets, avenues, roads, alleys, lanes and public grounds shall be left in as good condition as the same were in previous thereto.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the persons named in the first section of this act are hereby appointed commissioners to receive subscriptions for the sum of thirty thousand dollars, to constitute the capital stock of said company, in shares of twenty-five dollars each; and the said commissioners, or a majority of them, shall open books for that purpose, at such time and in such place within this state as they shall designate by a public advertisement, to be previously published for at least two weeks, in a newspaper printed and circulating in

the said county of Warren; and shall keep the said books open until the whole of said capital stock shall be subscribed, or at their discretion close the same, after they shall have remained open for two days, and again open the same, at some other time or times and in the same or some other place or places within this state, giving public notice thereof in the manner aforesaid; and the sum of five dollars upon each share so subscribed shall be paid to the said commissioners, or a majority of them, by each subscriber at the time of subscription; and each subscriber shall be thereupon entitled to receive a certificate for such stock, from the said commissioners, or a majority of them; and the moneys so received by the said commissioners, or a majority of them, at the time of the said subscription, shall be paid by them unto the board of directors of the said company, as soon as they are chosen, in the manner hereinafter provided; and all the powers of the said commissioners shall thereupon immediately cease and determine; and the said directors are hereby authorized from time to time, and with the like public notice, to re-open the books, if necessary, for the further subscription of stock, until the whole stock subscribed shall amount to the said sum of thirty thousand dollars, and also to call upon the said subscribers for the payment of further installments in such manner and under such forfeiture or forfeitures as they may deem expedient until the whole amount of the said shares so subscribed shall have been fully paid; *provided*, that no installment shall be larger than five dollars on each share, and that the said installments shall not be required to be paid within thirty days of each other.

Election of directors.

4. *And be it enacted*, That as soon as conveniently may be after six thousand dollars of the said capital stock shall have been subscribed in the manner aforesaid, the said commissioners, or a majority of them, shall convene the stockholders by a public notice, for at least one week, in some newspaper printed and circulating in the said county, and at such time and place as shall be designated in said notice; and the said stockholders so convened, shall choose by ballot, and by a plurality of votes, a board of seven directors from among their own number, all of whom shall be residents of the said county; and the said directors so chosen shall hold their offices until the second Monday in January next following, when and annually thereafter the said stockholders shall convene at such hour and place as may be designated by the said directors, and be publicly advertised for at least two

weeks in the manner aforesaid; and shall make choice in like manner of a new board of seven directors for the year then next ensuing; and any vacancy in the said board of directors may be filled by themselves until the next annual election; and the said stockholders or their proxies shall be allowed in such elections one vote for each share of stock held in his, her or their name or names at least fourteen days previous thereto.

Corporation not dissolved for failure to elect.

5. *And be it enacted*, That if at any time an election is not held on the day herein appointed, the corporation shall not be dissolved for that cause, but an election shall be held in such manner as may be directed by their by-laws, at any time within one year thereafter; and the said directors, in case of such failure to hold an election, shall continue in office until others are chosen in their stead.

Duties and powers of directors.

6. *And be it enacted*, That the management of the affairs of said company shall be vested in the said directors, who shall have power to enact all necessary by-laws, and of whom a majority shall constitute a quorum for the transaction of business, and the said directors shall, at their first regular meeting after their election as aforesaid, select by a plurality of votes, one of their number to be their president, who shall continue in office until the appointment of a successor, and the said directors may at their pleasure appoint and remove a treasurer, a secretary, and other subordinate officers and agents, and require of them satisfactory security for the faithful and honest discharge of their respective duties.

Stock, &c., to be personal estate.

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

Penalty for injuring works.

8. *And be it enacted*, That if any person or persons shall wilfully injure any conduit, pipe, cock, gasometer, or other thing connected with the works of the said company, or wilfully cause the same to be obstructed or injured, he, she or they so offending shall be deemed guilty of a misdemeanor, and being thereof convicted shall be punished by a fine not exceeding three hundred dollars, or by imprisonment at hard labor not exceeding two years, or both; and such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit hereby authorized to be brought for such injury or obstruction, by and in the name of said company, in any court of competent jurisdiction in this state.

Books to be kept.

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

May borrow money.

10. *And be it enacted*, That the said company shall have power to borrow money to an amount not exceeding the one-half of their capital stock actually paid in, and to mortgage their said works, franchises, privileges and other property, and to make and execute all necessary assurances for the securing the money so borrowed, with the legal interest thereon.

Powers and restrictions.

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

Limitation.

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

Approved March 19, 1863.

CHAPTER CXCIV.

AN ACT to authorize the inhabitants of the township of Hackensack, in the county of Bergen, to raise money, issue bonds, and for other purposes.

Preamble.

WHEREAS, the inhabitants of the township of Hackensack, in the county of Bergen, at a special town meeting held the ninth day of September, eighteen hundred and sixty-two, resolved to pay to each of the wives of volunteers for nine months in the service of the United States, who, being residents of said township, had volunteered in such service between the twenty-fifth day of September, the sum of six dollars per month during the time of such service, or in case of no wife, to the widowed mother dependent on such volunteer, or in case of no dependent widowed mother, to the motherless children of such volunteer; and whereas, the said township are without legal authority to raise the money necessary therefor by taxation or otherwise—therefore,

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 said township of Hackensack to provide for the payment of the said monthly bounty by issuing bonds in the name of "The inhabitants of the township of Hackensack, in the county of Bergen," executed under the hands and seals of the said township committee, or a majority of them, for an amount of money not exceeding eight thousand dollars, in such amounts, and payable at such times as the said township committee shall deem proper, bearing interest at a rate not exceeding seven per centum yearly, and with the proceeds of the sale of said bonds to make payment of such bounty. May issue bonds.

2. *And be it enacted*, That the township committee of the said township be and they are hereby authorized and required to add to the amount of money to be raised by tax for township purposes, each year that the said bonds remain unpaid, a sum sufficient for, and to be applied to paying the interest yearly arising upon the outstanding bonds, and before the expiration of six years from the passage of this act the said township committee shall cause the whole of said principal sum of eight thousand dollars to be assessed and collected in the said township, in the manner and at the time of assessing and collecting other township taxes, and in such installments as the township committee may think for the best interests of the said township, and with the money so collected pay off and redeem the said bonds. Tax, how raised.

3. *And be it enacted*, That the proceedings of the said town meeting mentioned in the preamble hereto, be and the same are hereby ratified and confirmed. Acts valid.

4. *And be it enacted*, That so much of an act entitled "An act to authorize the township of Hackensack, in Bergen county, to raise money," approved February fifth, eighteen hundred and sixty-three, as may be inconsistent with the provisions of this act, be and the same is hereby repealed. Part of former act repealed.

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

Approved March 19, 1863.

CHAPTER CXCV.

A supplement to the act entitled "An act to regulate fees," approved April fifteenth, eighteen hundred and forty-six.

Constable's fees when attending courts

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the constables in and for the several counties of this state shall be severally entitled to receive one dollar and fifty cents per day for every day they 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 said counties respectively, to be paid in the manner now directed by law for the payment of constables' fees when attending the courts above named.

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

Approved March 19, 1863.

CHAPTER CXCVI.

AN ACT to legalize certain acts of the inhabitants of the township of Lebanon, in the county of Hunterdon, and also of the assessor, collector and township committee of said township.

Preamble.

WHEREAS, The inhabitants of the township of Lebanon, in the county of Hunterdon, did, on the twenty-fifth day of August, eighteen hundred and sixty-two, upon notice given in due form by the township committee, assemble and organize themselves into a town meeting, and the said meeting thus assembled did vote to assess a tax of one hundred dollars to each volunteer which said township was liable to raise for the war to make their apportion of nine months' men, and also one hundred dollars for each volunteer that would enlist in any of the old regiments; and whereas, the assessor of said township, in accordance with said vote,

did assess a tax of four thousand seven hundred dollars, which sum was paid to volunteers enlisting in the war from the said township of Lebanon; and whereas, the collector of taxes of said township has collected said tax along with and in the same manner as he collected the other taxes in said township; therefore,

Proceedings confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the doings and proceedings of the said town meeting, of the said assessor and collector, and township committee, in voting, assessing and collecting said tax for said bounties, be and the same are hereby ratified, confirmed, and in all respects made valid and binding upon the inhabitants of said township.

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

Approved March 19, 1863.

CHAPTER CXCVII.

A further supplement to the act entitled "An act relating to the registering and returns of births, deaths and marriages in the state of New Jersey," approved March third, one thousand eight hundred and forty-eight.

City clerk authorized to make returns of births, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "A further supplement to the act entitled 'an act relating to the registering and returns of births, deaths and marriages in the state of New Jersey,'" approved March eleventh, eighteen hundred and sixty-two, shall not be deemed, held or construed to apply to the city of Newark, in the county of Essex; and that the duties required by the first and second sections of the act to which this is a supplement, shall, in and for said city, be performed by the city clerk thereof, or under his direction, according to the provisions of said act; and that in so far as the provisions of the supplement aforesaid, approved March eleventh, eighteen hundred and sixty-two, apply to the said city of Newark, the same are hereby repealed.

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

Approved March 19, 1863.

CHAPTER CXCVIII.

AN ACT concerning taxes in the township of Hackensack, in the county of Bergen.

Preamble. WHEREAS, there is a deficiency in the amount of taxes ordered to be raised in the township of Hackensack, in the county of Bergen, for the year eighteen hundred and sixty-two, for county purposes, to the amount of fifteen hundred dollars, arising through a mistake of the assessor of said township in making the assessment; therefore,

Township committee to procure loan. 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 said township of Hackensack to procure by loan, for the use of said township, the said sum of fifteen hundred dollars, at a rate of interest not exceeding seven per centum per annum, to meet the said deficiency, and to cause the said sum to be assessed in the said township, at the next general assessment of taxes made therein after the passage of this act, and with the money, when collected, to pay and discharge the said loan debt.

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

Approved March 19, 1863.

CHAPTER CXCIX.

A supplement to the act entitled "An act to prevent fishing with seines or gill nets in the Passaic river, between Dundee Dam and the Passaic Falls," approved March twentieth, eighteen hundred and sixty-two.

Fike or fikes not to be used.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons to fish with, set or haul any fike or fikes in the Passaic river, between the Dundee dam and the Passaic falls, in the counties of Passaic and Bergen; and any person violating this act shall for each offence forfeit the same sum, to be recovered in the same manner and to the same use as is provided in the second section of the act to which this is a supplement.

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

Approved March 19, 1863.

CHAPTER CC.

Supplement to an act entitled "An act to provide for the removal of obstructions to the free course of the waters in the Rockaway River and Whippany River, in the county of Morris.

Managers to have certain powers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the managers mentioned in the first section of the act to which this is a supplement, shall and may have power to make the assessments in said first section provided to be made, annually, or from time to time, in the manner and for the purposes in said first section set forth; and also for the purpose of removing and keeping removed all obstructions which may hereafter exist in the said rivers in said first section mentioned; and also for the purpose of enlarging and keeping enlarged New River, a branch of the

Whippany River, and of removing therefrom any obstructions which may now or hereafter exist.

Meetings, when held.

2. *And be it enacted*, That the owners and possessors of said flowed lands shall and may meet on the second Tuesday in April next, at three o'clock in the afternoon of said day, at the school house in Hanover Neck, in the township of Hanover, and said county of Morris, for the purposes and objects specified in the act to which this is a supplement; and that the subsequent annual meetings shall be held on the second Tuesday of April in each and every year, at such place as a majority of said owners or possessors at any annual meeting assembled shall appoint and direct; and that if at any annual meeting no place shall be designated, then it shall be the duty of the managers or a majority of them to appoint and direct where the same shall be held, by giving public notice thereof for at least two weeks, by advertisements in writing, set up in five or more public places in the vicinity of said flowed lands.

Repealer.

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

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

Approved March 20, 1863.

CHAPTER CCI.

A supplement to the act entitled "A supplement to the act entitled 'an act to incorporate the South River and Freehold Plankroad Company.'"

Company authorized to construct road

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the president and directors of said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to construct and build a turnpike road on or near the public road leading from Old Bridge through Englishtown to Freehold, as the line of said plankroad granted in the act to which this is a supplement, and in place of said plankroad.

Capital may be reduced.

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

said company shall have power to reduce the capital stock of said company to ten thousand dollars, and that whenever there shall be one hundred and fifty shares of said stock subscribed, an amount on each share paid in, as directed in said act, then said corporation shall be organized as therein directed.

Materials obtained.

3. *And be it enacted*, That 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, clay, sand, or other materials for constructing or improving said road as aforesaid, doing no unnecessary damage to said lands, to take and carry away the same for constructing and maintaining the said road, the damages to be ascertained and determined in the manner provided in said act.

Names of commissioners.

4. *And be it enacted*, That Jacob Herbert, John D. Perrine, J. B. Herbert, Charles Conover, James M. Cooley, Gilbert Mount, Andrew J. Disbrow and Peter P. Clayton be commissioners in the place of those mentioned in the first section of the bill to which this is a supplement, and that they be invested with all the powers therein granted.

Public act.

5. *And be it enacted*, That this act shall take effect immediately, and be taken and deemed a public act, and subject to the restrictions, limitations and conditions specified in an act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six.

Approved March 20, 1863.

CHAPTER CCII.

A supplement to the act entitled "An act relative to offices, commissions and resignations," revision, approved April sixteenth, eighteen hundred and forty-six.

Notice to be given in case of death.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case of the death of any officer holding an office which is to be filled by the governor and senate, or by the legislature in joint meeting, or by the people at an annual election, except city, township and ward officers, it shall be the duty of one of the judges of the inferior court of common pleas of the county in which such de-

ceased officer shall reside at the time of his death, living nearest to the residence of such deceased officer, forthwith to give notice and information, in writing, to the governor, or person administering the government of this state, of the death of such officer and of the time of his death, according to the best of the knowledge and belief of such judge; which notices shall be filed by the governor, or person administering the government, in the office of the secretary of state, and it shall be the duty of the governor, or person administering the government, to communicate to the legislature, at the earliest opportunity, notice of the death of every officer whose office is to be filed by the legislature in joint meeting, and of every case in which, by reason of death, either house of the legislature is authorized to issue writs of election for supplying vacancies.

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

Approved March 20, 1863.

CHAPTER CCIII.

A further supplement to an act entitled "An act to divide the township of North Bergen, in the county of Hudson," approved February twenty-eighth, eighteen hundred and sixty-one.

Preamble.

WHEREAS, it is represented by the people of the island of Secaucus, in the township of North Bergen, in the county of Hudson, and by many others of said township, that the said island of Secaucus is so separated from the other parts of the township of North Bergen, and otherwise so relatively situated that they do not receive the benefit of the school tax in just proportion to the amount assessed upon and collected of them, and that their schools require the whole amount so raised to be expended in said district of Secaucus, and that the public good will be thereby promoted; and it appearing that such appropriation of their school taxes would be eminently just and proper; therefore,

School tax, how raised.

1. BE IT ENACTED *by the Senate and General Assembly of*

the State of New Jersey, That the voters in the school district of the island of Secaucus shall, annually on the first Monday in April in each year, by their votes, determine what amount of money shall be raised by taxes in said district for the schools therein, and thereupon, by their moderator and clerk, shall, in writing under their hands, certify the same to the assessor or assessors of the township of North Bergen, whose duty it shall be to assess the same according to law, on the property and inhabitants of the said school district of the island of Secaucus, and the township collector of said township of North Bergen shall collect the same according to law; whose duty it shall be to pay to the town superintendent the amount so raised and collected for schools for said district, to be then appropriated and expended for the support of schools respectively in said district, and not otherwise.

2. *And be it enacted*, That nothing herein contained shall be so construed as to prevent the township of North Bergen from raising moneys as heretofore for the support of schools, but no part thereof shall be appropriated to the district of Secaucus, and said district of Secaucus shall be exempt from any taxation for such purpose. District exempt.

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

Approved March 20, 1863.

CHAPTER CCIV.

A further supplement to an act entitled "An act to divide the township of North Bergen, in the county of Hudson," erecting the township of West Hoboken, etc., approved February twenty-eighth, eighteen hundred and sixty-one.

WHEREAS, the taxable inhabitants of the township of West Hoboken, in the county of Hudson, in a public meeting held August twenty-third, eighteen hundred and sixty-two, (convened under the following call, namely: "Notice—Town Meeting.—The taxable inhabitants of West Hoboken are requested to meet at Library Hall, on Saturday evening at seven and-a-half o'clock, to take into consideration Preamble.

the subject of raising money to encourage enlistments for the war, in this town. By order of the township committee. August twentieth, eighteen hundred and sixty-two,") did pass the following resolutions, namely: "Resolved (1) by the taxable inhabitants of West Hoboken, in public town meeting assembled, that the township committee be authorized to borrow a sum of money, not exceeding four thousand dollars, to be used as bounty money, and to assist the families of volunteers from West Hoboken; and that said amount, with interest thereon, be assessed upon the taxable property of West Hoboken, and collected in the same manner as is provided by law for the assessment and collection of other township moneys; Resolved, (2) that the township committee and the clerk of the township are hereby appointed a committee to take all the necessary measures to have this action legalized by the legislature of the state of New Jersey;" and whereas, the township committee of West Hoboken have, in accordance with the foregoing authority, borrowed for the aforesaid purposes, and have issued certain scrip, bonds or certificates of indebtedness therefor, say the sum of one thousand and seventy-five dollars, for the aforesaid purposes; and whereas, the aforesaid township committee have expended for the aforesaid purposes already the sum of one thousand two hundred and ninety-seven dollars and forty cents; and it appearing that a balance of bounty money is still due to certain of the volunteers from said township; now therefore,

Proceedings of committee legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proceedings of the township committee of the township of West Hoboken, as set forth in the preamble to this act, be and the same are hereby confirmed; and it may and shall be lawful for the said township committee to borrow, for the aforesaid purposes, including the amount already borrowed as aforesaid, an amount not exceeding two thousand dollars, nor in any event exceeding the sum which may therefor be designated and declared by the citizens of said township, at their next annual town election, and to issue bonds, scrip, or certificates of indebtedness therefor, which said bonds, scrip or certificates of indebtedness shall bear interest at the rate of seven per cent. per annum, payable semi-annually, from the date of their issue or issues respectively.

Amount to be raised.

2. *And be it enacted*, That for the purpose of enabling the inhabitants of the township of West Hoboken to provide for

the payment of the said volunteers and the said scrip, bonds or certificates of indebtedness, the township committee of said township shall, on or before the eighteenth day of May, eighteen hundred and sixty-three, cause to be served upon the assessor of said township a statement of the amount necessary to be raised for the aforesaid purposes, not exceeding in the whole the one-half part of the sum so designated and declared as aforesaid at said annual town election, which statement shall be certified by the clerk of said township; and thereupon the said assessor shall assess the said sum so mentioned in said statement, upon all the taxable property in said township; and the said sum so assessed shall be collected by the collector of the said township, in the same manner and at the same time as is by law provided for the collection of other public and township moneys in said township; and on or before the eighteenth day of May, in the next succeeding year, the township committee shall serve, or cause to be served, a like statement on said assessor, who shall assess as aforesaid, and which sum so assessed shall be collected as aforesaid, until the whole of the aforesaid amount, not exceeding two thousand dollars, shall have been assessed and raised as aforesaid; *provided however*, that not more than the one-half part of the sum so designated as above stated shall be assessed and raised as aforesaid, for the aforesaid purposes, in any one year. Proviso.

3. *And be it enacted*, That the said collector of the township of West Hoboken shall pay over to the treasurer of said township committee said sum and portions of the same, when so collected by him for the aforesaid purposes, in such manner as other township moneys are and shall be paid over by him to said treasurer, and shall in the first instance be exclusively applied to the payment of the balance still due said volunteers, and thereafter to the payment of said scrip, bonds or certificates of indebtedness, and the interest thereon; and if after all of the aforesaid scrip, bonds or certificates of indebtedness shall have been liquidated and cancelled in full, there shall then remain any surplus of the aforesaid moneys in the hands of the said treasurer or committee, raised for the aforesaid purposes, then the said township committee shall use such surplus, or any part thereof that may be needed, to aid the families of volunteers from the said township who may have become disabled by the casualties of war, if any, while in their country's military service; *provided*, there shall be any family or families of any such disabled volunteers who Collector to pay moneys. Proviso.

shall need such aid; otherwise said committee shall use such surplus, if any, for the support of the public or common schools of said township, or for any other purpose or purposes of said township, as shall be deemed best by said committee.

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

Approved March 20, 1863.

CHAPTER CCV.

A further supplement to an act entitled "An act relating to hawkers, pedlers and petty chapmen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the counties of Camden and Bergen so much of the act entitled a further supplement to "An act relating to hawkers, pedlers and petty chapmen," passed March fifteenth, eighteen hundred and sixty-one, as relates to the fees to be paid to the county in which the license is granted, fixing the same at twenty dollars, be and the same is hereby repealed, and section second of a further supplement, approved March fifteenth, eighteen hundred and sixty, fixing the said fees to be paid for each license at fifty dollars, be and the same is hereby repealed so far as relates to the counties of Camden and Bergen, and the said fees shall be one hundred dollars in the counties of Camden and Bergen.

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

Approved March 20, 1863.

CHAPTER CCVI.

AN ACT relative to the election of overseers of the highways in the township of Washington, in the county of Mercer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of the highway of the several road districts in the township of Washington, in the county of Mercer, shall be elected by the legal voters of the several districts, as they may be arranged from time to time by the township committee in said township; and for the purpose of carrying this provision into effect, it shall be the duty of the clerk of the said township to give public notice of the time and place of holding the first district road meetings under this act, and which meetings shall be held on the Saturday next previous to the annual town meeting in said township, and shall cause notice thereof to be posted up in some conspicuous place in such district, at least ten days before the time of holding any such meeting, which shall be some convenient place in the district, when and where the legal voters of the township, residing in such road district, shall assemble for the purpose of such election, and at which time and place such legal voters assembled, having been called to order by any legal voter in the road district, shall proceed, viva voce, by the holding up of hands, or by count, to elect a moderator of such meeting by a plurality of votes; and being so organized, the meeting shall proceed, by ballot or viva voce, to elect an overseer of the highway for such road district; and the moderator of each district shall notify the town clerk, at the annual town meeting after such election, in writing, of the election of such overseer, and in case of the failure of any district to elect an overseer, or the person so elected to accept of the appointment, the township committee shall fill such vacancy and furnish a list of the names of such overseers of the highways so elected or appointed to the clerk of the township, and it shall be his duty to publish the same, with the names of the officers and proceedings of said first town meeting after the election of said overseers. Election of overseers of the highway.

2. *And be it enacted*, That all subsequent district road meetings in said township shall be called by the clerk of the township, upon notice posted up in some conspicuous place in Time of holding meetings.

such road district at least ten days before the time of holding such meeting, and all such subsequent district road meetings shall be held on Saturday preceding the annual town meetings in said township, and should the clerk of said township fail to call such meeting, or the individual elected refuse to accept such appointment, or in case of a vacancy arising from any other cause, the township committee shall fill such vacancy and cause the names of the person so elected or appointed to be published as aforesaid.

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

Approved March 20, 1863.

CHAPTER CCVII.

AN ACT to incorporate the Long Branch and Sea Shore Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edward Wardell, Francis Corlies, Jordan Woolley, Joseph H. Cooper, John V. Conover, Samuel C. Morris, Henry Howland, Robert Laird, A. A. Higgins, Thomas J. Brannin, John M. Brown, John S. Forman, Amos P. Stanton, Lewis Shinn, John A. Brown, Joseph R. Oliphant, Archilus R. Pharo, and such other persons as may be hereafter associated with them, shall be and are hereby ordained, constituted and declared a body politic and corporate, in fact and in name, by the name of the "Long Branch and Sea Shore Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this incorporation.

Amount of capital stock.

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

3. *And be it enacted*, That the above named persons, or a

majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places as they, or a majority of them, may think proper; and as soon as one hundred thousand dollars of the capital stock shall be subscribed, such commissioners, or a majority of them, shall give notice for a meeting of the stockholders, to choose thirteen directors, a majority of whom shall be residents of this state, and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named commissioners, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners, or a majority of them.

Commissioners to receive subscriptions.

4. *And be it enacted*, That the directors chosen at such meeting, and at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their number a president, who shall hold office until after the next succeeding election and until another shall be appointed, and they shall have power to fill any vacancy which at any time may exist in their board, by death or otherwise, until the next succeeding annual election.

Powers of directors.

5. *And be it enacted*, That annual elections for directors shall be held at such times and places as the board of directors shall hereafter direct, of which elections public notice shall be given at least two weeks, in one of the newspapers published in the county of Monmouth, and such elections shall be made as is hereinbefore directed; and in case it shall happen that an election of directors shall not be made during the day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but the said election shall be held as soon thereafter as possible, and public notice shall be given as before directed, and the directors for the time being shall continue to hold their office until others shall have been chosen in their places; seven directors shall be a quorum to transact all business of the said corporation, and the directors shall be authorized to call in the remaining capital stock of said company, by such installments and at such times as they may

Corporation not dissolved by failure to elect.

Proviso. direct; *provided*, that such payments shall not exceed twenty dollars on each share per month, and in case of the non-payment of the said installments, or any one of them, they shall have power to forfeit such share or shares upon which such default shall arise, to and for the use of said corporation; and also to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper touching the management and regulation of the stock, property, estate and effects of the said corporation, and also to appoint such officers, clerks and servants as to them shall seem meet, and to establish and affix such salaries to them and also to the president as to the said directors shall appear proper.

May construct railroad. 6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from a point on Sandy Hook, in the county of Monmouth, at or near the Horse-shoe, running through Long Branch, thence through or near Squan village to a point on Toms River at or near Toms River village, in the county of Ocean, thence to Tuck-

Proviso. erton, in the county of Burlington; *provided*, the people along the said road south of Squan river, subscribe pro-rata per mile, with the subscriptions made or procured by the people along the line of the road north of Squan river, to a point on Squan river, in said county, with the privilege of extending the said railroad to Toms River, in Ocean county,

Proviso. and to Tuckerton, in Burlington county; *provided always*, that the land taken for said railroad shall not exceed one hundred feet in width, except in such places where, from the depth of the excavation or the height of the embankment, it is necessary to take more land for the slope and protection of the side banks of said railroad, in which case so much land as will be necessary for the purpose, and no more, shall be taken, with as many set of tracks and the rails as the company may deem necessary; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents or others in their employ to enter at all times upon all lands and waters for the purpose of exploring, surveying, levelling, or laying out the said route of said railroad and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property, and when the route of said railroad shall have been determined upon and a survey of the same deposited in the office of the secretary of

state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any lands, and to erect embankments, bridges and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment or tender of the payment of all damages for the occupancy of lands through which the said railroad may be laid out, shall be made before the said company or any person under their direction or employ shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such land be first had and obtained. Proviso.

7. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required land or materials, for the use or purchase thereof, or when, by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of said company in the construction of said road, shall be given, in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the county in which the land or materials in controversy lie or the owners reside, commissioners to examine and appraise the said land or materials and to assess the damages, upon such notice to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of said commissioners (having Proceedings when company and owners cannot agree.

first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding,) to meet at the time and place appointed, and to proceed to view and examine the said land or materials, said commissioners at the same time taking into consideration all the benefit to be derived from or in consequence of the said railroad, as the case may be, to the said owner or owners, and to make a just and equitable estimate or appraisement of the value of the same and assessment of damages as shall be paid by the company for such lands or materials and damages aforesaid, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed, within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein, which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice of the supreme court shall, upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the company; *provided always*, that should the said company, or the owner or owners of any of the land or materials feel himself, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said land or materials may lie.

Proviso.

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

How appeal may be taken.

court, and filed with the clerk of the said circuit court of the county wherein the land or materials appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceedings shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next term of said court to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried, and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company and execution awarded therefor, but if the said jury shall be applied for by the owner or owners and shall find a less sum than the company shall have offered or the said commissioners shall have awarded, then said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land, upon filing the aforesaid report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands of any person or persons for the purpose of actually constructing said railroad, or of making any erection or improvements whatever, or otherwise appropriating said lands to the use of said company until they have paid to the party or parties entitled to receive the same the amount assessed by the commissioners as the value of such lands or damages, in case the report of the commissioners is not appealed from, or if the same is appealed from then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, and in case of appeal shall refuse, upon tender thereof being made, to receive the same, or shall be out of the state or under any legal disability, then the payment of the amount assessed or found as aforesaid into the circuit court of the county wherein the said lands lie, shall be deemed a valid and legal payment, and further, that the party or parties en-

Proviso.

titled 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.

Road and bridges to be kept in repair.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public or other road, now or hereafter laid, shall cross the same, so that 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 the said railroad, and shall also construct and maintain suitable and proper cattle-guards at all road crossings.

Engines, &c., may be constructed.

10. *And be it enacted*, That the president and directors of said company shall have power to have constructed or to purchase, with the funds of the company, all machinery, engines, wagons, carriages or cars for transportation of persons, or any species of property on the said railroad or any railroad connected with it, and also suitable and safe boats at the terminating points of the said road, as they may think fit, reasonable, expedient or right; *provided*, that they shall not charge more than three cents per mile for carrying each passenger, but no charge shall be required in the aggregate to be less than ten cents, nor shall said company charge more than six cents per mile per ton for the transportation of any description of property; and the said railroad, with the appendages and the lands over which the same shall pass, and all the work 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.

Proviso.

Dividends.

11. *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.

May hold real estate.

12. *And be it enacted*, That the said company may purchase, have and hold real estate at or near the commencement and termination of the said road, or at any other point on the line of the said road where the directors may think proper to establish a depot, not exceeding twenty acres at each place, and may also erect and build thereon houses, warehouses, work shops, and such other buildings and improvements as

they may deem expedient for the safety of their property and for other necessary uses appertaining to their business, and receive the rents and emoluments thereof, and may build and maintain over such rivers and streams as the road may cross, such piers and bridges as they may deem expedient; *provided*, that suitable and sufficient draws shall be made over any navigable streams, so as not to obstruct the navigation thereof. Proviso.

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

14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of the railroad enjoyed under the provisions of this act, or of any of their necessary works, wharves, bridges, carriages or machines, such person or persons so offending shall forfeit and pay to 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.

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 costs of said road, including all expenses, and the amount of all purchases made by virtue of this act, in the office of the secretary of this state, and annually thereafter the president and treasurer of the said company shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road, and the treasurer of said company shall, under oath or affirmation, make an annual statement to the treasurer of this state of the number of passengers and the number of tons of merchandize transported thereon. Statement to be filed.

16. *And be it enacted*, That as soon as the net proceeds of said road shall amount to seven per centum per annum upon its cost, the said company 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, in lieu of all other state taxes. Annual tax to be paid.

17. *And be it enacted*, That the said Long Branch and Sea Shore Railroad Company shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct or repair their road, and furnish all ne- May borrow money.

cessary engines, machinery and boats, for the uses and objects of said company, and to secure the repayment thereof by the execution and negotiation of any bond or bonds, and secured by mortgage on the said road, lands, privileges, franchises and appurtenances of and belonging to the said company, said bonds bearing not more than seven per centum interest per annum; *provided however*, that the said company shall not plead the statute of usury in consequence thereof; *and provided further*, that said bonds shall constitute a first lien on the railroad, its cars, boats, real estate and franchises, and to dispose of said bonds for the purpose of aiding in the construction of said railroad, at a rate not less than ninety per centum of their par value and redeemable in thirty years from date.

Proviso.

Proviso.

State may take road on payment of appraisement.

18. *And be it enacted*, That at any time after the expiration of thirty-five years from the completion of said road, the legislature of this state may cause an appraisement of the said road and the appendages thereof to be made by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature within one year from the time of their appointment, or if they cannot agree they shall choose a seventh, who, with the aforesaid six, or a majority of them, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part, for two months after notice of the said appointment by the said chief justice, then the three 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 a seventh man, then, upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man as aforesaid, to make such appraisement as aforesaid, and thereupon the state shall have the privilege, for two years, of taking the said road with its appendages, upon the payment to the company of the amount of said report, within one year after electing to take the said road, which report shall be filed in the office of the secretary of this state, and the property and interest of said road and appendages thereof, shall be vested in the state of New Jersey, upon the payment of the amount so reported, to the said company; and it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so

request, a full and fair statement of the cost 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. Proviso.

19. *And be it enacted*, That if the said railroad shall not be commenced within three years, and be completed within seven years from the fourth day of July next ensuing, that then and in that case this act shall be void. When to be commenced and finished.

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, whilst travelling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature and state superintendent of public schools, during their annual or other sessions, shall pass and repass on the railroad of the said company in their cars free of charge. Certain officers to pass free.

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

Approved March 20, 1863.

CHAPTER CCVIII.

AN ACT to extend the provisions of an act entitled "An act to prevent horses, cattle, sheep and swine from running at large in the township of Clinton, in the county of Essex, and in the township of Rahway. in the county of Union," to the Haddon School District, in Newton township, county of Camden.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of an act entitled "An act to prevent horses, cattle, sheep and swine from running at large in the township of Clinton, in the county of Essex, and the township of Rahway, in the county of Union," approved March fourth, eighteen hundred and fifty-eight, "so far as the said act relates to horses, sheep and swine," be and the same are hereby extended to the Haddon School Provisions of former act extended.

District, Number One, in the township of Newton, in the county of Camden.

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

Approved March 20, 1863.

CHAPTER CCIX.

AN ACT to change the name of William Harrison to William David Laverack.

Preamble. WHEREAS, William Harrison, of the city of Paterson, in the county of Passaic, has been adopted by David Laverack, of the same place, and is desirous of having his name changed to William David Laverack, and no reason appearing to the contrary—therefore,

Name changed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of William Harrison, of the city of Paterson, in the county of Passaic, be and the same is hereby changed to William David Laverack, and by that name he shall possess and enjoy all the rights, powers and privileges which he would have possessed and enjoyed had he retained his original name of William Harrison.

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

Approved March 20, 1863.

CHAPTER CCX.

AN ACT for the relief of George N. Creamer.

Privileges restored. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George N. Creamer, of Mercer county, be and he is hereby restored to all his rights and privileges as a citizen of New Jersey.

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

Approved March 21, 1863.

CHAPTER CCXI.

AN ACT to authorize the erection of wharves, piers and bulkheads in front of certain lands on Cooper's Creek, in the city of Camden.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas H. Moore, Edward C. Knight and Seth B. Stitt, be and they are hereby authorized and empowered to erect and maintain all such wharves, piers and bulkheads in front of their lands on Cooper's creek, in the city and county of Camden, as may be necessary for the improvement of their property or the benefit of commerce, and to collect wharfage for the use thereof, and to hold and enjoy the same to themselves, their heirs and assigns; *provided however*, that no wharf, pier or bulkhead shall be erected on said creek, by virtue of this act, so as to interfere with or obstruct the navigation of said creek, or so as to extend three feet beyond low water mark. May erect piers. Proviso.

2. *And be it enacted*, That if any person or persons shall in any way injure the said wharves, piers or bulkheads erected by virtue of this act, such person or persons shall be responsible therefor, and shall pay the amount of damage done or caused by him, her or them; said damages to be recovered in any court having jurisdiction thereof. Penalty for injuring same.

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

Approved March 21, 1863.

CHAPTER CCXII.

AN ACT to authorize the inhabitants of the township of Pahaquarry, in the county of Warren, to reimburse those who have advanced money to pay volunteers.

May raise money by tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the inhabitants of the township of Pahaquarry, in the county of Warren, to raise by assessment on the taxable property in said township, at the same time and in the same manner that other taxes are assessed, a sum sufficient to reimburse those who advanced money to pay the nine months' volunteers from said township, not to exceed, in the whole, the sum of two thousand dollars.

Deduction to be allowed.

2. *And be it enacted*, That all persons assessed under this act shall be entitled to claim a deduction, and to be allowed the same by the collector of said township from the sum so assessed against him, to the extent of the amount advanced and paid by him or her towards the bounties paid to said volunteers, and the balance in his hands to be paid over to the town committee, to be by them paid over to those who are ehtitled to receive it.

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

Approved March 21, 1863.

[CHAPTER CCXIII.

AN ACT to construct a railroad from the borough of Princeton to the Camden and Amboy Railroad.

Route of road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Delaware and Raritan Canal and Camden and Amboy Railroad Companies, be and they are hereby authorized and empowered to lay out and construct a branch to their railroad as re-located between

New Brunswick and Trenton, commencing at some point in the borough of Princeton, and running by the most eligible route to the said re-located railroad.

2. *And be it enacted*, That for the purpose of enabling the said companies to construct and use the said branch, they are hereby invested with all the powers and privileges and subjected to all the liabilities and restrictions which are by law conferred and imposed upon them in the construction and use of the railroads already constructed by them. Powers and privileges.

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

Approved March 21, 1863.

CHAPTER CCXIV.

AN ACT ratifying the issue of bonds by the mayor and common council of Jersey City, for purposes relating to the maintenance of the federal government.

WHEREAS, The mayor and common council of Jersey City have, by sundry resolutions, approved during the year eighteen hundred and sixty-two, appropriated the sum of sixty-nine thousand dollars for the purpose of paying bounty to volunteers and other purposes relating to the maintenance of the federal government, and have issued bonds, with and without coupons attached, for the payment of such sum, in manner and form not contrary to the directions of an act entitled "Supplement to an act entitled 'An act to incorporate Jersey City,' approved March eighteenth, eighteen hundred and fifty-one, which said supplement was approved May eighth, eighteen hundred and sixty-one—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the bonds issued by the mayor and common council of Jersey City, in the preamble to this act mentioned, together with all the proceedings of the said the mayor and common council, be and they are hereby confirmed, and that the provisions of the supplement in the preamble to this act mentioned be and the same are hereby extended, so far as applicable to the bonds before referred to. Acts of mayor confirmed.

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

Approved March 21, 1863.

CHAPTER CCXV.

AN ACT to extend the corporate term of the Adirondack Steel Manufacturing Company.

Preamble. WHEREAS, the "Adirondack Steel Manufacturing Company," of Jersey City, in the county of Hudson and state of New Jersey, was duly incorporated under the provisions of the act entitled "An act to authorize the establishment and to prescribe the duties of companies for manufacturing and other purposes," approved March second, eighteen hundred and forty-nine, for the term of ten years from the first day of November, eighteen hundred and forty-eight; and whereas, it is represented that said company had arranged to close their business within the term of the five years mentioned in the thirty-eighth section of said act, but that such object has been defeated by the recent death of one of the parties in interest, and that the business of the said company cannot now be closed without great loss to the said company, and that a further extension of the time at which said company shall terminate would be of greater benefit to the said company—therefore,

Time extended twenty years. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the period mentioned in the certificate of incorporation of the said "Adirondack Steel Manufacturing Company," at which the said company shall terminate, shall be and is hereby extended from the first day of November, one thousand eight hundred and fifty-eight, for the period of twenty years, that is to say to the first day of November, one thousand eight hundred and seventy-eight; and such company, its directors and stockholders, shall continue for such additional term to be entitled to all the benefits, and subject to all the liabilities contained in the act under which the said company is incorporated.

2. *And be it enacted*, That nothing in the act under which the said company is incorporated shall be construed to impair any provision of this act.

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

Approved March 21, 1863.

CHAPTER CCXVI.

AN ACT to incorporate the Fifth Ward Savings Bank of Jersey City.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Homer Ransdell, Henry M. Traphagen, John Van Vorst, Henry F. Cox, Jonathan V. Thurston, Patrick Reilly, Isaac B. Culver, John H. Smyth, Francis Robinson, Barzilla W. Ryder, Jacob R. Hardenbergh, Harvey M. Soule, Job Falkenbergh, John R. Halladay, Henry A. Blake, Peter Hall, Ephraim Pray, Herbert R. Clark, Cornelius V. Traphagen, James S. Noyes and Patrick Brady, and their successors, shall and are hereby constituted a body corporate and politic by the name of "The Fifth Ward Savings Bank," and by that name shall be capable of purchasing, taking, holding and enjoying, to them and their successors, any real estate, in fee simple or otherwise, disposing of the said real and personal estate, or any part thereof, at their will and pleasure; *provided always*, that the clear annual value of such real estate and personal estate, exclusive of the profits that may arise from the interest accruing upon the investments or upon the sale of any investments in which the deposits may be made shall not exceed the sum of ten thousand dollars.

Proviso.

First managers.

2. *And be it enacted*, That the said institution shall be conducted by twenty-one managers, five of whom, at least, shall be residents of the city of Jersey City; seven of the managers shall be a quorum to transact business, and the seat of any manager who shall have neglected to attend four successive meetings may be vacated by the board; the persons named in the first section of this act shall be the first managers of the institution; the managers shall meet an-

nually on the first Monday of April, and choose one of their number as president; they shall have power to appoint a secretary, treasurer, and such other officers as to them shall appear necessary for conducting the business of the institution, which officers so chosen and appointed shall continue in office one year and until others are chosen; and all officers so chosen shall be under oath for the faithful performance of the duties of their office respectively, and shall give security, if required, for the faithful execution of the duties of their office, in such sum or sums and with such sureties as may be directed by the board of managers.

May make by-laws.

3. *And be it enacted*, That the board of managers shall, from time to time, have power to make, ordain and establish such by-laws and regulations as they shall judge proper for the election of their officers, for prescribing their respective duties, for regulating the times and places of meeting of the officers and managers, and for the transacting, managing and directing the affairs of the institution; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this state or of the United States.

Proviso.

Deposits received.

4. *And be it enacted*, That the said institution may receive as deposits all sums of money which may be offered, for the purpose of being invested, in such amounts and at such times, and on such terms as the by-laws shall prescribe, and the said institution may accept and execute all such trusts, of every description, as may be committed to them by any person or persons whatsoever, by will or otherwise, or transferred to them by order of any court.

Managers to regulate rate of interest.

5. *And be it enacted*, That it shall be the duty of the managers to regulate the rate of interest to be allowed to the depositors, so that they shall receive a ratable proportion, as near as may be, of the profits, after deducting therefrom all necessary expenses, and a reasonable surplus or contingent fund; *provided*, that said rates of interest may, at the discretion of the managers, be so regulated as that the interest allowed to depositors having one thousand dollars or more deposited shall be at least at the rate of one per cent. per annum less than the interest dividend allowed to other depositors, and that no interest shall be allowed for money which shall have been withdrawn from deposit.

roviso.

No fees to managers.

6. *And be it enacted*, That no emolument whatever shall directly or indirectly be received by the president or managers for their services, nor shall the said institution issue any notes or bills, nor shall any manager, officer or agent of the institution be allowed, directly or indirectly, to borrow any

money from the said institution, or to use the same except to pay necessary expenses, nor shall the said institution take or hold any bonds, mortgages, or other securities, for the payment of money drawn or endorsed by or existing against any manager, officer or agent of the institution.

When investments may be made.

7. *And be it enacted*, That the said institution shall invest no money in any public stock other than such as are created under the laws of the United States, or of the states of New Jersey, New York, Massachusetts, or in the stocks of the city of Newark and Jersey City, in this state, or in the cities of New York and Brooklyn, in the state of New York, authorized by the laws of said states respectively, nor on bond and mortgage, except on unincumbered real estate worth double the amount of the sum invested, nor in the stock or loans of any incorporated company whatever.

Certificates.

8. *And be it enacted*, That all certificates or evidence of deposits made under the hand of the proper officer of the institution, shall be as binding as if the same were made under their common seal.

Regulation regarding minors.

9. *And be it enacted*, That it shall be lawful for the said institution, at their discretion, to pay to any depositor, being a minor, such sums as may be due to such depositor, not exceeding five hundred dollars, in cases where no guardian shall have been appointed for such depositor, and that the receipt and acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor duly appointed; *provided*, such deposits shall have been made personally by such minor, and not by any other person for his or her benefit; married women may deposit money in their own names, and receive the interest or dividend thereon, and receive and withdraw the same, and such deposits shall not be subject to the control of the husband or liable for his debts, nor shall money deposited by single women be subject, in case of marriage, to the use or control, nor liable for the debts of the future husband.

Proviso.

Books to be kept.

10. *And be it enacted*, That a book shall be kept at the office of the institution, in which any depositor shall be at liberty to appoint a person or persons, to whom, in the event of his or her death, the money due shall be paid, if not otherwise disposed of by will, and all payments made to the person or persons so appointed, shall be a full discharge to said institution.

Restrictions.

11. *And be it enacted*, That the institution shall not be required to receive on a deposit a less sum than ten cents,

nor to allow interest on a deposit until it amounts to five dollars, nor to allow interest on the fractional part of five dollars, nor shall the institution be required to allow interest on the fractional parts of a month.

Vacancies, how filled.

12. *And be it enacted*, That the managers shall have power to fill up, by ballot, after notice of one month, any vacancy which may occur in their own body or its officers, by a vote of a majority of the managers present.

Deposits regulated.

13. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the institution, and every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made.

Annual statement to be made.

14. *And be it enacted*, That it shall be the duty of the said institution to make an annual report to the legislature of this state, under the oath or affirmation of the treasurer and a committee appointed for that purpose by the managers, of three or more of their number, of the state of its funds, and such statement shall be published in one or more of the newspapers published in the city of Jersey City.

Place of business.

15. *And be it enacted*, That the office or place of business of said institution shall be in the fifth ward of Jersey City, and the books of the institution shall be open at all times to the inspection and examination of such person or persons as the legislature may from time to time appoint for that purpose.

Public act.

16. *And be it enacted*, That this act shall be and hereby is declared to be a public act, and the same shall be construed in all courts favorably and benignly for every beneficial purpose therein intended, and that no misnomer of the said institution, in any deed, grant, devise, or other instrument of contract or conveyance, shall vitiate or defeat the same;

Proviso.

provided, the institution shall be sufficiently described, so as to ascertain the intention of the parties; *and provided also*, that the legislature may at any time hereafter amend or modify this act.

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

Approved March 21, 1863.

CHAPTER CCXVII.

AN ACT to authorize the Belvidere Delaware Railroad Company to extend their railroad to the Warren railroad, upon the route and in the place of the Belvidere and Water Gap railroad.

May extend road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Belvidere Delaware Railroad Company to extend their railroad from its present termination in the town of Belvidere to some point on the Warren railroad, between the Manunkachunk tunnel and Delaware station, upon the route on which the Belvidere and Water Gap Railroad Company were authorized to construct a railroad; *provided*, that the consent of the said Belvidere and Water Gap Railroad Company shall be first obtained.

Powers and privileges.

2. *And be it enacted*, That for the purpose of enabling the Belvidere Delaware Railroad Company to secure the right of way and to construct and use the extension of their railroad hereby authorized, they are hereby invested with all the powers and privileges, and subjected to all the restrictions and liabilities which were by law conferred and imposed on the said company, for the purpose of enabling them to construct and use their original railroad, so far as the same are applicable and not repealed.

May purchase right of way.

3. *And be it enacted*, That the Belvidere Delaware Railroad Company are hereby authorized to purchase from the Belvidere and Water Gap Railroad Company all the property and right of way which they may have acquired on and near the said route.

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

Approved March 21, 1863.

CHAPTER CCXVIII.

AN ACT to authorize the inhabitants of the township of Mansfield, in the county of Warren, to raise by tax an amount sufficient to pay the bounties to the nine months' volunteers of said township.

Preamble. WHEREAS, the inhabitants of the township of Mansfield, in the county of Warren, being desirous that the call of the government for troops to be supplied by said township, to aid in suppressing the rebellion, should be filled by volunteers rather than by draft, thereby relieving themselves from the odium of a draft, did, at a public meeting, recommend and request the township committee of said township to call a special town meeting for the purpose of taking a vote whether said bounties should be raised by tax or otherwise, whereupon said town committee, pursuant to said request, did call a special town meeting, which resulted in a unanimous vote in favor of raising said bounties by tax; and whereas, the collector of said township did borrow the sum of two thousand two hundred dollars and paid said bounties; and whereas, doubts are raised by some persons of said township of the legality of those proceedings—therefore,

May assess and raise money. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the acts and doings of the township committee and the inhabitants of the township of Mansfield, in the county of Warren, mentioned in the preamble to this act, to raise money by assessment and collection, a sum sufficient to pay the said sum of two thousand two hundred dollars, are hereby declared to be valid in all respects, and made binding upon the inhabitants and taxable property in said township.

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

Approved March 21, 1863.

CHAPTER CCXIX.

AN ACT to incorporate the Ottawa Manufacturing Company, in the county of Passaic.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Moore, Charles L. Pearson, John C. Pennington, Henry A. Stimson, Charles H. Higginson, and the survivors of them, and all such persons as may be associated with them, or the said survivors, their successors and assigns, be and they are hereby appointed a body corporate and politic, in name, by the name and style of "The Ottawa Manufacturing Company," for the purpose of manufacturing woollen, cotton, silk or flax goods and the business incident thereto. Names of corporators.

2. *And be it enacted*, That the stock, property and concerns of said corporation shall be managed and conducted by five directors, a majority of whom shall be residents of the state of New Jersey, and being stockholders, one of whom shall be president, who shall hold their office for one year, or until other directors shall be chosen; and the directors shall be chosen on the first Monday in May in each year, at such place and time as shall be directed by the by-laws of said corporation, and public notice thereof shall be given, not less than ten days previously, in some newspaper published in the county of Passaic, and each stockholder shall be entitled at such election, either in person or by proxy, to as many votes as he or she shall hold shares of the capital stock of the said corporation, and the persons having or receiving in such elections the greatest number of votes, being stockholders, shall be directors, and the persons chosen at one election shall be capable of serving, by virtue thereof, until another election shall have been held; and the directors so chosen may appoint such officers and superintendents, and assign such compensation, as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done; and all vacancies occurring by death, resignation or otherwise, among the directors named in this act, or those hereafter to be chosen, 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 for that purpose; and Election of directors.

that the said persons named in the first section of this act, and the survivors of them, shall be the first directors of the said corporation, and shall hold their offices until the first Monday in May, Anno Domini eighteen hundred and sixty-four, or until others are chosen.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said corporation shall not exceed the sum of two hundred thousand dollars, which shall be divided into shares of one hundred dollars each; but as soon as fifteen thousand dollars shall have been subscribed and paid, or satisfactorily secured to be paid, it shall be lawful for said corporation to commence their said business, or any part of it, and with that capital to conduct and carry it on until they shall deem it expedient to extend the same; and it shall be lawful for the directors of said corporation, or a majority of them, from time to time, to call for and demand from the stockholders all such sums of money by them subscribed, at such times and for such sums as they shall deem proper, under pain of forfeiting the shares of said stockholders and all previous payments thereon, if such payments shall not be made within thirty days after the day fixed for that purpose, by notice previously published for thirty days in one or more newspapers published in said county of Passaic, designating the amount of such payment per share, at the time and place when and where, and the person to whom the same shall be required to be made.

Subscription books to be opened.

4. *And be it enacted*, That the subscription books to the said stock shall be opened until a sum required by law in this incorporation to commence its business shall have been subscribed, under the direction of the board of directors, or some one or more of them, as may be designated by said board for that purpose, and at such time and place as said board may designate.

Stock transferable.

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

Proviso.

Quorum.

6. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transacting the business of said corporation, and shall have power to make such laws and regulations as they shall deem expedient for the government, management and disposition of the stock,

effects, profits and concerns of said corporation; *provided*, that the same are not contrary to the constitution and laws of the United States or of this state. Proviso.

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 and business of said corporation; and further, that no transfer of stock shall be valid and effectual, until such transfer be entered in the book or books kept by the president and directors of said corporation for that purpose. Books to be kept.

8. *And be it enacted*, That said corporation may be dissolved at any time by any general meeting of the stockholders specially summoned for that purpose by the president of said corporation, by the direction of the board of directors, or a majority of them; *provided*, at least three-fourths in value of the stockholders shall be present or represented therein, and upon such dissolution the directors for the time being, or the survivor or survivors of them, shall be the trustees for settling all the affairs of said corporation, and dividing the surplus among the stockholders, in proportion to their respective interest therein, unless the stockholders, at such meeting, shall appoint one or more persons for such purpose, in which case the person so appointed shall be trustee for the purpose aforesaid. May be dissolved.

9. *And be it enacted*, That this act, unless the corporation shall be dissolved as above provided for, shall continue in force for the space of thirty years; *provided*, that the legislature reserves the right to alter or amend this act whenever the public good may require it. Limitation.

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

Approved March 21, 1863.

CHAPTER CCXX.

AN ACT to change the name of the Plumsted Institute to that of the New Egypt Seminary and Female College, and to authorize the conferring of degrees.

1. BE IT ENACTED *by the Senate and General Assembly of*

Name changed.

the State of New Jersey, That the corporate name of the "Trustees of Plumsted Institute," at New Egypt, in the county of Ocean, be and the same is hereby changed, and shall hereafter be known and distinguished in law by the name of "The New Egypt Seminary and Female College."

May confer degrees.

2. *And be it enacted*, That the said the New Egypt Seminary and Female College is hereby authorized to confer degrees and grant diplomas in the female department thereof, upon such conditions and under such rules and regulations as the said institution may adopt.

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

Approved March 21, 1863.

CHAPTER CCXXI.

AN ACT relative to clerks of counties and of county courts.

Acts of deputy clerk legalized

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any of said clerks shall have heretofore appointed a deputy, and such deputy shall have authenticated acts or signed certificates in his own name as deputy clerk, instead of the name of his principal, all such authentications heretofore made and all certificates heretofore so signed by any acting deputy clerk, shall be taken and deemed as valid and effectual in law as if the same had been done in the name of the clerk and under his own hand.

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

Approved March 21, 1863.

CHAPTER CCXXII.

AN ACT accepting on the part of the State of New Jersey a grant of lands made by the United States to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts.

Grant of land accepted.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act of Congress of the United States, approved July fifth, A. D. eighteen hundred and sixty-two, entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," and the grant of land and land scrip thereby made, be and the same is hereby accepted on the part of the state of New Jersey.

According to conditions.

2. *And be it enacted*, That the said grant of land and land scrip is hereby accepted for the purposes and upon the conditions in said act of congress specified, and the assent of the state of New Jersey to the several conditions and provisions in said act contained is hereby signified and expressed.

Commissioners to receive scrip.

3. *And be it enacted*, That the governor of this state and such person as he shall appoint for that purpose, are hereby appointed commissioners to receive from the secretary of the interior, or other officer of the United States, the land scrip to which the State of New Jersey is or may be entitled under the act of congress aforesaid, said scrip to be held by said commissioners for the state until provision is made by law for the sale thereof and investment of the proceeds in accordance with the provisions of said act of congress.

Approved March 21, 1863.

CHAPTER CCXXIII.

Supplement to the act entitled "An act to incorporate the Cooper Rolling Mill Company," approved March sixteen, eighteen hundred and fifty-nine.

Corporate name changed

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said the "Cooper Rolling Mill Company," shall organize and be known and designated by the name and style of "The National Iron Armor and Ship Building Company," and by that name have and exercise all the powers and privileges conferred by said original act, and be liable to all the duties and obligations therein contained.

May increase capital stock.

2. *And be it enacted*, That the said company shall have power to increase their capital stock to the further amount of two hundred and fifty thousand dollars over and above the amount already authorized by law, which increased capital shall be subscribed and paid at such time or times and in the manner prescribed by the directors of said company.

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

Approved March 21, 1863.

CHAPTER CCXXIV.

A supplement to an act entitled "An act to incorporate the Trenton Horse Railroad Company," approved March ninth, eighteen hundred and fifty-nine.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sixth, seventh and eighth sections of the act to which this is a supplement be and the same are hereby repealed.

Railroad, where to be laid.

2. *And be it enacted*, That the said corporation shall have power and authority to construct a railroad, with the necessary turnouts, through Clinton and State streets, from the

northeasterly to the westerly limits of the city of Trenton, with a branch or branches to the railroad depot or depots, as the same now are or hereafter may be located, and such other branches in the streets of said city as may be deemed necessary; said railroad and the branches aforesaid to be constructed from time to time and in such portions or sections as the said corporation shall deem expedient; *provided*, that said railroad, or the branches thereof, shall not be constructed through any of said streets without the consent of the common council of the city of Trenton aforesaid being first had and obtained, by an ordinance of the common council; *and provided further*, that said railroad shall be so constructed as to interfere as little as conveniently may be with the streets in which it shall be laid. Proviso. Proviso.

3. *And be it enacted*, That there shall be but seven directors of said corporation, instead of eleven as mentioned in said original act; and that seven directors shall have all the powers and perform all the functions conferred or made incumbent upon the said eleven directors; that of said seven directors four shall be a quorum and be competent to do, perform and discharge all the duties, offices and acts required of or authorized to be done by the quorum of six directors mentioned in the act to which this is a supplement. Seven directors.

4. *And be it enacted*, That such parts of the said act to which this is a supplement, and such parts of the supplements thereto heretofore enacted, as in any wise conflict with the provisions hereof, be and the same are hereby repealed. Repealer.

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

Approved March 21, 1863.

CHAPTER CCXXV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time limited by the third proviso of the eighth section of the act to which this is a sup- Time extended.

plement, for the expenditure of three hundred thousand dollars in the improvement authorized by said act, be and the same is hereby extended for five years from the first day of January, eighteen hundred and sixty-four.

Approved March 21, 1863.

CHAPTER CCXXVI.

A supplement to the act entitled "An act to incorporate the Rahway Mutual Insurance Fire Company," passed February twenty-fifth, eighteen hundred and thirty-three.

Powers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said corporation shall hereafter be known by the name of "The Rahway Mutual Fire Insurance Company," and shall have and enjoy all the powers, rights and privileges, and be subject to all the restrictions, pains and penalties granted, enjoined and provided in the act to which this is a supplement.

Nine directors.

2. *And be it enacted*, That hereafter the property and concerns of the said corporation shall be managed and conducted by nine directors, a majority of whom shall form a quorum, and shall be chosen as in said act directed, to hold their offices for one year, and until others are chosen to fill their places.

Election of directors.

3. *And be it enacted*, That notice of the annual meeting for the election of directors shall be given by the directors, in a newspaper printed in the city of Rahway, and by advertisements set up in two of the most public places in said city, of the time and place of such meeting, not more than fourteen nor less than seven days previous to the time of holding such meeting, and that fifteen members of said corporation shall form a quorum to transact business.

Monthly meetings.

4. *And be it enacted*, That the directors shall meet once in each and every month, and oftener, if need be, at such time and place as said directors shall appoint for transacting the business of said company, and there shall be a general meeting of the members of the said corporation whenever a majority of the directors, or any number of members insured to the amount of ten thousand dollars or upwards, shall re-

quire the same; notice of such meeting shall be given as required in the next preceding section of this act; fifteen members of said corporation shall be required to form a quorum, and all meetings of the directors and of the members shall be held in such place and conducted in such manner as shall be from time to time prescribed by the by-laws of said corporation.

Powers and privileges.

5. *And be it enacted*, That the directors, or a majority of them, shall have power to make or prescribe, amend or alter by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, and touching all other such matters as appertains to the business, ends and purposes which the said corporation, by said act or this supplement, is entitled to, and shall also have power to appoint so many officers, clerks and servants for carrying on the business of said corporation, and with such allowances as to them shall seem meet, and shall also have power to remove any of such officers at their pleasure; *provided*, that all by-laws, rules and regulations made or adopted by said directors shall not be repugnant to the constitution and laws of the United States or this state.

Proviso.

Repealer.

6 *And be it enacted*, That the seventh and eighth sections of the act to which this is a supplement, and such other parts of said act as come within the provisions hereof, and contradictory thereto, be and the same are hereby repealed.

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

Approved March 21, 1863.

CHAPTER CCXXVII.

A further supplement to an act entitled "An act to incorporate the Freehold and Jamesburg Agricultural Railroad Company."

Time to finish road extended

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time at which the Freehold and Jamesburg Agricultural Railroad Company shall be required to complete the extension or branch of their road,

which they were authorized to construct by an act approved March twentieth, eighteen hundred and fifty-seven, entitled "A further supplement to an act entitled 'an act to incorporate the Freehold and Jamesburg Agricultural Railroad Company,'" approved March eleventh, eighteen hundred and fifty-one, be and the same is hereby extended five years from the fourth day of July, eighteen hundred and sixty-three.

Approved March 21, 1863.

CHAPTER CCXXVIII.

AN ACT to incorporate the Passaic Copper Mining Company, in the counties of Passaic, Hudson and Bergen, and state of New Jersey.

Corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David I. Anderson, Robert Rennie, Alfred Speer, and such others as are or may be associated with them, shall be and hereby are constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Passaic Copper Mining Company."

Election of directors.

2. *And be it enacted*, That the stock, property, leases, concerns and affairs of said company shall be managed and conducted by five directors, who shall be annually elected on the second Tuesday of May or December, at such time of day and place, in the counties of Hudson, Bergen or Passaic, as the by-laws of said corporation shall direct; public notice shall be given of the time and place of holding such election, not less than twenty days previous thereto, in one of the newspapers printed either in Jersey City, Paterson or Hackensack, and the election shall then and there be held and decided, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share having one vote, and the persons having the greatest number of votes shall be the directors; and the said directors, as soon as may be after the election, shall proceed to elect by ballot one of their number to be their president; and the said board of directors shall have power to fill all vacancies which may occur during the year, for the remainder thereof.

3. *And be it enacted*, That failure to elect on the day pre-

scribed shall not in any way be considered a dissolution of the corporation, but it shall and may be lawful to hold such election at any future day, by giving notice thereof, as prescribed in section second of this act. Corporation not dissolved for failure to elect.

4. *And be it enacted*, That the capital stock of said corporation shall consist of tracts and leases of land, mines and mining privileges, rights and reservations, minerals and ores, engines, smelting furnaces, and all the buildings and improvements thereon, belonging to the said corporation, or which they may hereafter acquire in the counties of Passaic, Hudson and Bergen, and state as aforesaid, not exceeding in value the sum of fifty thousand dollars, which shall be divided into ten thousand shares of five dollars each; and it shall be lawful for the directors of said company and corporation, to assess from time to time upon each share of the stock, a sum not exceeding one dollar at any one time, and at intervals not less than sixty days; any stockholder refusing to pay an assessment regularly laid, and of which notice shall have been given as aforesaid, shall forfeit to said corporation each and every share of stock upon which such assessment remains unpaid for the period of thirty days, after notice shall have been given in such form as the by-laws may require, to such stockholders, that such assessment was due and unpaid. Capital stock, what to consist of.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board or quorum for the transaction of all business for the corporation. Quorum.

6. *And be it enacted*, That the stock of the corporation shall be deemed personal estate, and shall be transferable only on the books of the corporation, to be kept for that purpose, in such manner as shall be prescribed by the by-laws of said corporation. Stock transferable.

7. *And be it enacted*, That the business and operations of said company shall be confined to the mining of ores and minerals upon lands now owned and leased, or upon which they now have the mining rights and privileges, or which they may hereafter acquire, the purchase and sale of ores and metals, and the smelting, refining and manufacture thereof, with such other fixtures and machinery as they may hereafter acquire, and the sale of their manufactured articles. Powers and privileges.

8. *And be it enacted*, That this act shall continue in force for the term of twenty-five years from January first, eighteen hundred and sixty-three, subject to alteration and repeal by the legislature whenever the public good may require it. Limitation.

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

Approved March 24, 1863.

CHAPTER CCXXIX.

AN ACT to authorize the Township Committee of the township of Dover, in the county of Ocean, to raise money by taxation.

May raise money by taxation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Dover, in the county of Ocean, be and they are hereby authorized and empowered to raise or cause to be raised by taxation, at the same time and in the same manner as other taxes are raised, an amount of money equal to the bounty paid to encourage the enlistment of volunteers in said township, under the late call of the president for troops; the said amount so raised to be applied exclusively to the liquidation of indebtedness incurred by the payment of said bounty.

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

Approved March 24, 1863.

CHAPTER CCXXX.

AN ACT to incorporate "The Raritan Water Power Company."

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joshua Doughty, John M. Mann, Hezekiah B. Loomis, John M. Martin, Stephen B. Ransom, Edward F. Loomis, and Hugh M. Gaston, and the survivors of them, and such persons as may be associated with them, or the said survivors, their successors and assigns,

shall be and they are hereby constituted a body corporate, by the name and style of "The Raritan Water Power Company," for the purposes and with the privileges, and subject to the provisions hereinafter expressed; and the said company shall have power, at any time after the passage of this act, to purchase, possess and enjoy all or any part of the real estate now or formerly owned by "The Somerville Water Power Company," situate at or near Raritan, in the county of Somerset, including the canal, head-gates, water power, water rights, franchises and works erected, constructed or owned by said last mentioned company, and to demise, grant, lease, alien or sell the same, or any part thereof, and also to purchase the buildings and building lots situate at Raritan aforesaid, which are or were pledged or held in trust to secure the payment of the bonds issued by said last mentioned company, and to demise, grant, lease, or sell the same, or any part thereof, and also to purchase, sell and dispose of any other real estate which may become necessary for carrying out the provisions of this act.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company hereby incorporated shall consist of fifty thousand dollars, to be divided into shares of fifty dollars each, and that the company shall have power to increase the same to such amount as may be found from time to time necessary for the purchase of the real estate and water power contemplated by this act; *provided*, the same does not exceed one hundred thousand dollars.

Stock, &c., to be personal estate.

3. *And be it enacted*, That the capital stock of this company shall be deemed personal property, and be transferable on the books of said corporation in such manner as by the by-laws provided; but no shareholder indebted to the company shall be permitted to make any transfer or receive any dividend until such debt shall be paid, and whenever any transfer of any shares shall be made for collateral security, and not absolutely, the same shall be so expressed in the entry of such transfer; and no part of the capital stock, at any time, under any pretence whatever, shall be divided among the stockholders for dividends, and no dividend shall be made or paid except from the actual profits of said corporation.

Names of commissioners.

4. *And be it enacted*, That Joshua Doughty, John M. Mann, Hezekiah B. Loomis, John M. Martin, Stephen B. Ransom, Edward F. Loomis and Hugh M. Gaston, or a majority of them, shall be commissioners, and it shall be their duty, or the duty of a majority of them, to open books to

receive subscription to the capital stock of said company, first giving two weeks' notice in a newspaper printed and circulated in the county of Somerset, of the time and place of opening such books; as soon as the fifty thousand dollars of said stock shall have been subscribed, to give like or written notice for a meeting of stockholders to choose such directors, officers and agents as may be deemed necessary for conducting the affairs of said company.

Powers of directors.

5. *And be it enacted*, That the property and concerns of the said corporation shall be managed and conducted by seven directors, being stockholders, to be chosen by the stockholders of said company; and that said directors shall, at one of their meetings, as soon after their election as may be practicable, elect from their number a president of said incorporation, and appoint such other officers as may be provided for by the by-laws of said incorporation; that said directors shall hold their office for one year and until others are chosen in like manner; and the said directors shall be chosen on the first Monday of April in each year (after the first election), at such time and place as shall be directed by the by-laws of the said company, and public notice thereof shall be given two weeks in the newspaper before mentioned; and each stockholder shall be entitled, in person or by proxy, to one vote on each share of stock held by him or her, and the seven persons receiving the greatest number of votes, and being stockholders, shall be directors, and all vacancies occurring by death, resignation or otherwise, among the directors chosen as above, shall be filled by such person or persons as a majority of the remainder of the directors shall appoint, and a majority of the directors shall be a quorum for the transaction of the business of said incorporation.

Books to be kept.

6. *And be it enacted*, That the directors shall cause to be kept at the office of their secretary, in the township of Bridgewater, in the county of Somerset, proper books of account, in which shall be regularly entered all the dealings and transactions of the company, which books shall at all business hours be subject to inspection by the stockholders of the said company.

Statement to be made.

7. *And be it enacted*, That on the first Monday of April in each year the directors shall submit to the stockholders a written statement of the capital stock paid in and the amount of all existing debts against the company; and the debts of the company shall at no time be suffered to exceed one half the amount of the capital stock actually paid in; and for any

violation of this section the directors for the time being shall be severally responsible for all the debts and contracts of the said company; but no director shall become individually liable by reason of any act or proceeding of any other director or directors, against which he shall file a written protest within ten days after such act or proceeding shall become known to him.

Corporation not dissolved by failure to elect.

8. *And be it enacted*, That in case it should at any time happen that an election of directors should not be made on the day designated by this act, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election on some future day.

Powers and restrictions.

9. *And be it enacted*, That the corporation hereby created shall possess and enjoy the several powers and privileges, and be subject to the general restrictions and liabilities set forth and imposed by and in an act of the legislature of New Jersey, entitled "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six.

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

Approved March 24, 1863.

CHAPTER CCXXXI.

AN ACT to authorize the inhabitants of the township of Franklin, in the county of Hunterdon, to reimburse those who have advanced money to pay volunteers.

May raise money by taxation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the inhabitants of the township of Franklin, in the county of Hunterdon, to raise, by assessment on the taxable property in said township, at the same time and in the same manner that other taxes are assessed and collected, the sum of five thousand three hundred dollars, to be paid by the collector of said township, into the hands of the township committee of said township, to be by them appropriated to reimburse all persons who have heretofore advanced money, or who shall hereafter advance money to pay the volunteers from said township, who entered into the service of the United States for nine months,

a bounty of one hundred dollars each, and to pay off and discharge any notes or bonds heretofore given for that purpose, or any note or bond in renewal thereof.

Deduction may be allowed.

2. *And be it enacted*, That all persons assessed under this act shall be entitled to claim a deduction and to be allowed the same, by the collector of said township, from the sum so assessed against him, to the extent of the amount advanced and paid by him or her towards the bounties paid to said volunteers.

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

Approved March 24, 1863.

CHAPTER CCXXXII.

AN ACT to authorize the Mayor and Common Council of the city of Newark to borrow a sum or sums of money not exceeding in the whole thirty thousand dollars, for permanent improvements.

May issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and common council of the city of Newark to issue bonds under their corporate seal and the signature of the mayor of said city, for an amount not exceeding thirty thousand dollars, to be designated as and styled "Permanent Improvement Bonds," bearing interest payable semi-annually, at a rate not exceeding seven per centum per annum, with coupons attached, and payable at such time or times as may be agreed upon by the common council, not exceeding thirty years from the date thereof, pledging the credit and the whole property of said city for the payment of the same, which bonds it shall be lawful for the said the mayor and common council of the city of Newark to sell at public or private sale, as the proceeds of the same may be needed.

How money appropriated.

2. *And be it enacted*, That it shall be the duty of the said the mayor and common council of the city of Newark to apply the net proceeds of said bonds to such permanent improvements in said city as the municipal authorities thereof

may require for the convenient and proper transaction of the business of said city, and for no other purpose whatever.

3. *And be it enacted*, That said common council shall have power to provide by tax for the payment of said bonds and the interest thereon, and that none of the limitations, restrictions or conditions contained in the thirty-fifth section of the act entitled "An act to revise and amend the charter of the city of Newark," approved March eleventh, eighteen hundred and fifty-seven, shall be held to be applicable to or in any wise to affect this act or the authority hereby given, but this act shall be and shall be held to be as effectual, to all intents and purposes, as if the said section had not been enacted. To provide by tax for repayment.

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

Approved March 24, 1863.

CHAPTER CCXXXIII.

AN ACT to change the corporate name of "The Rector, Wardens and Vestrymen of the free Protestant Episcopal Church of Trinity, in Jersey City."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate name of "The Rector, Wardens and Vestrymen of the free Protestant Episcopal Church of Trinity, in Jersey City," be and the same is hereby changed to the name of "The Rector, Wardens and Vestrymen of Trinity Church, Jersey City," and by that name shall hereafter be named, called and known, for all purposes whatsoever. Name changed.

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

Approved March 24, 1863.

CHAPTER CCXXXIV.

AN ACT to enable "The New York and Passaic Quarrying and Manufacturing Company" to hold and convey real estate in this state.

Preamble. WHEREAS, it is represented that William Joyce and others, his associates, heretofore became a body corporate under the laws of the state of New York, by the name of "The New York and Passaic Quarrying and Manufacturing Company," the capital of which was contributed by the members thereof, and was divided into shares among them as stockholders; and that the said company, out of the capital so raised, purchased for the purposes of its business certain real estate situate in the township of Belleville, in the county of Essex, in this state, and received from the vendors deeds of conveyance for said real estate, and have since possessed and occupied the same; and it appearing that the whole of the capital stock and all the property of said company has been transferred to the said William Joyce, the purchaser thereof, but that the said corporation have omitted to make any deed of conveyance to said Joyce for the purpose of vesting in him individually the title to said real estate; and difficulties being suggested as incident to the purchase and holding of said lands in this state by said foreign corporation, and concerning their power to make valid conveyances of the said lands, without the express sanction of the legislature—therefore,

Purchase of land ratified. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the purchase of any lands and real estate situated in said township of Belleville, heretofore made by the said corporation, be and the same is hereby confirmed and declared to be of the same effect and operation as the same would have been had the said company, at the time or times of any such purchase, been duly incorporated under and by virtue of the laws of this state, with authority to purchase, hold, enjoy and convey real estate in this state.

Additional privileges. 2. *And be it enacted*, That it shall be lawful for the person or persons in whom is or may be vested the corporate rights and powers of said corporation, in the name of said corporation, to occupy, use and improve the said real estate,

and to receive any other and further assurances that may be necessary the more effectually to vest and confirm in said corporation the said real estate heretofore purchased as aforesaid; and also to lease, mortgage, sell and convey the said real estate, or any part or parts thereof, to any person or persons, and to execute all instruments and conveyances necessary to effect such lease, mortgage, sale or conveyance.

Rights of corporation.

3. *And be it enacted*, That the said corporation shall be entitled to the same rights and remedies, in courts of law and equity in this state, with respect to all matters pertaining to the lands and real estate purchased by them as aforesaid, or any part thereof, that they would have had and been entitled to if said corporation had been created under the laws of this state and been authorized to purchase and hold real estate therein.

Not to impair just and equitable liens.

4. *And be it enacted*, That nothing in this act contained shall operate to impair any just and equitable liens that any person or persons may have or be entitled to against said premises.

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

Approved March 24, 1863.

CHAPTER CCXXXV.

AN ACT authorizing an addition to the State Capitol.

Additional wing to State Capitol.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of ten thousand dollars be and the same is hereby appropriated, for the purpose of adding a wing on the southerly side of the state capitol, for a library and committee rooms, the cost whereof is not to exceed ten thousand dollars, and that the state treasurer be and he is hereby authorized to pay to the commissioners of the state library the said sum, out of any moneys not heretofore appropriated; and the said commissioners are hereby authorized to contract for the building of the said wing, and to expend the said sum for the purpose above mentioned.

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

Approved March 24, 1863.

CHAPTER CCXXXVI.

AN ACT regulating the election of overseers of highways in the township of Montgomery, in the county of Somerset.

Provisions of act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "An act regulating the election of overseers of highways in the townships of Frelinghuysen and Washington, in the county of Warren," approved March twenty-second, eighteen hundred and sixty, be and the same are hereby extended to the township of Montgomery, in the county of Somerset.

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

Approved March 24, 1863.

CHAPTER CCXXXVII.

AN ACT to change the termination of the fiscal year of the several state officers and institutions, and to regulate the making of their reports.

Preamble.

WHEREAS, much inconvenience is occasioned by the termination of the fiscal year of the several state institutions on the thirty-first day of December in every year, affording but a brief period for making up of reports previous to the assembling of the legislature; and whereas, the legislature is thereby unable to ascertain, for several weeks of their sessions, the true and actual condition of the said institutions, and have no reliable data upon which to base their legislation in regard to them, or in regard to state appropriations—therefore,

Fiscal year to terminate on 30th of November.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the present fiscal year shall terminate and close on the thirtieth day of November, one thousand eight hundred and sixty-three, and thereafter on the same day of each year; and upon that date in each year,

the state treasurer, the quartermaster general, the managers of the lunatic asylum, the keeper and inspectors of the state prison, the trustees and officers of the state normal school, and such other officers and institutions as may hereafter be created, shall make up and close their accounts for the past year, and embody the same in full and detailed reports, containing an account of their respective receipts and expenditures, with such other information as is or may be required by law and deemed necessary for a clear elucidation of their transactions, and within ten days thereafter deliver the same to the governor or person administering the government, who shall cause such abstracts of the same as he may deem necessary to be laid before the legislature within ten days after their assembling.

Approved March 24, 1863.

CHAPTER CCXXXVIII.

AN ACT to authorize the inhabitants of the township of Union, in the county of Hunterdon, to reimburse those who have advanced money to pay volunteers.

May raise money by taxation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the inhabitants of the township of Union, in the county of Hunterdon, to raise by assessment on the taxable property in said township, at the same time and in the same manner that other taxes are assessed and collected, the sum of five thousand six hundred dollars, to be paid by the collector of said township into the hands of the township committee of said township, to be by them appropriated to reimburse all persons who have heretofore advanced money, or who shall hereafter advance money to pay the volunteers from said township who entered into the service of the United States for nine months, a bounty of one hundred and twenty-five dollars each, and to pay off and discharge any notes or bonds heretofore given for that purpose, or any note or bond given in renewal of such note or bond.

Deduction may be allowed.

2. *And be it enacted*, That all persons assessed by virtue of this act shall be entitled to claim a deduction and to be

allowed the same, by the collector of said township, from the sum so assessed against him, any sum or sums of money to the extent of the amount paid by him or her towards the bounties paid to the said volunteers.

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

Approved March 24, 1863.

CHAPTER CCXXXIX.

AN ACT increasing the compensation of the Treasurer of the State of New Jersey.

Preamble. WHEREAS, the services and responsibilities of the treasurer of the state, and the expenses of his office, have been much increased by reason of the state loan and soldiers' bounty, incident to the rebellion, which increase of services and expenses must continue to exist during the coming year; therefore,

Salary increased. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the compensation of the treasurer of this state be and the same is hereby increased the sum of fifteen hundred dollars for the present year.

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

Approved March 24, 1863.

CHAPTER CCXL.

AN ACT extending the provisions of a supplement to an act concerning roads, approved March twenty-third, one thousand eight hundred and fifty-nine, being "A supplement to an act concerning roads, approved April sixteenth, eighteen hundred and forty-six," to the township of Princeton, in the county of Mercer.

Provisions of act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of "A supplement to an act concerning roads, approved March twenty-third, eighteen hundred and fifty-nine," being "A supplement to an act concerning roads, approved April sixteenth, eighteen hundred and forty-six," be and the same are hereby extended to the inhabitants of the township of Princeton, in the county of Mercer.

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

Approved March 24, 1863.

CHAPTER CCXLI.

AN ACT to consolidate the Robertsville and Patton's Corner Turnpike Company and the Manalapan Turnpike Company.

Preamble.

WHEREAS, the Robertsville and Patton's Corner Turnpike Company, incorporated by an act of the legislature of this state, on the twenty-seventh day of February, eighteen hundred and sixty-one, hath constructed a turnpike road from Robertsville to Patton's Corner, in the county of Monmouth, and the Manalapan Turnpike Company, incorporated by an act on the twenty-eighth day of February, eighteen hundred and sixty-two, is engaged in constructing a turnpike road from Manalapan to Robertsville, in said county, which road, when completed, will make a continu-

ous turnpike road from Manalapan to Patton's Corner; and whereas, it is represented that it would be mutually advantageous to each company that when the said turnpike road from Manalapan to Robertsville is completed, the said companies should be consolidated—therefore,

Company, how organized

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the turnpike road of the said the Manalapan Turnpike Company is completed, and all of the stockholders in each of said companies shall have consented, in writing, the said companies, and all their stock, property and interest and estate shall then become consolidated into and be owned, held and enjoyed by one company, to be called and known as "The Manalapan and Patton's Corner Turnpike Company," and by that name shall be a body corporate, with all the rights, privileges and powers appertaining thereto; *provided*, that each of the said companies shall then have satisfied its debts and liabilities, so that either company, or those interested therein, shall not be responsible for the debts or liabilities of the other company existing previous to such consolidation.

Proviso.

Stock consolidated.

2. *And be it enacted*, That the capital stock of the said consolidated company shall be the aggregate amount of the capital stock of each of said companies, with the privilege of increasing the same to the aggregate amount allowed in the charter of each of said companies, and the same shall be divided into shares of twenty-five dollars each.

Election of directors.

3. *And be it enacted*, That the directors for the time being of each of said companies shall together form the board of directors of the consolidated company, and have all the rights and powers of the directors of each of said companies until such time as other directors are duly elected, a majority of whom shall call a meeting of the stockholders, at such time and place as they shall appoint, for the election of nine directors to manage the affairs of said consolidated company, giving at least twenty days' notice thereof in two of the newspapers published in this state, once each week, who shall hold their offices for one year, and until others are duly elected, and annually thereafter, upon like notice, to be given by the directors for the time being, the stockholders shall elect nine directors, who shall hold their offices for one year, and until others are duly elected, and at every such election, and in all other cases in which the stockholders shall be entitled to a vote, a vote may be given for each share of the holder or holders thereof, either in person or by proxy; a

majority of the directors and the president thereof shall be citizens of this state, and the treasurer thereof shall be a citizen of this state and a resident of Monmouth county.

Stock apportioned.

4. *And be it enacted*, That the said directors of each of the said companies, and before the election for nine directors, shall apportion the stock of the consolidated company among the respective holders of stock in each of said companies, in proportion and according to their respective interests therein, so that they shall severally hold in the consolidated company an amount of the stock thereof equal to their respective interests in each of said companies, and the holders of the stock of each of said companies shall be entitled to as much of the stock of the consolidated company as will equal the amount of their stock or interest, respectively, in the said companies.

Powers and duties.

5. *And be it enacted*, That the said consolidated company shall have and exercise all the rights, powers and privileges, and be subject to all the duties, liabilities and restrictions contained in the charters of the said companies, respectively, and all the provisions thereof shall apply to said consolidated company, except only as may be inconsistent with this act.

Approved March 24, 1863.

CHAPTER CCXLII.

Supplement to an act entitled "An act relative to oaths and affirmations."

Oaths may be taken by master in chancery.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all oaths, affirmations and affidavits, required to be made or taken by any statute of this state before any surrogate of any county in this state, or necessary or proper to be made, taken or used before any such surrogate, shall and may be made and taken, in the absence of such surrogate, by and before any master in chancery of this state.

Swearing falsely.

2. *And be it enacted*, That if any person shall wilfully and corruptly swear or affirm falsely, in or by any oath, affirmation or affidavit made or taken in pursuance of this act, such

person shall be deemed guilty of perjury and punished accordingly.

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

Approved March 24, 1863.

CHAPTER CCXLIII.

A supplement to the act entitled "An act to incorporate the Orange and Newark Horse Car Railroad Company," approved March fifteenth, eighteen hundred and fifty-nine.

Consolidation of companies

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any incorporated railroad company authorized to construct a horse railroad in or to the city of Newark, in the county of Essex, may be consolidated and merged in the Orange and Newark Horse Car Railroad Company, and the capital stock of the Orange and Newark Horse Car Railroad Company may be increased to the amount of the capital stock authorized by the companies so merged;

Proviso.

provided nevertheless, that the Orange and Newark Horse Car Railroad Company shall be liable to all the responsibilities of the companies so merged.

Certificate to be filed in office of secretary of state.

2. *And be it enacted*, That any company, on filing in the office of the secretary of state a certificate signed by their president and secretary, under the seal of said company, that said company has been merged in the Orange and Newark Horse Car Railroad Company, such company so filing said certificate shall be deemed and taken as consolidated and merged in the Orange and Newark Horse Car Railroad Company, and the Orange and Newark Horse Car Railroad Company, on filing a certificate signed by their president and secretary, under their corporate seal, of their assent to such consolidation and merger, shall be liable to all the responsibilities of such company, and be entitled to and invested with all and every the property, rights and franchises of the company so merged.

May build railroad in Newark.

3. *And be it enacted*, That the Orange and Newark Horse Car Railroad Company is hereby authorized and empowered to build and construct a railroad in any of the streets of the

city of Newark, whenever the common council of the city of Newark, by ordinance, shall consent to the same, subject, nevertheless, to the provisions of the act requiring the permission or consent of a majority of the owners of land in front of any such railroad and along which the same may be intended to run or be constructed.

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

Approved March 24, 1863.

CHAPTER CCXLIV.

Supplement to the act entitled "An act to incorporate 'The People's Fire Insurance Company,'" approved February twenty-fifth, Anno Domini one thousand eight hundred and sixty-one.

WHEREAS, The parties interested in The People's Fire Insurance Company have paid the sum assessed and declared to be payable on the same, by the act entitled "An act to increase the revenue of the state of New Jersey," approved March sixth, Anno Domini one thousand eight hundred and fifty-eight, though not within the time limited by the supplement to said act, approved March eighteenth, Anno Domini one thousand eight hundred and fifty-nine—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several sections of the act entitled "An act to incorporate The People's Fire Insurance Company," approved February twenty-fifth, Anno Domini one thousand eight hundred and sixty-one, and all acts and proceedings in pursuance thereof, are hereby declared to be, and shall be taken, construed and held to be valid and operative, and of the same force and effect as if the said assessment had been duly paid before the first day of July next ensuing the passage of said act creating said Fire Insurance Company. Acts legalized.

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

Approved March 24, 1863.

CHAPTER CCXLV.

A supplement to the act entitled "An act to authorize the inhabitants of Hackensack to enclose the public green in said village," approved March tenth, eighteen hundred and fifty-three.

Who may elect committee to have care of green.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That such of the inhabitants of the village of Hackensack, in the county of Bergen, and others as have paid or shall hereafter pay not less than five dollars for and towards enclosing and embellishing the public green in said village, are hereby authorized to meet yearly and every year, at such place and on such day as a majority of such persons may appoint, and elect by ballot three persons to be a committee, to have the charge, management and control of the said green, with power to raise subscriptions, collect funds, procure materials and employ workmen to adorn said grounds, and maintain and amend the enclosure and sidewalks around the same, and at the said election such persons shall be entitled to one vote for every five dollars paid to said fund.

Penalty for injury to fence, trees, &c.

2. *And be it enacted*, That if any person or persons shall wilfully break down, injure, deface, remove or destroy any portion of said enclosure, or injure or destroy any of the trees, shrubbery or other embellishments growing or being within or around said enclosure, or shall put or place any horses, cattle or other animal within the said enclosure, or upon the sidewalks around the same, such person or persons shall for each offence be subject to a fine of not less than five dollars nor more than twenty dollars, upon conviction, on complaint made, before one of the justices of the peace of said county, which justice shall have power to issue his warrant, under his hand and seal, to any constable of said county, to make the said fine of the personal goods and chattels of the offender, or in default of goods and chattels, to imprison the offender in the county jail of said county for a period not exceeding thirty days, besides being liable to pay to said committee the full amount of all damage done to the said premises, to be sued for and recovered by action of trespass in the names of said committee, or such of them as may be then acting, be-

fore any court of competent jurisdiction, with costs of suit; and it shall be lawful for said committee to declare in any such action as for an injury to their own close possessions and property.

3. *And be it enacted*, That so much of the act entitled "An act to authorize the inhabitants of Hackensack to enclose the public green in said village," approved March tenth, eighteen hundred and fifty-three, as is inconsistent with the provisions of this act, be and the same is hereby repealed. Repealer.

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

Approved March 24, 1863.

CHAPTER CCXLVI.

A further supplement to the act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the fourth section of the supplement to the aforesaid act, approved March twenty-eighth, eighteen hundred and sixty-two, as provides that whatever balance of the sum of four hundred and fifty thousand dollars shall remain in the treasury of this state after the full payment of said quota, and of the debt or debts contracted under this section, shall be and hereby is appropriated to the war fund of this state, be and the same is hereby repealed, and the said balance shall be and is hereby appropriated to the sinking fund. Balance of war fund to be appropriated to sinking fund.

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

Approved March 24, 1863.

CHAPTER CCXLVII.

A supplement to an act entitled "An act to authorize the building of a bridge over the Mullicus river, at Lower Bank."

Bridge, where located.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the bridge which by the act to which this is a supplement the boards of chosen freeholders of the counties of Atlantic and Burlington were authorized to build and construct, or cause or permit to be built and constructed across the Mullicus river, shall commence near the residence of Samuel Cavileer, at Lower Bank, in Washington township, Burlington county, and end at a point on the opposite side of the river, in the township of Mullicus, county of Atlantic, meeting and connecting with a road now being constructed by the Egg Harbor Association from Egg Harbor City to said river, instead of being built as in said original act is directed; and they shall place in said bridge, over the deepest channel of said river, a draw or swing of at least thirty-five feet in width, of such construction as to impede as little as possible the navigation of said river.

Repealer.

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

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

Approved March 24, 1863.

CHAPTER CCXLVIII.

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

How damages verified.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the appraisement of damages

for sheep or lambs killed or wounded by a dog or dogs, made by two freeholders, as authorized and directed by the act to which this is a supplement, and the supplements to said act, shall be verified to be just and true by the oath or affirmation of the freeholders making the appraisement, and also by the oath or affirmation of the claimant, and the damages which shall be allowed for the killing or wounding of any sheep or lamb shall be the real, true and actual value of the sheep or lamb so killed or wounded, but if any sheep or lamb be only wounded, and not fatally injured, then the damage to be allowed for such wounded sheep or lamb shall not be more than a compensation for the injury actually done to such sheep or lamb.

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

Approved March 24, 1863.

CHAPTER CCXLIX.

A supplement to the act entitled "An act to authorize the business of banking," approved February twenty-seventh, eighteen hundred and fifty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any association of persons formed and organized under the act to which this is a supplement, to deposit, in addition to the stocks mentioned in said act and the supplements thereto, the bonds of the city of Jersey City, issued according to law by the mayor and common council of said city, bearing interest not less than six per cent., as a basis or security for their circulating notes, subject to all the provisions and restrictions in said act authorizing the business of banking. Bonds of Jersey City to be deposited.

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

Approved March 24, 1863.

CHAPTER CCL.

Supplement to an act entitled "An act authorizing a loan for the purposes of war, to repel invasion and suppress insurrection, and appropriating the same and providing for the payment thereof," approved May tenth, eighteen hundred and sixty-one.

May borrow money on credit of the State.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the governor and the treasurer of this state to borrow, on the credit of the state, for the purposes expressed in the act to which this is a supplement, such sums of money as shall appear to the governor of the state to be necessary for such purposes;

Proviso.

provided, that the sums of money so to be borrowed shall not, together with the amount authorized to be borrowed by the act to which this is a supplement, exceed in the whole three millions of dollars.

How loan secured.

2. *And be it enacted*, That the payment of the money authorized by this act to be loaned, shall be secured in the same manner as is directed by the act to which this is a supplement, for the securing of the loan thereby authorized to be made; and for the additional one million of dollars hereby authorized to be loaned, the governor and treasurer are hereby authorized to issue and negotiate the bonds of the state of New Jersey, of the same denominations, payable at the same places, bearing interest at the same rate, executed, registered and when paid, cancelled in the same manner, as is provided by the act to which this is a supplement; and not more than one hundred thousand dollars of principal, of the bonds hereby authorized to be issued, shall be made payable in any one year, and no part of such principal shall be payable before the first day of January, eighteen hundred and eighty-six, and no bonds shall be made payable at a later date than the first day of January, eighteen hundred and ninety-six, and all bonds authorized by this act shall be exempt from taxation.

Money, when paid and how drawn.

3. *And be it enacted*, That the money from time to time borrowed under the provisions of this act shall be paid into the treasury of the state of New Jersey, and shall be drawn

therefrom in the manner prescribed in the act to which this is a supplement.

4. *And be it enacted*, That the debt hereby authorized shall be paid out of the tax directed by the act to which this is a supplement, to be annually levied and collected. Debt, how paid.

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

Approved March 24, 1863.

CHAPTER CCLI.

A further supplement to an act entitled "An act respecting executions and regulating the sale of personal estate by virtue thereof."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every sheriff, under sheriff or coroner of this state, to whom any execution is or shall be delivered, shall, without fee or reward, when he returns said execution, return and file with the same, in the office of the clerk of the court from which the execution issued, a true statement, in writing, specifying the amount of money, if any, and the time when collected by him, and the balance due thereon, and also the items of his bill of costs or execution fees, verified by his written oath or affirmation annexed to or endorsed on said statement. Sheriff to file statement with execution.

2. *And be it enacted*, That the sheriff, under sheriff or coroner shall not be entitled to receive or collect of the plaintiff any of the officers' fees or costs thereon, until he shall have returned said statement, verified as aforesaid. Penalty.

3. *And be it enacted*, That said statement shall not be conclusive against any person other than the officer making the same.

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

Approved March 24, 1863.

CHAPTER CCLII.

A further supplement to an act entitled "An act to incorporate the Hoboken and Weehawken Horse Railroad Company, and to confirm the grants therein mentioned," approved February fourteenth, eighteen hundred and sixty.

May use dummy engines.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Hoboken and Weehawken Horse Railroad Company be and they are hereby authorized to use dummy engines on their road, or on any part thereof, now built or hereafter to be built; *provided*, the consent of the mayor and council of the city of Hoboken, and of the town committees of the different townships through which the said road passes, each for its respective territory, be first had and obtained.

Proviso.

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

Approved March 24, 1863.

CHAPTER CCLIII.

A further supplement to an act entitled "An act for the publication of chancery and law reports," approved April seventeenth, eighteen hundred and forty-six.

Judges to file opinions with clerk.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where opinions are delivered in cases decided in the supreme court of this state, it shall be the duty of the judges to file their opinions with the clerk of said court, within thirty days after the same are delivered; and it shall be the duty of the clerk, within thirty days after such opinions are filed in his office, to cause copies thereof to be made and delivered to the law reporter, for which he shall be paid by the state treasurer the sum of eight cents per folio of one hundred words, on the account being duly audited by the secretary of state; and in case the said clerk shall neglect

to furnish the law reporter with copies of said opinions within the time above stated, then it shall be the duty of the reporter to have the same copied, for which he shall receive the same compensation, and be paid in the same manner, as the clerk would be if he made said copies.

When reports to be printed.

2. *And be it enacted*, That as soon as sufficient opinions are delivered to the reporter to make a volume of six hundred pages, he shall have the same printed without delay in the manner now required by law, and shall deliver three hundred copies thereof to the state treasurer, for which the treasurer shall pay the reporter three dollars and fifty cents per copy.

Treasurer to pay chancery reporter.

3. *And be it enacted*, That the state treasurer shall hereafter pay to the chancery reporter the sum of three dollars and fifty cents per copy for the copies of chancery reports which the said chancery reporter is required by law to deliver to said treasurer.

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

Approved March 25, 1863.

CHAPTER CCLIV.

A supplement to the act entitled "An act to incorporate the town of Bergen," approved March eleventh, eighteen hundred and sixty-two.

Powers of town committee in regard to streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town council of the town of Bergen be and they are hereby authorized to pass ordinances to regulate, grade and plank or flag any side or crosswalk on the streets in said town, and to macadamize any street therein; and to assess the costs and expenses of the same upon the lands in said town benefited thereby, in proportion to the benefit received; and such assessments shall be made and collected in all things in the manner now provided by law for making and collecting assessments for improving streets in said town.

Approved March 25, 1863.

CHAPTER CCLV.

AN ACT to repeal the act entitled "An act concerning elections in the township of Winslow, in the county of Camden," approved March twenty-third, eighteen hundred and fifty-nine.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act concerning elections in the township of Winslow, in the county of Camden," approved March twenty-third, eighteen hundred and fifty-nine, be and the same is hereby repealed.

Repealer.

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

Approved March 25, 1863.

CHAPTER CCLVI.

A further supplement to the act entitled "An act relating to the registry and returns of births, deaths and marriages in the state of New Jersey," approved March thirtieth, one thousand eight hundred and forty-six.

Duties of justices and ministers on celebrating marriages.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every justice of the peace, minister of the gospel, or the keeper of the marriage records of the Society of Friends, shall, during the month of June in each year, deliver to the assessor of the township in which such marriages are celebrated, a statement of the number of such marriages by him celebrated or recorded, containing the date and place of marriage, names and surnames of the parties, the residence, age and condition of each, (whether single or widowed) and the names of the parents of each; and for every omission or neglect to comply with the requirements herein named, such defaulter shall be liable to a penalty of

twenty dollars, to be recovered in any court of competent jurisdiction, one-half thereof for the use of the overseer of the poor of the township where such defaulter shall live, and the other half to the assessor of said township.

Duty of assessors.

2. *And be it enacted*, That in addition to the duties prescribed in the first section of the supplement to the act named in the title to this act, passed on the eleventh day of March, one thousand eight hundred and sixty-two, it shall be the duty of the assessors of the several townships and wards of this state, before the time limited by law for making returns to the clerk of the township, to make a personal demand on the several persons in their respective townships and wards by law authorized to solemnize or record marriages, and who have neglected to make the returns of marriages as herein required, of the number of such marriages by them respectively solemnized or recorded during the previous year, together with the facts required by the first section of the act to which this is a supplement, and any such person refusing or neglecting to give a full and correct report thereof, as by said act required, shall thereby forfeit the sum of twenty dollars, one-half to the said assessor, and one-half to the overseer of the poor of the said ward or township, to be recovered by action of debt, in any court having jurisdiction thereof, in which action the said assessor shall be a competent witness.

Affidavit required.

3. *And be it enacted*, That the affidavit required by the first section of the supplement herein above named shall have relation to, and be made in reference to the provisions of this act.

Fees.

4. *And be it enacted*, That the assessor, in addition to his other fees, shall be entitled to receive the sum of twenty-five cents for every person on whom he shall so make demand as required by the provisions of this act.

Alphabetical index to be made.

5. *And be it enacted*, That the secretary of state shall procure suitable books, in which he shall cause to be entered an alphabetical index of all the returns made to his office, as required by the act to which this is a supplement.

Proviso.

6. *And be it enacted*, That this act shall take effect on the first day of June next; *provided*, that in the city of Newark the city clerk shall perform the duties required by this act to be performed by the assessors of townships or wards.

Approved March 25, 1863.

CHAPTER CCLVII.

AN ACT to incorporate the Camden County Manufacturing Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jesper Harding, Philip J. Gray, Isaac H. Porter, John Crump, Albert W. Markley and William Crump, and their associates, are hereby created a body corporate, under the name, style and title of the "Camden County Manufacturing Company," to have perpetual succession, to sue and be sued by their corporate name, and to have a corporate seal, for the purpose of manufacturing coal oil and the products thereof, and artificial fertilizers and the products thereof.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall consist of twenty-five hundred shares of one hundred dollars each, and the said company shall have the power to increase the same to five thousand shares by the consent of two-thirds in value of the stockholders, and shall have power to borrow money upon their bonds, not exceeding, however, one-half of the capital stock.

Powers.

3. *And be it enacted*, That said company shall have power to purchase and hold real estate, erect buildings, and do all such things as may be necessary and proper for the due carrying on of their business.

Board of directors.

4. *And be it enacted*, That the officers of said company shall consist of a board of five directors, chosen annually on the first Monday of May, and of a president, who shall be one of said directors, and of a secretary and treasurer, to be appointed by said board of directors annually, but no director shall be eligible to the office of secretary or treasurer; and all officers shall continue in their offices until their successors are appointed; *provided*, that all said directors shall be residents of this state.

Proviso.

May make by-laws.

5. *And be it enacted*, That the board of directors shall have power to make such by-laws as may be deemed necessary for their government, and for the transaction of the business of the company.

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

Approved March 25, 1863.

CHAPTER CCLVIII.

A supplement to an act entitled "An act for the relief of such portion of the militia of the state as may be called into service," approved May eleventh, one thousand eight hundred and sixty-one.

Benefits of former act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the first day of April, Anno Domini eighteen hundred and sixty-three, the benefits and provisions of the first six sections of the act to which this is a supplement, be and the same are hereby extended to the families of such married persons of the militia of this state, and to the widowed mothers of such persons, citizens of this state, without families dependent upon them for support, as have been formed into companies within this state and mustered into the service of the United States, or have joined companies of volunteers mustered into the service of the United States, in other states, whether attached to regiments belonging to this state or to other states of the United States; *provided*, that this act shall not be deemed or construed to include families or widowed mothers of such of the militia of this state as are or may be similarly provided for by the laws of the state to which the regiment or regiments, to which such militia are attached, may belong; *and provided also*, that in case any of such of the militia of this state as shall have enlisted in or been attached to regiments belonging to states other than the state of New Jersey, shall receive a monthly allowance from the state in which they may have so enlisted, in addition to the pay allowed by the United States, then, and in every such case, the families or widowed mothers of such persons shall only be entitled to the pay per month provided for by the act to which this is a supplement, after deducting therefrom the monthly allowance so provided by such other state; and further, that this act shall not extend to the families or widowed mothers of such of the militia of this state as have been enrolled since the first day of July, one thousand eight hundred and sixty-one, or may hereafter be enrolled in any company not raised under the authority of and be accepted by the governor of this state.

Proviso.

Proviso.

Limited to those enrolled before first of July, 1861.

2. *And be it enacted*, That in case any of the militia of this state, whose families and widowed mothers are intended to be

benefitted by this supplement, shall have been formed into companies within this state, the captain of every such company is hereby required to perform the same duties as are now required of captains of other companies by the sixth section of said act; and to entitle any person to the benefits of this act, it shall be the duty of the party claiming the same, at the time of demanding the first payment by virtue of this act, to produce a certificate of the captain of the company to which the volunteer belongs, on account of whose services the claim is made, certifying to the name of the volunteer, the time and place of his enlistment, and his residence at the time of enlistment, whether married or single, and, if single, whether having a mother dependent upon him for support; and, also, an affidavit of some reputable, disinterested freeholder, resident in the ward or township in which such applicant resides, corroborating the statements made in such certificate, (except those in regard to the enlistment,) and stating that the affiant is personally acquainted with the person applying for such payment, and knows such person to be the wife, widowed mother, or proper representative of the family of the volunteer named in such certificate, and is entitled to receive such payment; and that, on demand of every subsequent payment demanded by virtue of this act, the applicant shall produce a new certificate, signed by the captain of the company to which such volunteer belongs, certifying that at the date thereof such volunteer was in active service, which certificate shall bear date not more than thirty days prior to the time of presenting the same; and all of the certificates and affidavits aforesaid shall be filed with the person whose duty it shall be to make such payments; *provided*, that the provisions of this act shall only extend to such family or families as in the opinion of the person whose duty it is or may be to make the payments authorized by this act, shall be deemed in needy circumstances.

Proviso.

Public act.

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

Approved March 25, 1863.

CHAPTER CCLIX.

A supplement to an act entitled "An act for the security of Manufacturers of Mineral Waters and other beverages," approved February tenth, eighteen hundred and fifty-four.

Penalty for certain offences.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it is hereby declared to be unlawful for any person or persons hereafter, without the written permission of the owner thereof, to sell, dispose of, buy or traffic therein, or to wilfully break or destroy any such bottles so marked, and not bought by him or her of such owner, or to fill with mineral water or other beverages any of such bottles for the purpose of sale; and any such person so offending shall be liable to the penalty of fifty cents for every bottle so filled, bought, sold, destroyed, used or trafficked in, for the first offence, and five dollars for every subsequent offence, to be recovered before any justice of the peace or other magistrate, upon which recovery an execution against the goods and chattels of the defendant and for want of sufficient goods and chattels to satisfy such fine and costs, he, she or they so offending shall, in default thereof, be committed to the county jail until such fine and costs are paid; one-half of said penalty or penalties shall be for the use of the poor of the city, town or township where such offence shall be committed, and the other half for the use of the sheriff, deputy sheriff or constable who may arrest such offender or offenders.

Repealer.

2. *And be it enacted*, That the second section of the act to which this is a supplement be and the same is hereby repealed, and that this act shall take effect immediately.

Approved March 25, 1863.

CHAPTER CCLX.

A supplement to an act entitled "An act authorizing commissions and the taking of depositions," approved April fifteenth, eighteen hundred and forty-six.

Preamble.

WHEREAS, great inconvenience has arisen to parties litigant in the several courts of this state, on account of their being unable to obtain important and neeessary evidence of persons who are absent from this state in the military service of the United States and territories, where civil functions of the United States are for the time suspended by reason of the rebellion there existing—therefore,

Commissioners may be sworn before any general or colonel of New Jersey troops.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the passage of this act, it shall and may be lawful for the commissioner or commissioners appointed by any court of record in this state, in pursuance of the act to which this is a supplement, or any supplement thereto, before proceeding to execute the said commission, to take an oath or affirmation before any commissioned major general or brigadier general of the United States, or before any colonel of any regiment of New Jersey troops in such state or territory in the service of the United States, who are hereby authorized to administer the same, faithfully, fairly and impartially to execute the said commission, which said commissioner or commissioners shall thereupon proceed, in the manner directed by the act to which this is a supplement, to take the deposition or depositions of the said person or persons named in the said commission, and to return the same with all convenient speed to the court from which the said commission issued, in the manner directed by the act aforesaid.

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

Approved March 25, 1863.

CHAPTER CCLXI.

AN ACT for the improvement of Somerville.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the limits of the town of Somerville, in the county of Somerset, for the purposes of this act, shall be as follows: beginning at the mouth of Peters' brook, thence running up the same the several courses thereof to a point where the easterly boundary line of the homestead farm of the Rev. F. F. Cornell, as formerly owned by Richard B. Duyckink, crosses said brook; thence southerly down the easterly boundary line of said farm to the Raritan river; thence down said river to the place of beginning. Limits of town.

2. *And be it enacted*, That the freeholders who are also residents of the said town as above bounded and limited, shall make and hold an election in said town on the first Mondays of May hereafter, at which election there shall be chosen, by a plurality of the votes cast, seven of the freeholders of the said town, who shall be denominated the board of commissioners of Somerville, and by that name they and their successors in office may sue and be sued, make contracts and agreements, make regulations and ordinances, and impose penalties, not exceeding fifty dollars in amount, for the purpose of carrying out and effecting the objects and purposes of this act. Freeholders to elect commissioners.

3. *And be it enacted*, That the first election of said commissioners shall be held at the hotel of Jacob A. Fritts, in said town, and subsequent elections shall be held at such place in said town as by resolution of the board of commissioners for the time being shall be appointed, of which subsequent elections such board shall give two weeks notice, by advertisement in the newspapers of said town; that said election shall be by ballot, and shall be opened at four o'clock in the afternoon and closed at seven o'clock in the evening of the same day; that of the freeholders present at the opening of the polls there shall be chosen by the electors then present, a judge and clerk of election, who shall conduct the same in the manner that township elections are conducted by ballot, which officers of election shall possess the same powers and be subject to the same duties and restrictions as the officers of town- First election.

New Jersey State Library

ship elections are subject to, and that at the close of said polls the said judge and clerk of election shall canvass the votes cast and publicly declare who have been chosen, and shall make out, under their hands, and deliver to the commissioners so chosen, a certificate of their election, which certificate shall be recorded in the minutes of the proceedings of said board.

President and officers.

4. *And be it enacted*, That the commissioners so chosen shall, at one of the meetings of said board, as soon after their election as may be practicable, elect from their number a president, secretary and treasurer; that meetings of said board may be called by the president, or in his absence or disability by the treasurer, upon two weeks' notice published in any such newspaper, which meetings so called may be publicly adjourned to another time and place without further advertisement; that the treasurer shall give his bond to said board, with satisfactory sureties, in such amount as they may require, for the faithful performance of his office, and shall render annually, and as often as required by resolution of the board, an account of all moneys received and disbursed by him, and shall pay out no moneys except upon resolution of the board, upon bills countersigned by the president; that the secretary shall keep a minute of the proceedings of said board, and record the same in a book provided for that purpose.

Powers of commissioners.

5. *And be it enacted*, That it shall and may be lawful for the said board of commissioners to have the general supervision, management and control of the public streets, sidewalks and roads of said town, and of all public commons therein or adjoining thereto, and of the fire engines and all apparatus for the suppression of fires belonging to said town, and for this purpose may by resolutions or ordinances make all needful rules and regulations for the promotion and advancement of the interests of said town, touching and concerning the matters above mentioned, and more particularly that they may by such resolutions or ordinances cause the streets and roads of said town, or such parts thereof as they may deem advisable, to be graded, gravelled, or otherwise to be improved and repaired, and to prevent and cause to be removed all obstructions thereon, so that they may be kept open to the width at which they were laid out by the surveyors of the highways, or by any deed, donation or dedication thereof by the original owner or owners thereof, and also that they may fix and determine the width, grade and construction of

the sidewalks of the said town, and cause the same, or such part thereof as they may deem necessary, to be paved, flagged, gravelled and curbed, or either of them, at the expense of the several owner or owners of the improved property of said town adjoining said sidewalks; and in case any owner or owners shall neglect or refuse to comply with and carry out any such regulations or ordinances touching the sidewalks in front of and opposite their improved lots of land, then that said commissioners may cause the same to be done and carried out by their workmen, laborers or agents, keeping a particular account of the expenses attending the same, to and with reference to the several owners of such improved lots respectively; and in default of payment of such expenses by any such owner or owners, then the said board of commissioners, by their above mentioned title of office, may sue for and recover the same in any court of competent jurisdiction, which moneys when recovered shall be by them applied to carry out the purposes of this act; and the said commissioners shall have power to cause to be constructed, enlarged, repaired and extended any culverts, sewers, drains or ditches in or along any of said streets or roads, and therein or thereby to divert, receive and discharge the drainage of said streets and roads, with reference to the greatest public convenience and doing the least private injury possible.

Commissioners not to receive compensation.

6. *And be it enacted*, That no compensation shall be paid to any of said commissioners for their services, that they shall not have power to levy any tax or make any assessment upon the owners of real estate or other inhabitants of said town, excepting only for the construction and repairs of sidewalks against the several owners of improved property for the amount of the construction and repairs of such parts thereof as may lay in front of and adjoining to the improved property of such respective owner or owners; that the taxes which shall hereafter be assessed, levied and collected upon and from the taxable inhabitants of said town, and upon the real estate therein, for roads, or for the improvement or repairs of roads by the officers of the township of Bridgewater, shall not be applied to the roads without the boundaries of said town, but that the assessor and collector of the said township shall hereafter assess and collect upon and from the taxable inhabitants of said town, and on all lands liable to be taxed therein, the road tax which shall have been ordered to be raised at the previous annual township election, in the same manner as the same have been heretofore assessed, levied and

collected, and it shall be the duty of the collector or collectors of said township to pay over the amount of the road tax by him or them received, which shall have been assessed and collected upon the taxable inhabitants of said town and upon all lands liable to be taxed therein, to the treasurer of the said commissioners, to be expended and applied by them in carrying out the purposes of this act, and for this purpose the said assessor of said township shall, by some convenient mark in his duplicate, designate the road taxes of the taxable inhabitants of said town; and in case of any dispute respecting such designation, or of the apportionment of said road taxes, the same shall be determined by the commissioners of appeal in cases of taxation of said township.

Approved March 25, 1863.

CHAPTER CCLXII.

AN ACT for the partition and sale of real estate where some of the owners are unknown.

How to proceed when tenant is unknown.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where real estate is held by coparceners, joint tenants and tenants in common, some or any one of whom are unknown, the others, or either one or more of them, may commence a suit by bill, for partition, in the court of chancery, in the same manner as if all the owners of such real estate were known, making such unknown owner or owners of said real estate a party or parties thereto, by a publication, according to the law and practice of said court in case of absent defendants, under the order, said order describing such real estate in such manner and terms as will identify the same, (by abuttals and boundaries or otherwise,) and naming the ancestor or other person last owning the said real estate in severalty, of the chancellor, in one or more of the newspapers of this state, or elsewhere, directing such unknown owner or owners to appear, plead, answer or demur to the said bill, within such time as the chancellor shall direct, not less than six months from the date of such order, which order shall be published, as aforesaid, within twenty days from the date thereof, and continued in said

newspaper or newspapers at least once each week, to within ten days of the expiration of the time limited to appear, plead, answer or demur, and at the expiration of the time limited in said order, the chancellor shall make such decree against said unknown owner or owners as if they were known to the court, and as may be equitable and just, and shall have power to decree a partition of said real estate among the owners thereof, in the same manner as if all were known and by name had been made parties to said suit, and if the court shall be unable to determine the estates of such unknown parties, then the chancellor shall make partition among those owners whose estates can be ascertained, in such manner as may in his judgment be equitable, and so that the owners of such ascertained estates shall hold their respective shares in severalty, and in case it shall appear to the chancellor that the said real estate is so circumstanced that such partition thereof cannot be made without great prejudice to the interests of the owners thereof, then the chancellor shall have power to decree a sale of said real estate, and to direct the execution of a deed or deeds therefor, to the purchaser or purchasers, which deed or deeds shall convey all the right, title and estate of all the owners of said real estate, ascertained and unascertained, as completely and effectually as if all the owners were by name made parties to said bill, and as such brought before the court, and after such sale, the chancellor shall decree the distribution of the moneys arising therefrom among the owners of said real estate, in such shares as they may be entitled to, and shall invest, under the direction and control of said court, such portion of the proceeds of said sale as may belong to those owners who are unknown to the court, for the benefit of such owners, and shall order the payment thereof from time to time, to those who are entitled to receive the same, and as they shall be ascertained by the court.

Chancellor, how to proceed.

2. *And be it enacted*, That in the proceedings aforesaid the chancellor shall be governed by the rules and practice of said court, and by the provisions of existing laws, in the partition and sale of real estate, in suits in partition in said court, except only as the same may be inconsistent with this act, and all estates by curtesy and dower in said real estate may be sold by the decree of said court, and a certain sum be ordered to be paid in lieu thereof, or a certain share of the proceeds of the sales of said real estate be invested for

the benefit of the person or persons entitled to such estate, in the same manner as existing laws provide.

Costs, how adjusted.

3. *And be it enacted*, That the chancellor shall make such order for the payment of the costs and expenses of the proceedings aforesaid as the practice and authority of said court in suits in partition and sale therein will permit, and as he shall deem equitable and just.

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

Approved March 25, 1863.

CHAPTER CCLXIII.

Supplement to an act entitled "An act for the defense of the State," approved May tenth, eighteen hundred and sixty-one.

Expenses under former act how paid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all expenses incurred or which shall be incurred under and by virtue of the act to which this is a supplement, shall be paid by the treasurer, on the warrant of the governor, out of any moneys derived from loans made by virtue of the act entitled "An act authorizing a loan for the purposes of war, to repel invasion and suppress insurrection, and appropriating the same and providing for the payment thereof," approved May tenth, eighteen hundred and sixty-one, and the supplement thereto, commonly called the "war fund;" *provided*, that the whole expenses authorized to be incurred by this act shall not exceed one million dollars.

Certain officers to purchase articles.

2. *And be it enacted*, That whenever the governor, attorney-general and quartermaster-general, or any two of them, shall determine that articles authorized to be procured by the act to which this is a supplement, should be purchased without public advertisement, such articles may be purchased in open market or by private contract.

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

Approved March 25, 1863.

CHAPTER CCLXIV.

AN ACT concerning county clerks.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on and after the passage of this act, the clerk of the court of common pleas in the counties of Bergen, Cumberland and Atlantic, shall be and the said clerk is hereby authorized, during his continuance in office, to perform all the duties and exercise all the powers belonging to the office of a commissioner for taking the acknowledgment and proof of deeds; and each clerk aforesaid, upon taking any acknowledgment or affidavit, by virtue of the powers conferred by this act, shall affix to his signature the words "county clerk." Powers and duties of clerks.

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

Approved March 25, 1863.

CHAPTER CCLXV.

AN ACT to extend the provisions of an act to prevent horses, cattle, sheep and swine from running at large in part of the township of Upper Alloways Creek, in the county of Salem.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to extend the provisions of the act entitled 'an act to prevent horses, cattle, sheep and swine from running at large in the townships of Hackensack and Harrington, in the county of Bergen,' approved February twelfth, eighteen hundred and fifty-two," be and the same is hereby extended, and the provisions of said act shall hereafter apply and be in force throughout the following portion of the township of Upper Alloways Creek, in the county of Salem: all that portion of the township of Upper Alloways Creek being on the north Provisions of act extended.

side of Alloways Creek, commencing at the creek at Quinton's bridge and running a due north course until it intersects the line of Mannington township; thence along said line of Mannington to the stone, a corner of the townships of Upper Alloways Creek, Mannington, Salem, Elsenborough and Lower Alloways Creek; thence along the line of the township of Lower Alloways Creek to Alloways Creek; thence up the creek the several courses thereof to the place of beginning.

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

Approved March 25, 1863.

CHAPTER CCLXVI.

AN ACT in relation to the Belleville and Newark Horse Car Railroad Company.

May re-survey a route for road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Belleville and Newark Horse Car Railroad Company to re-survey and re-locate the route of their railroad between the village of Belleville and the city of Newark, in the county of Essex;

Proviso.

provided, a new survey be filed in the office of the secretary of state, and that the same be done in all respects in compliance with the charter of said company.

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

Approved March 25, 1863.

CHAPTER CCLXVII.

Supplement to an act entitled "An act to authorize the business of banking."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby authorized to appoint, with the advice and consent of the governor and attorney general, one or more additional registers for the purposes stated in the first section of the act to which this is a supplement. Additional register.

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

Approved March 25, 1863.

CHAPTER CCLXVIII.

A supplement to an act entitled "An act to establish Public Schools."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Greenville, in the county of Hudson, at their next and all future elections of trustees of their public schools, shall and may hold the said election on the same day, at the same place, during the same hours, and to be conducted in the same manner as are or may be the election of other township officers, in no otherwise altering the tenure of office of the said trustees. Election of trustees.

2. *And be it enacted*, That the inhabitants of the township of Greenville be and they are hereby empowered, at their annual election for township officers, by their legal votes, to elect two persons, citizens of said township, to be denominated members of the school committee; they shall hold office for one year, or until their successors are elected; the two persons thus elected shall meet with the trustees, and they five shall organize by the election of one of their num- Election of school committee.

ber as chairman, and this organization shall be designated and known as the board of education for the township; and they shall have entire control of the public schools of the township, except as hereinafter provided; no member of the school committee, or trustee, or either of them, as a member or members of the board of education, shall receive any compensation for any service performed by or required of him in the discharge of his official duties, neither shall the board of education create any debt, obtain any credit, or otherwise involve the school or schools under their charge in any pecuniary obligation, except upon their own personal responsibility, unless the creation of such debt, or the incurring of such obligation, is made in anticipation of appropriations or receipts to the school fund of the township, based upon the operation of some existing law to that effect; on the board of education for the township of Greenville shall devolve, singly and collectively, all the duties heretofore imposed by law upon the school trustees of the district and the town superintendent of schools, except so far as the duties of the superintendent in reference to the receipt or the disbursement of any money or moneys belonging to or intended for school purposes is hereinafter vested in the treasurer of the township; it shall be their duty and privilege, by their chairman, or otherwise, as they may determine, to be represented in the board of examiners for the county, to transmit to the state superintendent the condition of their schools, and in all things to be governed by the existing laws of the state for the regulation and government of public schools, so far as the same may or can be made applicable to the school or schools over which the said board may have control by virtue of this act; three members of the board of education shall constitute a quorum for the transaction of business.

Office of superintendent abolished.

3. *And be it enacted*, That the office of superintendent of public schools in and for the township of Greenville be and the same is hereby abolished; and that it shall be the duty of the treasurer of said township to collect, receive and keep an account, in a book provided for that purpose, of all money or moneys collected, appropriated or obtained from any source whatever, belonging to, appropriated for, or designated to be used for public school purposes within the said township, and to advise and inform the board of education, at their request, of the state and condition of the public school fund of the township, and shall pay to the order of a majority of the board of education all such amounts as may be drawn from

them, for the purpose of liquidating or meeting the legitimate expenses of the public school or schools within said township; *provided*, that the treasurer of the township shall not be required to pay any greater amount than may remain unappropriated of the said school fund, in his hands at the time of the presentation of such order; the treasurer of the township shall not be entitled to, or receive any compensation for the services rendered by him in pursuance of this act. Proviso.

4. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and they are hereby repealed, and that this act shall take effect from and after the second Tuesday in April, Anno Domini eighteen hundred and sixty-three. Repealer.

Approved March 25, 1863.

CHAPTER CCLXIX.

AN ACT relative to Agricultural Societies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "An act to prevent horse racing," approved March nineteenth, one thousand eight hundred and forty-six, shall not apply to fairs or exhibitions held by and under the direction of any agricultural or other society incorporated or organized under and by virtue of any law of the state of New Jersey. Act not to apply to fairs, &c.

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

Approved March 25, 1863.

CHAPTER CCLXX.

AN ACT to vest in the devisees under the will of Margaret Curtis, deceased, land and real estate in the county of Burlington, of which Emma Curtis died seized.

Preamble. WHEREAS, Thomas Curtis, late of Mount Holly, in the county of Burlington, deceased, by his last will and testament executed in due form of law to pass real estate, bearing date the twelfth day of November, Anno Domini eighteen hundred and twelve, did give and devise all his real estate after the death of his wife, to be divided between his three children, Margaret Curtis, Thomas Curtis, junior, and Isaac Antrim Curtis; and in case of the death of his son Isaac before his wife, his share to descend to his child, Emma Curtis; and whereas, the said Thomas Curtis, at the time of his death, was seized of a dwelling house and lot of land, situate on the southerly side of Water street, in Mount Holly aforesaid, whereon he resided at the time of his death; and the said Isaac Antrim Curtis having died before the wife of said Thomas, the house and lot, upon the death of his wife, in eighteen hundred and twenty-three, became, under the will aforesaid, the property of his children, the said Thomas Curtis, junior, and Margaret Curtis, and his grandchild Emma Curtis, as tenants in common, share and share alike; and whereas, the said Thomas Curtis, junior, Margaret Curtis and Emma Curtis, having sold and conveyed a part of said lot, the said Thomas Curtis, by deed under his hand and seal, duly executed, bearing date the twenty-eighth day of November, Anno Domini eighteen hundred and fifty-seven, did grant and convey his undivided one-third part of the remaining house and lot unto the said Margaret Curtis, who, by her last will and testament, bearing date the eighteenth day of December, Anno Domini eighteen hundred and fifty-eight, did give and devise all her undivided two-third parts of said house and lot, as follows, viz: "I give and devise all my real estate unto Isaac Barton, of Philadelphia, and John R. Slack, of Mount Holly, and to the survivor of them, and to the heirs, executors and administrators of such survivor—in trust, nevertheless, and to and for the

uses and trusts hereafter specified, that is to say, in trust to permit and suffer my nieces, Emma Curtis and Abigail Curtis, to use, occupy, possess and enjoy the same, and every part thereof, for and during their joint lives, and to permit and suffer the survivor of them to use, occupy, possess and enjoy the same, and every part thereof, for and during her natural life, or if the said Emma Curtis and Abigail Curtis, or the survivor of them, shall at any time see proper so to do, then in trust to permit and suffer them, or the survivor of them, to lease out the said real estate, or any part thereof, from year to year, and to receive and take the rents, issues and profits thereof, they, the said Emma Curtis and Abigail Curtis, paying the taxes and keeping the property in repair; and after the death of the survivor of my said nieces, Emma Curtis and Abigail Curtis, then in trust to permit and suffer my nephew, George W. Curtis, to use, occupy, possess and enjoy the same, and every part thereof, for and during his natural life, or if the said George W. Curtis shall at any time see proper so to do, then in trust to permit and suffer him to lease out the said real estate, or any part thereof, from year to year, and to receive and take the rents, issues and profits thereof, he, the said George W. Curtis, paying the taxes and keeping the property in repair; and after the death of the said George W. Curtis, then in trust for the said Isaac Barton and John R. Slack, or the survivor of them, or the executors, administrators or heirs of such survivor, to convey the same, and every part thereof, unto all the children of my said nieces, Emma Curtis and Abigail Curtis, and my nephew, George W. Curtis, share and share alike, the children of any deceased child to take his, her or their parents' share, equally between them, if more than one;" which said last will and testament of said Margaret Curtis, since her decease, to wit, on or about the sixteenth day of July, Anno Domini eighteen hundred and sixty, was duly proved before the surrogate of the county of Burlington, and letters testamentary thereon issued to the said Isaac Barton and John R. Slack, the executors therein named; and whereas, the said Emma Curtis, being, as aforesaid, seized of the undivided one-third part of said house and lot, on or about the twenty-third day of March, Anno Domini eighteen hundred and sixty-two, departed this life intestate and without leaving any lawful issue; and whereas, the said Emma Curtis was a natural child by the said Isaac

Antrim Curtis, and therefore by the laws of this state could not leave any collateral heirs capable of inheriting the said real estate; but the said Emma Curtis left her surviving the said George W. Curtis a brother, and Abigail Curtis a sister, the only lawful children of the said Isaac Antrim Curtis deceased, who, together with their children, are the cestui que trusts under the will of said Margaret Curtis deceased, and are now in the possession and enjoyment of said house and lot of land, and it appears to be right and just that the interest in said house and lot of land, which by reason of the premises hath escheated to the state, should be secured for the benefit of her brother and sister, the said George W. Curtis and Abigail Curtis, and their children, in the same manner as the interest therein of the said Margaret Curtis is secured to them under her said last will and testament—now, therefore,

Interest of state in house and lot released.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the rights, title and interest of the state, which now or hereafter may exist, by reason of the facts hereinbefore stated, of, in and to the dwelling house and lot of land situated on the southerly side of Water street, in Mount Holly, in the county of Burlington, (being a part of the same premises which were devised by the will of Thomas Curtis, deceased, to his three children, as aforesaid, and the same, the undivided two-third parts of which were devised by the will of Margaret Curtis, deceased, to Isaac Barton and John R. Slack, and to the survivor of them, and to the heirs, executors and administrators of such survivor, upon and to and for the uses and trusts therein and hereinbefore specified) be, and the same is hereby released to the said Isaac Barton and John R. Slack, and to the survivor of them, and to the executors, administrators and heirs of such survivor, to have and to hold the same, upon and to and for the uses and trusts set forth and declared in the will of said Margaret Curtis, deceased, and hereinbefore recited;

Proviso.

provided always, that nothing in this act shall interfere with the lawful claims of any other person or persons to said house and lot of land, other than those claiming from and under this state.

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

Approved March 25, 1863.

CHAPTER CCLXXI.

AN ACT to incorporate the Firemen of the City of Elizabeth.

WHEREAS, the firemen of the city of Elizabeth have, by their petition to the legislature, prayed to be incorporated, the more effectually to enable them to provide adequate funds for the relief of disabled and indigent firemen, and for the purpose of extinguishing fires—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as now are or hereafter shall be engineers of the fire department, or firemen belonging to any of the fire companies of the city of Elizabeth, shall be and are hereby ordained, constituted and declared to be and continue, until the first Tuesday in April, one thousand eight hundred and seventy-three, a body politic, in fact and in name, by the name of "The Fire Department of the City of Elizabeth," and that by that name they and their successors, for the term aforesaid, shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors, by the name of "The Fire Department of the City of Elizabeth," shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation; *provided*, that the amount of real and personal estate of the said corporation shall not at any time exceed the sum of twenty thousand dollars. Incorporation

Proviso.

2. *And be it enacted*, That the engineers and foremen belonging to the said fire department shall, on or before the first day of May, in every year, choose one representative, and each company of firemen three representatives, who shall have and exercise all such powers as are hereinafter committed to them. Representatives chosen.

3. *And be it enacted*, That the said representatives shall choose, on the second Monday of May in every year, by ballot, out of their own body, a president, who shall be ex First representatives.

officio a member of the board of trustees, and a vice president, and out of the whole body of the firemen or exempt firemen, three trustees, a treasurer and secretary; that the first representatives shall be Levi R. Barnard, Matthias L. Darby, John J. Williams, William McDermott, John N. Lewis, Stephen H. Grinsted, Lewis M. Brown, Lewis E. Monteagle, Edward P. Edwards, John R. Rommel, Robert Caldwell, Lewis L. Miller, Timothy Dixon, Charles West, George Blake, Patrick Dockray, Michael Kreig, Charles J. Ogden, William A. Morrell, John Bainbridge, Frederick Lum, Robert Rea, William A. Loveland, John C. Patterson; that John N. Lewis shall be the first president; that Lewis E. Monteagle shall be the first vice president; that I. Augustus Dix, Timothy Dixon, William A. Morrell, James Rollo, James T. Wiley and Robert Caldwell shall be the first trustees; that Michael Kreig shall be the first treasurer; that Matthias L. Darby shall be the first secretary; to hold their respective offices and places until others are appointed in their stead, agreeably to the provisions of this act; that the said trustees shall class themselves into two classes; number one shall go out of office the first year, and number two the second year; that the said trustees shall manage the affairs and dispose of the funds of the corporation, according to the by-laws, rules and regulations of the said corporation, from time to time made and established by the said representatives; that the said trustees shall choose a president, who shall have a right to convene them when he thinks proper, at least once a year; that the treasurer shall give security to the trustees for the faithful performance of his trust, and shall, at every annual meeting of the representatives, render them an account of the state of the funds; that the representatives shall, at their meeting, have a right to inquire into and control the application of their funds, and to displace any of the trustees and officers, if guilty of mal-conduct, and elect others in their stead; that a majority of the said representatives, and also of the trustees, shall respectively be a quorum to do business; that in case of a vacancy in the office of representative, such vacancy shall be filled up by the company from which he is deputed, for the remainder of the year, by a special election to be held for that purpose; and that in case of a vacancy in the office of president, vice president, treasurer, secretary, or of any of the trustees, such vacancy shall be filled up by the representatives for the remainder of the year, by a special election to be held for that purpose.

4. *And be it enacted*, That two-thirds of the said representatives shall have full power to make and prescribe such by-laws, rules, ordinances and regulations as to them from time to time shall appear needful and proper, touching the management and disposition of their funds, for the purposes aforesaid, and touching the meetings of the said corporation, both special and ordinary, except the second Monday in May in every year, which is hereby declared to be their annual meeting; and touching the duties and conduct of their officers and trustees, and touching all such other matters as appertain to the business and purpose for which the said corporation is by this act instituted, and for no other purpose whatsoever; *provided*, that such by-laws, rules, ordinances or regulations be not repugnant to the constitution or laws of the United States or of this state. May make by-laws.

5. *And be it enacted*, That in case any election shall not be made on the day when pursuant to this act it ought to have been made, the said corporation shall not on that account be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make such election, in such manner as shall have been regulated by the by-laws and ordinances of the said corporation. Corporation not dissolved for failure to elect.

6. *And be it enacted*, That the funds of the said corporation, which shall arise from chimney fines, certificates and donations, and from such other objects as may have been heretofore or may be hereafter agreed upon by the respective fire companies, shall be appropriated to the relief of such indigent or disabled firemen, or their families, as may be interested therein, and who may, in the opinion of a majority of the trustees, be worthy of assistance; but if they shall amount to a greater sum than the trustees may think necessary to apply to the said purposes, then the said representatives shall have power to apply such surplus to the purpose of extinguishing fires, under such limitations and restrictions as they may, with the sanction of the corporation of the city of Elizabeth, deem proper. Funds, how appropriated.

7. *And be it enacted*, That this act is hereby declared to be a public act, and that the same shall be construed in all courts and places benignly and favorably for every beneficial purpose hereby intended. Public act.

8. *And be it enacted*, That this act shall take effect immediately, and that all acts or parts of acts which are inconsistent with this act, or any part thereof, are hereby repealed. Repealer.

Approved March 25, 1863.

CHAPTER CCLXXII.

A supplement to an act entitled "An act to raise money in the several townships of Cumberland county, New Jersey.

Additional tax to be assessed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assessor of Millville township, Cumberland county, be and hereby is authorized and required to assess with other township tax, and the collector of said township is authorized and required to collect from the inhabitants of said township, in the same manner and at the same time that other taxes are collected, the sum of three thousand dollars, ordered by the annual town meeting, held March tenth, one thousand eight hundred and sixty-three; the said sum of three thousand dollars to be placed under the control of the township committee, and be paid by them to the Millville volunteers, in the army of the United States.

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

Approved March 25, 1863.

CHAPTER CCLXXIII.

AN ACT to authorize the inhabitants of School District, Number Two, in the township of Union, and county of Camden, to raise money to build school houses and for the support of public schools.

Trustees empowered to issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said trustees of the second school district of the township of Union, in the county of Camden, be and they are hereby authorized and empowered to issue bonds in their corporate name and under their common seal, for any sum not exceeding three thousand dollars ($3,000), redeemable in sums of three hundred dollars,

($300,) yearly, said bonds not to be of a less amount than one hundred dollars each, bearing interest at six per centum per annum, and not subject to taxation.

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

Approved March 25, 1863.

CHAPTER CCLXXIV.

Supplement to an act entitled "An act to make taxes a lien on real estate, and to authorize sales for the payment of the same.

Assessment of taxes to be a lien upon land, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any assessment of taxes made in this state against any person or persons or corporation on account of any lands, tenements, hereditaments or real estate of such person or persons or corporations, shall be and remain a lien on all the lands, tenements and hereditaments or real estate, on account of which said assessment shall be made, with lawful interest thereon accruing, and all costs and fees in relation to said assessment and collection thereof, for the space of two years from the time when the taxes so as aforesaid assessed were payable; and in case any such assessment of taxes, together with the interest thereon, and the costs and fees as aforesaid, shall remain unpaid for the space of four months after the said taxes were payable, then it shall be lawful for the township committee of the township in which said assessment has been made, or a majority of them, to proceed for the collection of the same in the manner prescribed in and by the several provisions of the act to which this is a supplement; all which proceedings shall be as valid and effectual as in cases of assessment under said act.

Property may be redeemed.

2. *And be it enacted*, That in all cases of sale made of any real estate, in pursuance of this act and the act to which this is a supplement, the owner or owners thereof shall have the right to redeem the same after the expiration of one year from the time of such sale, by paying the amount paid by the purchaser therefor, with twelve per cent. interest thereon,

and the purchaser, upon payment thereof, shall re-convey and restore to the owner or owners such real estate.

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

Approved March 25, 1863.

CHAPTER CCLXXV.

AN ACT to authorize the erection of a Bridge over the Rancocas River.

Preamble. WHEREAS, there is a public road near the bank of the Delaware river, from the city of Burlington, through the towns of Edgewater, Beverly, Delanco, Progress, Cambridge, Riverton and Palmyra, to the city of Camden, with bridges built, or authorized to be built, over all the intervening rivers and streams, except over the Rancocas river—therefore,

Freeholders to construct bridge. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of the county of Burlington to construct a good and sufficient bridge over said Rancocas river, at Delanco and Progress, with a suitable draw in the same, of not less than forty feet in width, and in such a way as to give the least obstruction to the navigation of said river practicable; *provided*, said bridge shall be built at the foot of one of the streets as laid down in "Wilmerton's Lithographed Plan of Delanco;" and the said board of chosen freeholders shall keep, or cause to be kept at the said bridge, a careful person or persons to open the said draw for the free passage of vessels; and for every willful neglect in opening said draw, when necessary for the passage of any vessel, the said county of Burlington shall forfeit the sum of twenty-five dollars, to be recovered by action of debt before any court of competent jurisdiction, and shall also be liable to an action for damages at the suit of the party aggrieved.

Proviso.

Approved March 25, 1863.

CHAPTER CCLXXVI.

A supplement to an act entitled "An act to prevent the importation of paupers and vagrants into the counties of Burlington, Passaic, Camden, Gloucester and Mercer," approved March twenty-three, eighteen hundred and fifty-two.

Execution against the body may issue.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon the recovery of a judgment for the penalty mentioned in the second section of the act to which this is a supplement, upon the return of an execution or executions issued thereon unsatisfied, it shall be lawful to issue an execution against the body of the defendant in said judgment, and he shall by virtue thereof be imprisoned according to law, and he shall not be released from such imprisonment before the expiration of one year, unless it shall satisfactorily appear to the court to which he may apply to be released either that he has paid the amount of said judgment and all costs, or that he has removed the said person which by the order he was directed to do, or that he is unable to make such removal.

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

Approved March 25, 1863.

CHAPTER CCLXXVII.

AN ACT providing for the erection and repair of workshops within the enclosure of the State Prison.

Money appropriated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of four thousand dollars be paid by the treasurer, out of the treasury, to be expended under the direction of the inspectors and keeper, in the repairs and erection of workshops within the enclosure of the state prison.

Accounts to be kept.

2. *And be it enacted*, That an accurate and true account

of the money expended, and to whom and when paid, shall be kept by the said keeper, and a true copy thereof annexed to his annual report to the legislature.

When to take effect.

3. *And be it enacted*, That this act shall take effect the tenth day of April, eighteen hundred and sixty-three.

Approved March 25, 1863.

CHAPTER CCLXXVIII.

A further supplement to the act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

State tax to be raised, and how apportioned and applied.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be assessed and levied and collected on the inhabitants of this state, and on their taxable real and personal property, and upon the other objects liable to taxation, a state tax of three hundred thousand dollars, which is hereby appropriated and shall be applied as follows: two hundred thousand dollars, or so much thereof as may be needful, to the payment of such interest as shall have accrued on the first day of January next and on the first day of July next thereafter, on the loan authorized by an act entitled "An act authorizing a loan for the purposes of war, to repel invasion and suppress insurrection, and appropriating the same, and providing for the payment thereof," approved May tenth, one thousand eight hundred and sixty-one; and the residue thereof shall be applied and added to the sinking fund provided for by the fifth section of said act towards the payment of the principal of said loan; and one hundred thousand dollars of the said tax shall be applied, so much thereof as may be needful, to the payment of any other indebtedness of the state, and the residue thereof to any other uses of the state; which said state tax shall be and the same is hereby apportioned to and among the several counties of this state as follows, that is to say:

To the county of Atlantic, the sum of one thousand eight hundred and nine dollars;

To the county of Bergen, the sum of twelve thousand nine hundred and sixty-six dollars;

To the county of Burlington, the sum of twenty-two thousand five hundred and eight dollars;

To the county of Camden, the sum of fourteen thousand four hundred and eight dollars;

To the county of Cape May, the sum of two thousand three hundred and eight dollars;

To the county of Cumberland, the sum of seven thousand four hundred and fifty dollars;

To the county of Essex, the sum of thirty-eight thousand nine hundred and fifty-four dollars;

To the county of Gloucester, the sum of eight thousand eight hundred and eighty-eight dollars;

To the county of Hudson, the sum of thirty-five thousand seven hundred and twenty-four dollars;

To the county of Hunterdon, the sum of seventeen thousand seven hundred and twenty-three dollars;

To the county of Mercer, the sum of eighteen thousand six hundred and forty-three dollars;

To the county of Middlesex, the sum of fourteen thousand five hundred and fifty-seven dollars;

To the county of Monmouth, the sum of seventeen thousand two hundred and ninety-eight dollars;

To the county of Morris, the sum of thirteen thousand six hundred and ninety dollars;

To the county of Ocean, the sum of two thousand and ninety-nine dollars;

To the county of Passaic, the sum of ten thousand six hundred and eighty-four dollars;

To the county of Salem, the sum of twelve thousand two hundred and seven dollars;

To the county of Somerset, the sum of twelve thousand and thirty-three dollars;

To the county of Sussex, the sum of ten thousand five hundred and fifty-four dollars;

To the county of Union, the sum of twelve thousand four hundred and seventy-five dollars;

To the county of Warren, the sum of thirteen thousand and eighteen dollars;

Which tax, and the sums required to be raised for county, city, township and other public taxes, shall be levied, assessed and collected on the persons and property and in the manner directed by the above recited act, entitled "An act concerning taxes," and the several supplements thereto, and the laws of this state now in force regulating the assessment and collec- Tax, how levied and collected.

tion of taxes, except as in and by this act is otherwise ordered and directed.

Colleges, &c., not to be taxed.

2. *And be it enacted*, That the endowment or fund of colleges, academies, seminaries of learning or public libraries, shall not be taxed, and parsonages, with lots attached, not to exceed five thousand dollars in value.

Duties of assessors.

3. *And be it enacted*, That at the annual meeting of the assessors in each year, every assessor shall furnish to the board of assessors his book of assessment, containing the names of the taxable inhabitants in his township, and of the amount and value of the taxable property belonging to said inhabitants, and that every assessor shall make oath that the statements contained in said book are true, to the best of his judgment and belief.

Residents owning property out of the state, when exempt.

4. *And be it enacted*, That residents of this state shall not be taxed for stocks and other property belonging to them out of this state, and upon which taxes shall be assessed and actually paid in any other state.

Repealer.

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

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

Approved March 25, 1863.

CHAPTER CCLXXIX.

AN ACT to defray Incidental Expenses.

Certain incidental expenses to be paid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of this state to pay the several persons hereinafter named the following amounts, viz:

1. David Clark, for stationery furnished the governor, five dollars and forty-three cents,	$5 43
2. J. S. Fish, for services as appraiser at lunatic asylum, twenty-one dollars,	21 00
3. W. H. Bruere, for services as appraiser at lunatic asylum, twenty-one dollars,	21 00

4. M. L. West, for ice furnished state house, twenty-three dollars and nineteen cents, $23 19

5. David Clark, for engrossing paper furnished the engrossing clerk of assembly, fifteen dollars, 15 00

6. David Clark, for stationery furnished the treasury office, fifty-seven dollars and ninety cents, 57 90

7. Joshua Jeffries, for painting and graining in state library, seven dollars and ninety-six cents, 7 96

8. James Murphy, for soap and brushes for state house, four dollars and thirty-nine cents, 4 39

9. W. W. Norcross, for hickory ashes for state house yard and one box of candles, thirty-three dollars, 33 00

10. Hutchinson & Loder, for gas tubes in executive office, one dollar and eighty-one cents, 1 81

11. Anthony Rowley, for office baskets, oil cloths, mats, &c., furnished the senate and offices at state house, forty-nine dollars and eighty-eight cents, 49 88

12. Joseph C. Paul, for ice furnished the state house, seventeen dollars and forty cents, 17 40

13. Upton & Miller, for furnace, ventilators, stoves and hardware furnished the state house, four hundred and twenty-one dollars and fourteen cents, 421 14

14. Charles B. Cogill, for awnings and window shades furnished the library and adjutant-general's office, sixty-two dollars and ninety-nine cents, 62 99

15. Reuben Bechtel, for six camp stools and repairing chairs for library, eight dollars and thirty-five cents, 8 35

16. Henry Cook, for one desk for treasury office, eight dollars, 8 00

17. J. B. Lalor, for carriage hire for committee on public buildings, six dollars, 6 00

18. Fish & Green, for lumber furnished the state house, thirty-six dollars and sixty-nine cents, 36 69

19. Phillips & Boswell, for printing and ruling calendars for clerk of chancery, forty-one dollars, 41 00

20. David Clark, for stationery furnished to library, twenty-one dollars and six cents, 21 06

21. Wm. T. Nicholson, for books furnished chancery office, one hundred and eighty-one dollars and eighty cents, 181 80

22. Trenton Gas Light Company, for gas consumed at state house for the year eighteen hundred

and sixty-two, two hundred dollars and sixty-four cents, $200 64

23. S. Van Sickel, for covering doors and repairing table at state house, five dollars, 5 00

24. A. Kessler, for putting on locks and making keys for state house, forty-four dollars and thirty-one cents, 44 31

25. William T. Nicholson, for binding books for supreme court office, thirteen dollars and sixty-two cents, 13 62

26. Trenton Water Works, for water furnished the state house for the year eighteen hundred and sixty-two, one hundred dollars, 100 00

27. Westley W. Green & Brother, for making boxes, twenty-two dollars and twenty-five cents, 22 25

28. Murphy & Bechtel, for stationery furnished treasury office, fifty-five dollars and fifty-two cents, 55 52

29. Jos. G. Brearley, for stoves and repairing done in chancery office, thirty-eight dollars and seventy-five cents, 38 75

30. Edward Williams, for painting and varnishing in senate and assembly rooms and offices, sixty-five dollars and thirty-two cents, 65 32

31. Thomas Crozer, for carriages furnished committee to lunatic asylum, ten dollars, 10 00

32. A. Kessler, for locks and keys furnished adjutant general's office, eight dollars and twenty-five cents, 8 25

33. David Naar, for printing done for executive chamber, one dollar, 1 00

34. David Naar, for advertising resolutions of house of assembly, one dollar and eighty-eight cents, 1 88

35. David Naar, for printing copies message headings, ten dollars, 10 00

36. B. S. Disbrow & Son, for desks and furniture furnished the executive chamber and offices, seventy-seven dollars and forty-nine cents, 77 49

37. Charles Scott, for stationery furnished J. Sharp, esq., clerk of house of assembly, one hundred and forty dollars and twenty cents, 140 20

38. Charles Scott, for stationery furnished executive department, eleven dollars and sixty-eight cents, 11 68

39. Charles Scott, for Nixon's Forms and Cush-

ing's Manual, furnished the legislature, one hundred and sixty-three dollars and twenty cents, $163 20

40. Charles Scott, for blank books and stationery for treasury office, one hundred and thirty-nine dollars and twenty-five cents, 139 25

41. C. J. Ihrie, for expenses in library, two hundred and eighty-five dollars and eighty-five cents, 285 85

42. J. B. Lalor, for carriage hire furnished state prison committee, nine dollars, 9 00

43. R. M. Smith, for money advanced to clerk of assembly to purchase postage stamps for members, as per resolution, five hundred and two dollars and sixty cents, 502 60

44. R. M. Smith, for money advanced to secretary of senate to purchase postage stamps for members, as per resolution, four hundred and twenty-one dollars, 421 00

45. Anthony Rowley, for mats, brooms, brushes, &c., furnished, eighty-nine dollars and nineteen cents, 89 19

46. Jacob Sharp, B. K. McClurg, L. C. Golding and Samuel Johnson, clerk, for appraising property at state prison, two hundred and sixty-four dollars, 264 00

47. David Clark, for stationery furnished eighteen clergymen, one hundred and twenty-six dollars, 126 00

48. Titus H. Stout, for services making fires in furnaces and senate chamber, one hundred and fifty dollars, 150 00

49. Thomas Booth, for envelopes furnished the secretary of state, court of appeals and executive chamber, sixty dollars, 60 00

50. David Clark, for stationery furnished state, courts and executive, one hundred and ninety-seven dollars and eighty-six cents, 197 86

51. Murphy & Bechtel, for two reams cap paper furnished supreme court office, eleven dollars, 11 00

52. David Clark, for stationery furnished supreme court office, fifty-seven dollars, 57 00

53. Charles Scott, for stationery furnished court of appeals and secretary of state office, fifty-five dollars and thirty-seven cents, 55 37

54. Thomas Booth, for stationery furnished

chancery office, twenty-eight dollars and sixteen cents, $28 16.

55. David Clark, for stationery furnished chancery office, thirty-six dollars and twenty-one cents, 36 21

56. Charles Scott, for stationery furnished supreme court, eighty-one dollars and seven cents, 81 07

57. Murphy & Bechtel, for blanks furnished for executive chamber, court of pardons, and secretary of state, two hundred and forty-eight dollars and thirty-seven cents, 248 37

58. Upton & Miller, for twenty-six ink stands for use of senate, ninety-one dollars, 91 00

59. David Clark, for stationery furnished secretary of senate, four hundred and forty-three dollars and sixty-eight cents, 443 68

60. John P. Lansing, for services rendered the committee on incidental accounts, ten dollars, 10 00

61. R. M. Smith, treasurer, for expenses attending the inauguration of Governor Parker, as per bills rendered, by order of committee, two hundred and fifty-seven dollars and eleven cents, 257 11

62. S. M. Dickinson, salary as private secretary to governor, three hundred dollars, 300 00

63. John Lafoucherie, for services rendered in executive chamber, seventy dollars and fifty cents, 70 50

64. D. S. Anderson, for services rendered in repairs of state house, fifty-two dollars and eighty-seven cents, 52 87

65. L. Scoby, clerk of assembly, for stationery furnished, as per bills rendered, sixteen hundred and one dollars and forty-two cents, 1,601 42

66. James McGuire, per order of committee on stationery, seventy-two dollars, 72 00

67. David Clark, for stationery for house of assembly, per order of Jacob Sharp, forty-three dollars and eighty-three and a half cents, 43 82½

68. David Clark, for stationery furnished secretary of state, twenty-six dollars, 26 00

69. David Clark, for stationery furnished state library, five dollars and sixty-five cents, 5 65

70. David Clark, for stationery furnished secretary of senate, one hundred and forty-nine dollars and fifty cents, 149 50

71. Charles Scott, for stationery furnished ex-

ecutive chamber, twenty-three dollars and thirty cents, $23 30

72. Charles Scott, for stationery furnished A. Boyd, engrossing clerk of senate, one hundred and twenty dollars and twenty-nine cents, 120 29

73. Charles Scott, for stationery furnished William A. Carr, engrossing clerk of assembly, one hundred and sixty-seven dollars and fifty cents, 167 50

74. Charles Scott, for stationery furnished J. M. Hamilton, secretary of senate, six hundred and ninety-two dollars and twenty-six cents, 692 26

75. B. W. Titus, for goods furnished executive chamber, ten dollars, 10 00

76. Conrad Hollinger, for translating and printing governor's inaugural address, one hundred and twenty-seven dollars and ninety-five cents, 127 95

77. C. J. Errickson, doorkeeper of assembly, for extra page, one hundred dollars, 100 00

78. Doorkeeper of the ladies' gallery of the senate, two hundred and sixteen dollars, 216 00

79. Doorkeeper of the ladies' gallery in the house of assembly, two hundred and sixteen dollars, 216 00

80. D. Christopher, eleven dollars and fifty cents, 11 50

81. Mechanics and Manufacturers Bank, at Trenton, for discount on governor's warrant, to supply deficiencies of cash on hand, 1862 and 1863, two hundred and sixteen dollars and eighty cents, 216 80

82. Joseph G. Brearley, for cutlery furnished senate, and omitted in incidental bill of 1862, sixty-six dollars, 66 00

83. Isaac D. James, for mucilage and brushes furnished senate and house of assembly in 1861, 1862 and 1863, omitted, twenty-six dollars and forty-seven cents, 26 47

84. Hutchinson & Lodor, for plumbing done at state house, ten dollars and thirty-five cents, 10 35

2. *And be it enacted*, That no allowance shall be made by the incidental committee for stationery furnished to the legislative, judicial and military departments of this state, or the officers thereof, unless the same is procured by the order of the treasurer of the state, and that said orders shall specify for what particular department the said stationery is intended, and the said treasurer is hereby authorized and directed to

Orders to be issued by treasurer.

issue such orders at his discretion, unless otherwise specially directed by law or the resolution of the legislative department.

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

Approved March 25, 1863.

JOINT RESOLUTIONS.

NUMBER I.

Relative to the relief of Joseph I. Thompson, late sheriff of Monmouth county.

Preamble.

WHEREAS, Joseph I. Thompson, late sheriff of Monmouth county, in this state, having presented his petition, under oath, to the senate and general assembly of this state, setting forth that he hath lately been arrested and held to bail in the city of New York, in the sum of twelve thousand dollars, in three suits brought against him in the superior court of said city, one by John Whitman, another by Charles Ruland, and the other by the said Charles Ruland, Selah S. Abbott, Jarvis Whitman, Platt Vail and Selah Thurber, to recover damages by reason of the seizure by the said Joseph I. Thompson, as sheriff of the county of Monmouth, on the twenty-sixth day of September, Anno Domini eighteen hundred and sixty-two, of certain vessels, in the waters of New Jersey, in that part of Raritan Bay westward of the middle thereof, and in the cove between the main shore of Monmouth county and Sandy Hook, upon which vessels the said John Whitman and Charles Ruland, respectively, with others, all of whom were non-residents of this state, were and had been there engaged, with dredges and other implements, raking and gathering clams, contrary to the act of this state entitled "An act for the preservation of clams and oysters," which seizure was made by said sheriff in the performance of a duty required of him by said act, and from which he could not escape without a violation of such duty, and also setting forth that the said Joseph I. Thompson hath taken the necessary proceedings to remove the said suits into the circuit court of the United States for the southern district

of New York, and praying relief in the premises—therefore,

Governor may employ counsel to defend.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That his excellency the governor of this state be and he is hereby authorized to employ sufficient and suitable counsel learned in the law, and to adopt such other means as he may deem proper for the defence of the said Joseph I. Thompson, in the said suits, at the expense of the state of New Jersey; *provided however*, that this state shall not pay the costs and damages which may be recovered in said actions, or any of them, against the said Joseph I. Thompson, unless the counsel which shall be employed by the governor to defend said actions shall certify that the said Joseph I. Thompson, in the doing of the acts complained of in said actions, respectively, acted within the power and authority conferred upon him by the laws of this state, and did not exceed the power and authority conferred upon him by said laws.

Proviso.

Approved March 18, 1863.

NUMBER II.

Relative to National Affairs.

New Jersey confided in the professions of the President.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That this state, in promptly answering the calls made by the President of the United States, at and since the inauguration of the war, for troops and means to assist in maintaining the power and dignity of the federal government, believed and confided in the professions and declarations of the President of the United States, in his inaugural address, and in the resolutions passed by Congress on the twenty-fifth day of July, eighteen hundred and sixty-one, in which, among other things, it was declared "that the war is not waged for conquest or subjugation, or interfering with the rights or established institutions of the states, but to maintain and defend the supremacy of the constitution, with the rights and equality under it unimpaired, and that as soon as these objects shall be accomplished the war ought to cease;" and

that, relying upon these assurances, given under the sanctity of official oaths, this state freely, fully and without delay or conditions, contributed to the assistance of the federal government her sons and her means.

Urges on the President and Congress the redemption of the pledge.

2. *And be it resolved*, That this state having waited for the redemption of the sacred pledges of the President and Congress with a patience and forbearance only equalled in degree by the unfaltering and unswerving bravery and fidelity of her sons, conceives it to be her solemn duty, as it is her unquestioned right, to urge upon the President and Congress, in the most respectful but decided manner, the redemption of the pledges under which the troops of this state entered upon and to this moment have continued in the contest; and inasmuch as no conditions have delayed, nor hesitation marked her zeal in behalf of the federal government, even at times when party dogmas were dangerously usurping the place of broad national principles and executive and congressional faith; and as the devotion of this state to the sacred cause of perpetuating the Union and maintaining the constitution has been untainted in any degree by infidelity, bigotry, sectionalism or partisanship, she now, in view of the faith originally plighted, of the disasters and disgrace that have marked the steps of a changed and changing policy, and of the imminent dangers that threaten our national existence, urges upon the President and Congress a return and adherence to the original policy of the administration, as the only means, under the blessing of God, by which the adhering states can be re-united in action, the Union restored and the nation saved.

The war power within the limits of the constitution ample for all emergencies.

3. *And be it resolved*, That it is the deliberate sense of the people of this state that the war power within the limits of the constitution is ample for any and all emergencies, and that all assumptions of power, under whatever plea, beyond that conferred by the constitution, is without warrant or authority, and if permitted to continue without remonstrance will finally encompass the destruction of the liberties of the people and the death of the republic; and, therefore, to the end that in any event the matured and deliberate sense of the people of New Jersey may be known and declared, we, their representatives in Senate and General Assembly convened, do in their name and in their behalf, make unto the federal government this our solemn protest—

Protest.

Against a war waged with the insurgent states for the accomplishment of unconstitutional or partisan purposes;

Against a war which has for its object the subjugation of any of the states, with a view to their reduction to territorial condition;

Against proclamations from any source by which, under the plea of "military necessity," persons in states and territories sustaining the federal government, and beyond necessary military lines, are held liable to the rigor and severity of military law;

Against the domination of the military over the civil law in states, territories or districts not in a state of insurrection;

Against all arrests without warrant—against the suspension of the writ of habeas corpus in states and territories sustaining the federal government, "where the public safety does not require it"—and against the assumption of power by any person to suspend such writ, except under the express authority of Congress;

Against the creation of new states by the division of existing ones, or in any other manner not clearly authorized by the constitution, and against the right of secession, as practically admitted by the action of Congress in admitting as a new state a portion of the state of Virginia;

Against the power assumed in the proclamation of the President made January one, eighteen hundred and sixty-three, by which all the slaves in certain states and parts of states are forever set free—and against the expenditure of the public moneys for the emancipation of slaves or their support at any time, under any pretence whatever;

Against any and every exercise of power upon the part of the federal government that is not clearly given and expressed in the federal constitution—re-asserting that "the powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people;"

Promptness in responding.

4. *And be it resolved*, That the unequalled promptness with which New Jersey has responded to every call made by the President and Congress for men and means, has been occasioned by no lurking animosity to the states of the south or the rights of her people; no disposition to wrest from them any of their rights, privileges or property, but simply to assist in maintaining, as she has ever believed and now believes it to be her duty to do, the supremacy of the federal constitution; and while abating naught in her devotion to the union of the states and the dignity and power of the federal government, at no time since the commencement of the

present war has this state been other than willing to terminate peacefully and honorably to all, a war unnecessary in its origin, fraught with horror and suffering in its prosecution, and necessarily dangerous to the liberties of all in its continuance.

Appointment of commissioners.

5. *And be it resolved*, That the legislature of the state of New Jersey believes that the appointment of commissioners upon the part of the federal government, to meet commissioners similarly appointed by the insurgent states, to convene in some suitable place for the purpose of considering whether any, and, if any, what plan may be adopted, consistent with the honor and dignity of the national government, by which the present civil war may be brought to a close, is not inconsistent with the integrity, honor and dignity of the federal government, but as an indication of the spirit which animates the adhering states, would in any event tend to strengthen us in the opinion of other nations, and hoping, as we sincerely do, that the southern states would reciprocate the peaceful indications thus evinced, and believing, as we do, that under the blessing of God great benefits would arise from such a conference, we most earnestly recommend the subject to the consideration of the government of the United States, and request its co-operation therein.

Copies to be forwarded.

6. *And be it resolved*, That his excellency the governor be requested to forward copies of these resolutions to the government of the United States, our senators and representatives in Congress, and to the governors and legislatures of our sister states, with the request that they give the subject proposed their serious and immediate attention.

New Jersey pledges herself to prompt action.

7. *And be it resolved*, That the state of New Jersey pledges itself to such prompt action upon the subject of these resolutions as will give them practical effect, immediately upon the concurrence or co-operation of the government and the legislatures of sister states.

Approved March 24, 1863.

NUMBER III.

In relation to suits or prosecutions, civil or criminal, in which this state is a party or interested, removed into the courts of the United States, under or by color of an act of Congress, entitled "An act relating to habeas corpus, and regulating judicial proceedings in certain cases."

Preamble.

WHEREAS, the congress of the United States, at the last session thereof, did enact a law, the title whereof is stated in the title to these resolutions; and whereas, the fifth section of the said act directs that if any suit or prosecution, civil or criminal, has been or shall be commenced in any state court against any officer, civil or military, or against any other person, for any arrest or imprisonment made, or other trespass, or wrongs done or committed, or any act omitted to be done, at any time during the present rebellion, by virtue or under color of any authority derived from or exercised by or under the president of the United States, or any act of congress, it may be removed into the circuit court of the United States and there tried, in the manner expressed in said act of congress; and whereas, under and by virtue of the said act of congress, criminal and civil cases in which this state is or may be a party or interested, may be removed from the jurisdiction of the courts of this state into the courts of the United States; and whereas, it is right and proper that the rights and interests of this state in every such case shall be prosecuted, protected and defended by the state—therefore,

Governor to authorize attorney general to appear in courts of United States.

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 empowered to require the attorney general to appear in behalf of this state, in the courts of the United States, as occasion, in the judgment of the governor, may require, in cases civil or criminal, in which this state is or may be a party or interested, which have been or may be removed by virtue or color of the aforesaid act of congress, from any of the courts of this state into any of the courts of the United States, there to test the constitutionality of the said act of congress, and to prosecute, protect and defend the rights, interests and powers of this state.

2. *And be it resolved*, That the governor be and he hereby is authorized and empowered to employ, if he shall deem it necessary or expedient so to do, counsel learned in the law to assist the attorney-general in the performance of the duties required by the preceding resolution. May employ counsel.

3. *And be it resolved*, That the governor shall have power to determine the compensation of the attorney-general and assisting counsel for this service, and defray the expenses incurred in the execution of these resolutions, out of any moneys in the treasury not otherwise appropriated, and such payments shall be made upon the warrant of the governor drawn upon the treasurer of this state. Expenses defrayed.

4. *And be it resolved*, That when application shall be made to any court of this state to remove or transfer any such case as is hereinbefore mentioned from any court of this state to any court of the United States, that it shall be the duty of the court to which such application shall be made, to cause notice to be given to the attorney-general of such application, and thereupon it shall be the duty of the attorney-general to appear in the last mentioned court, and there initiate proceedings, and afterwards proceed in such manner as to test, in the courts of this state, the constitutionality of said act of congress, and to obtain a judicial determination of the rights and duties of the courts of this state in respect to the said act of congress. Notice to be given to attorney general.

Approved March 25, 1863.

CONTENTS.

CONTENTS.

Chap.		Page
1.	A further supplement to the act entitled "An act revising and amending an act to incorporate the city of Paterson," passed March fourteenth, one thousand eight hundred and fifty-one,	3
2.	A further supplement to an act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors," approved April sixteenth, eighteen hundred and forty-six,	5
3.	An act concerning actions of replevin,	ib.
4.	An act explanatory of an act entitled "An act to renew the charter of the Farmers' and Mechanics' Bank of Rahway, and to increase the capital stock thereof," approved the second day of February, one thousand eight hundred and sixty,	6
5.	A further supplement to the act entitled "An act to incorporate the Sussex Mine Railroad Company," approved March the ninth, eighteen hundred and forty-eight,	7
6.	A supplement to an act entitled "An act to incorporate the Elizabeth Orphan Asylum Association,"	8
7.	A further supplement to an act entitled "An act to incorporate the Newark Lime and Cement Manufacturing Company," passed February twentieth, eighteen hundred and forty,	9
8.	A further supplement to the act entitled "An act to regulate the practice of the courts of law," approved April fifteenth, one thousand eight hundred and forty-six,	10
9.	An act to confirm the acknowledgments and proofs of deeds and other instruments in writing taken by Garret S. Boice,	ib.
10.	An act to legalize certain acts of the township committee and inhabitants of the township of Raritan, in the county of Monmouth, in raising money for volunteers for the war,	11
11.	An act for the erection of a true meridian line standard in each county of the state, and for the protection of the same,	12
12.	An act to authorize the inhabitants of the township of Manchester, in the county of Passaic, to raise money by issuing bonds, and for other purposes,	13

Chap. Page

13. An act to incorporate a Rural Cemetery in the county of Hudson, 15
14. An act to authorize the inhabitants of the township of Acquackanonk, in the county of Passaic, to raise money by issuing bonds, and for other purposes, 18
15. An act to incorporate the Eagle Glass Manufacturing Company at Port Elizabeth, in the county of Cumberland, 20
16. An act to enable the owners and possessors of the meadow, marsh and swamp lands on New Port or Antuxet creek, in the county of Cumberland, to make a dam across the said creek, and to erect and maintain banks, dikes, dams and water works sufficient to prevent the tide from overflowing the same, 22
17. An act to authorize the people of the township of Holmdel, in the county of Monmouth, to raise by tax an amount necessary to pay the bounties advanced to the nine months' volunteers of said township, 24
18. A further supplement to the act entitled "An act to incorporate the Newark Mutual Fire Assurance Company," passed the fourth day of November, eighteen hundred and eleven, 25
19. A further supplement to the act entitled "An act relative to commissioners for taking the acknowledgments and proof of deeds," approved April fifteenth, eighteen hundred and forty-six, 26
20. An act to authorize Richard Stanton and others to dam off Bower's Creek, in the township of Fairfield, county of Cumberland, 27
21. An act to authorize the Mayor and Common Council of the city of Newark to borrow a sum or sums of money, not exceeding in the whole fifty thousand dollars, ib.
22. A supplement to an act entitled "An act against usury," approved April tenth, eighteen hundred and forty-six, 28
23. A supplement to an act entitled "An act relating to the courts of the several counties in this state," approved March thirteenth, eighteen hundred and fifty-seven, 29
24. An act to authorize the township committee of the township of Ewing, in the county of Mercer, to raise by taxation the amount paid by them to procure volunteers from said township, 30
25. A supplement to an act entitled "An act to prevent fraudulent trusts and assignments," approved March seventh, eighteen hundred and fifty, 31
26. A supplement to an act entitled "An act to incorporate the Manufacturers' Fire and Marine Insurance Company of Newark, New Jersey," approved February twenty-fourth, eighteen hundred and fifty-two, 32
27. A further supplement to the act entitled "An act to incorporate the town of Phillipsburg, in the township of Phil-

Chap.		Page
	lipsburg, in the county of Warren," approved March eighth, eighteen hundred and sixty-one,	33
28.	An act to authorize "the Board of Chosen Freeholders of the county of Bergen" to raise money, issue bonds, and for other purposes,	ib.
29.	An act supplementary to the act entitled "An act to incorporate the Moorestown and Mount Laurel Turnpike Company,"	35
30.	A supplement to the act entitled "An act to authorize the inhabitants of the township of Union, in the county of Essex, now Union, and the inhabitants of the township of Tewksbury, in the county of Hunterdon, to vote by ballot at their annual town meetings," passed February twenty-fourth, eighteen hundred and forty-three,	36
31.	An act to authorize the inhabitants of Pequannock, in the county of Morris, to raise money,	37
32.	An act to authorize the Mayor and Common Council of the city of Hudson to borrow a sum or sums of money, not exceeding in the whole twenty-six thousand dollars, to legalize certain bonds already issued,	38
33.	An act to authorize the Board of Chosen Freeholders of the county of Hudson to issue bonds to fund the floating debt of the said county, and to raise money for other purposes for which they are required to raise or pay money,	39
34.	An act to legalize certain acts of the township committee and inhabitants of the township of Woodbridge, in the county of Middlesex, in raising money for nine months' volunteers for the war,	41
35.	A supplement to the act entitled "An act revising and amending the act to incorporate the city of Paterson," approved February twentieth, eighteen hundred and sixty-two,	42
36.	A supplement to the act entitled "An act to incorporate the Perth Amboy and Woodbridge Railroad Company," approved March ninth, eighteen hundred and fifty-five,	45
37.	A supplement to the act entitled "An act to incorporate the Newark Firemens' Insurance Company,	ib.
38.	An act to authorize the township of Hackensack, in Bergen county, to raise money,	47
39.	A further supplement to the act entitled "An act for the preservation of sheep,"	ib.
40.	An act to incorporate the Association of Exempt Firemen, in the city of Hoboken,	48
41.	An act to confirm the laying out of the westerly part of the city of Hoboken, according to the map of the tract of land belonging to the estate of John G. Costar, deceased, made by Daniel Ewen and Austin D. Ewen, city surveyors, New York, in November, eighteen hundred and sixty, and filed in the office of the clerk of Hudson county, and	

Chap. Page

to close and vacate all roads and parts of roads within the limits of the said tract, so as to conform to the said map, 49

42. An act to incorporate the "Paterson Rolling Mill Company," 51

43. A supplement to the act entitled "An act to incorporate the Somerville Mutual Fire Insurance Company," approved April first, eighteen hundred and forty-five, 54

44. An act granting to Alexander C. Blair the right, title, interest and estate of the state of New Jersey in and to a lot of land in Morris township, Morris county, ib.

45. An act to authorize the inhabitants of the township of West Milford, in the county of Passaic, to raise money by issuing bonds, and for other purposes, 55

46. A further supplement to the act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five, 57

47. An act to authorize the people of the township of Marlboro', in the county of Monmouth, to raise by tax an amount necessary to pay the bounties advanced to the Nine Months' Volunteers, 58

48. An act to confirm the acts of the Board of Chosen Freeholders of the county of Union, and authorizing them to issue bonds, 59

49. An act to discharge the surviving trustee of the late Robert Morris, deceased, from the performance of certain trusts, and to appoint other trustees, and to empower them to sell such parts of the real estate of said deceased as remains unsold, 60

50. An act to authorize the inhabitants of the several townships in the counties of Cumberland and Burlington, and the township of Union, in the county of Ocean, to raise money, 63

51. An act to authorize the board of chosen freeholders of the county of Gloucester, and the several townships thereof, to raise and borrow money, 64

52. An act to amend the charter of the Woodbury Fire Association, in the county of Gloucester, passed December twenty-fifth, eighteen hundred and twenty-six, 65

53. A further supplement to the act entitled "An act concerning crimes," 71

54. An act respecting ancient deeds, 72

55. An act to authorize the inhabitants of the township of Rockaway, in the county of Morris, to raise money, ib.

56. An act to authorize the people of the township of Ocean, in the county of Monmouth, to raise by tax an amount necessary to pay the bounties advanced to the nine months' volunteers of said township, 73

57. An act to authorize the inhabitants of the township of

Chap.		Page
	Pompton, in the county of Passaic, to raise money by issuing bonds, and for other purposes,	74
58.	An act to indemnify William M. Babbitt, esquire, clerk of the Court of Chancery, for expenses incurred by him for the people of the state of New Jersey,	76
59.	A supplement to an act entitled "An act to erect an election district in the township of Newton, in the county of Camden," approved March eleventh, eighteen hundred and fifty-six,	77
60.	An act to incorporate the Rankin Mills,	ib.
61.	An act to raise bounty money for volunteers for the war, in Middletown township, in Monmouth county,	81
62.	A further supplement to the act entitled "An act to incorporate the New Jersey Railroad and Transportation Company,"	82
63.	An act to extend the provisions of an act entitled "An act to prevent horses, cattle, sheep and swine from running at large in the township of Clinton, in the county of Essex, and in the township of Rahway, in the county of Union," to the townships of Bernards and Bedminster, in the county of Somerset,	83
64.	A further supplement to an act entitled "An act to incorporate the Somerville and Easton Railroad Company," passed February twenty-sixth, eighteen hundred and forty-seven,	ib.
65.	A further supplement to the act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six,	84
66.	An act to set off a part of the township of Milburn to the township of South Orange. in the county of Essex,	85
67.	A supplement to an act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," approved April fourteenth, eighteen hundred and forty-six,	86
68.	A supplement to the act entitled "An act relative to the geological survey of this state," approved March fifteenth, eighteen hundred and sixty,	87
69.	A further supplement to the act entitled "An act for the punishment of crimes," approved April sixteenth, eighteen hundred and forty-six,	88
70.	An act to authorize the building of a bridge over the Mullicus river, at Lower Bank,	ib.
71.	An act to incorporate the Elizabeth Horse Railroad Company,	89
72.	An act to confirm the acknowledgments and proof of deeds taken before Samuel S. Marcy, commissioner appointed for the Lower Township, in Cape May county,	93
73.	A supplement to the act entitled "An act to incorporate the town of Bergen," approved March the eleventh, eighteen hundred and sixty-two,	94

Chap. Page

74. A further supplement to the act entitled "An act for the punishment of crimes," approved April sixteenth, eighteen hundred and forty-six, 95

75. An act to authorize the trustees of "Flemington School District, Number Eight, of Raritan township," in the township of Raritan, in the county of Hunterdon, and state of New Jersey, to convey certain real estate, 96

76. An act to legalize certain acts of the township committee and inhabitants of the township of South Amboy, in the county of Middlesex, in raising money for the nine months' volunteers for the war, 98

77. An act to authorize the township of Princeton, in the county of Mercer, to raise by taxation the amount paid by them to procure volunteers from said township, 99

78. A supplement to an act entitled "An act for the relief of the Rahway school for colored children," approved January thirtieth, eighteen hundred and forty-nine, 101

79. An act for the relief of Euphemia Hall, an indigent blind person, ib.

80. An act to create from part of the town of Orange, in the county of Essex, a new township, to be called the township of East Orange, 102

81. An act to incorporate the Union Works Manufacturing Company, in the county of Passaic, 106

82. An act to revise and amend the charter of the city of Elizabeth, 109

83. An act to defray incidental expenses for the year eighteen hundred and sixty-two, 157

84. An act to authorize the inhabitants of the township of Shrewsbury, in the county of Monmouth, to raise by tax, or otherwise, bounty moneys for volunteers, 165

85. An act to authorize the inhabitants of the city of Perth Amboy to borrow money, and to provide for the payment of the same by taxation, 166

86. A supplement to an act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," approved April fourteenth, eighteen hundred and forty-six, 168

87. A further supplement to the act entitled "An act respecting conveyances," approved April fifteenth, eighteen hundred and forty-six, 169

88. An act to legalize appropriations and payments made by the board of chosen freeholders of the county of Warren, for bounties paid volunteers of said county, ib.

89. An act to authorize the board of chosen freeholders of the county of Hudson, to establish a jail and work house at the county farm in said county, 170

90. An act to enable the owners and possessors of the meadow and swamp lying on Rambo's Run, in the county of Glou-

Chap.		Page
	cester, to put in repair, keep up and maintain the dam and other works across the said creek, on the river Delaware, and to keep the water course open and clear,	173
91.	An act to incorporate the Paterson Horse Railroad Company,	177
92.	A supplement to an act entitled "An act to establish a uniform rate of charges for legal advertising in New Jersey," approved March twentieth, eighteen hundred and fifty-seven,	180
93.	An act to incorporate the Equitable Gas Light Company,	ib.
94.	A further supplement to the act entitled "An act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane,"	184
95.	A further supplement to the act entitled "An act to incorporate the city of Trenton," passed the seventh day of March, eighteen hundred and thirty-seven,	185
96.	An act in respect to road districts in Middletown township, Monmouth county,	187
97.	An act to incorporate the Hudson Gas Light Company,	ib.
98.	An act respecting Law and Equity Reports in the State of New Jersey,	190
99.	An act to legalize certain acts of the inhabitants of the township of Clinton, in the county of Hunterdon, and also of the assessor and collector of said township,	192
100.	A further supplement to the act entitled "An act to authorize the inhabitants of the township of Pompton, in the county of Passaic, to vote by ballot at their annual town meeting," approved March seventh, eighteen hundred and fifty,	193
101.	An act to confirm certain debts and liabilities incurred by the townships of the county of Camden, in raising money for purposes incident to the war,	194
102.	A supplement to the act entitled "An act to suspend the penalties of the non-redemption in specie of bank notes," approved March twenty-fourth, eighteen hundred and sixty-two,	195
103.	An act to raise money to pay volunteers in the township of Milburn, county of Essex and state of New Jersey,	ib.
104.	A supplement to the act entitled "An act relative to taxes on public roads," approved March twentieth, one thousand eight hundred and fifty-seven,	196
105,	An act to incorporate the Freehold and Englishtown Turnpike Company,	197
106.	A further supplement to an act entitled "An act to authorize the construction of works for the supplying of Jersey City and the places adjacent with pure and wholsome water," approved March the twenty-fifth, eighteen hundred and fifty-two,	205

Chap.		Page
107.	An act to alter the boundary line between the townships of Elizabeth, Union and Linden, in the county of Union,	206
108.	An act to authorize the town of Lambertville, in the county of Hunterdon, to raise money by taxation to repay a loan made for the payment of bounty to volunteers,	207
109.	An act to authorize the people of the township of Matavan, in the county of Monmouth, to raise by tax an amount necessary to pay the bounties advanced to the nine months' volunteers of said township,	ib.
110.	Supplement to the act entitled "An act to incorporate the Vincentown Branch of the Burlington County Railroad Company," approved March fifteenth, eighteen hundred and sixty-one,	208
111.	An act to incorporate the Home Fire Insurance Company,	209
112.	An act to repeal an act of the legislature entitled "An act to regulate the grading of the streets and sidewalks, paving and curbing in Mount Holly," approved March twenty-three, eighteen hundred and fifty nine, and the supplement thereto, approved March twenty-second, eighteen hundred and sixty,	213
113.	An act to incorporate the West Jersey Marl and Transportation Company,	214
114.	An act to authorize the inhabitants of the township of Wayne, in the county of Passaic, to raise money by issuing bonds, and for other purposes,	218
115.	An act in relation to the fraudulent sale or use of butts, hogsheads, barrels and casks used by the manufacturers of malt liquors and other persons,	220
116.	An act to authorize and enable the Allentown Iron Company to hold lands and real estate in this state,	222
117.	A further supplement to the act entitled "An act to revise and amend the charter of the city of Newark,"	ib.
118.	A further supplement to the act entitled "An act authorizing the appointment of commissioners to lay out streets, avenues and squares in the city of Newark,"	223
119.	A further supplement to the act entitled "An act authorizing the appointment of commissioners to lay out streets, avenues and squares in the city of Newark,"	225
120.	An act to legalize appropriations and payments made by the Board of Chosen Freeholders of the county of Hudson, for bounties for the militia of this State called into the service of the United States,	226
121.	A supplement to the act entitled "An act to authorize the Lehigh Water Company, of Easton, Pennsylvania, to supply the inhabitants of the village of Phillipsburgh and its vicinity, in the county of Warren, with water," approved March eighth, eighteen hundred and sixty-one,	227
122.	An act to incorporate the Cape May and Millville Railroad Company,	228

Chap. Page

123. A supplement to the act entitled "An act to fix the salaries of the officers of the Senate and General Assembly of the State of New Jersey," approved February twenty-fifth, eighteen hundred and sixty-one, 238

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

125. A supplement to the act entitled "An act to recognize and authorize the organization of and to incorporate the Central American Transit Company," approved March twenty-eighth, eighteen hundred and sixty-two, 239

126. A supplement to the act entitled "An act relative to taxes due from incorporated companies in this state," approved March thirteenth, eighteen hundred and sixty-two, ib.

127. A further supplement to an act entitled "An act for the punishment of crimes," 240

128. An act to authorize the inhabitants of the township of Wall, in the county of Monmouth, to raise money to pay volunteers, ib.

129. An act to authorize the appointment of two Commissioners of Deeds for the city of Cape Island, in the county of Cape May, and to confirm the official acts of Samuel S. Marcy and Alvin P. Hildreth, Commissioner of Deeds for said city, 241

130. An act to incorporate the Middlesex and Monmouth Turnpike Company, 242

131. A supplement to the act entitled "An act for the more effectual organization of the militia," approved March twenty-second, eighteen hundred and sixty, 250

132. An act to authorize the Board of Chosen Freeholders of the county of Cape May to raise money by taxation, ib.

133. A further supplement to an act entitled "An act constituting courts for the trial of small causes," approved April sixteenth, eighteen hundred and forty-six, 251

134. An act to incorporate "The Fibre Disintegrating Company, 252

135. An act to incorporate the Englishtown and Millstone Turnpike Company, 254

136. Supplement to an act entitled "An act authorizing the appointment of commissioners to lay out and map streets, avenues and squares in that part of Bergen township south of the Morris canal, in Hudson county," approved March sixteenth, eighteen hundred and fifty-seven, 263

137. An act to authorize the people of Union township, in the county of Union, to raise by tax an amount necessary to pay the bounties advanced to the nine months' volunteers of said township, 264

Chap. Page

138. An act to confirm the acts of the Board of Chosen Freeholders of the county of Somerset in raising money by taxation to aid in the suppression of the rebellion and for the restoration of the Union, 265

139. An act to authorize the inhabitants of the township of Franklin, in the county of Warren, to raise money for the payment of bounties to volunteers, 266

140. An act to make mortgages and other contracts assignable at law, 267

141. An act to incorporate the Security Mutual Life Insurance Company, 268

142. An act to grant to Margaret Grant, formerly Margaret Cumming, the right and title of the state of New Jersey to certain lands whereof John Cumming, her husband, died seized, 273

143. A further supplement to the act entitled "An act for the preservation of sheep," approved April fourteenth, one thousand eight hundred and forty-six, 274

144. A supplement to the act entitled "An act to secure to mechanics and others payment for their labor and materials in erecting any building," approved March eleventh, eighteen hundred and fifty-three, 275

145. An act to authorize the people of the corporation of New Brunswick, in the county of Middlesex, to raise by tax an amount necessary to pay the bounties advanced to the nine months' volunteers of said corporation, 276

146. A supplement to an act entitled "An act concerning goats," approved March nineteenth, eighteen hundred and sixty-two," 277

147. An act respecting the "First Congregation of the Presbyterian Church, at Springfield," in the county of Union, ib.

148. An act to authorize the inhabitants of the township of Bloomfield, in the county of Essex, to raise money to pay volunteers, 278

149. A supplement to an act entitled "An act to create from parts of the town of Orange and the townships of Caldwell and Livingston, in the county of Essex, a new township, to be called the township of Fairmount," approved March eleventh, Anno Domini eighteen hundred and sixty-two, 279

150. An act to regulate the recording of stamped instruments, 283

151. Supplement to an act entitled "An act providing compensation to the Adjutant General and Quartermaster General for actual service," ib.

152. A supplement to the act entitled "An act to incorporate the Jersey City and Bergen Railroad Company," approved March fifteenth, eighteen hundred and fifty-nine, 284

153. A further supplement to an act approved March twenty-third, eighteen hundred and fifty-nine, entitled "An act

Chap. Page

to incorporate the West Hoboken and Hoboken Passenger Railway Company," 285

154. A further supplement to an act entitled "An act to incorporate the city of Hudson," approved April eleventh, one thousand eight hundred and fifty-five, 286

155. An act for the relief of the sureties of Henry B. Beatty, formerly sheriff of the county of Hudson, 287

156. A supplement to the act entitled "An act to establish a new township in the county of Warren, to be called the township of Phillipsburgh," approved March seventh, eighteen hundred and fifty-one, 289

157. An act to confirm the acts of the city council of the city of Elizabeth, in paying bounties to volunteers, 290

158. Supplement to the militia law, ib.

159. A further supplement to the act entitled "An act to incorporate the Town of Orange, in the county of Essex," approved January thirty-first, one thousand eight hundred and sixty, 291

160. A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five, 292

161. An act to incorporate the Trenton Car Works, 293

162. An act in relation to the public printing, 294

163. A supplement to an act entitled "An act to provide for the publication of the public laws of this state," approved February sixteenth, eighteen hundred and fifty-four, 296

164. An act to authorize the people of the township of Weymouth, in the county of Atlantic, to raise by tax an amount necessary to pay the bounties advanced to the nine months' volunteers of said township, 297

165. An act to incorporate Deptford School Society, 298

166, An act to confirm the acknowledgments and proofs of deeds, mortgages and other instruments in writing, taken by Adrian Van Sinderen, 301

167. An act to regulate the election of Overseers of Highways in the township of Greenwich, in the county of Warren, and the township of Princeton, in the county of Mercer, 302

168. A further supplement to an act entitled "An act revising and amending an act to incorporate the city of Paterson," passed March fourteenth, one thousand eight hundred and sixty-one, 303

169. An act to incorporate the Ocean Glass Manufacturing Company at Marshallville, in the county of Cumberland, 304

170, An act to create from the town of Bergen, in the county of Hudson, a new township, to be called the township of Greenville, 306

171. A further supplement to an act entitled "An act for the instruction of indigent deaf and dumb persons, inhabi-

Chap. Page

tants of this state," approved April tenth, eighteen hundred and forty-six. 311

172. An act directing bills of exceptions to be sealed in certain criminal cases, ib.

173. An act to confirm the acts of the common council of the city of Rahway, in paying bounties to volunteers, 312

174. An act to legalize appropriations and payments made by the township committee of the township of West Windsor, in the county of Mercer, for bounties paid volunteers of said township, 313

175. A further supplement to an act entitled "An act to establish Public Schools," approved April seventeenth, one thousand eight hundred and forty-six, 314

176. An act making appropriation to pay indebtedness of State Prison, ib.

177. An act to authorize the township committee of the township of Piscataway, in the county of Middlesex, to raise by taxation the amount of moneys paid by them to procure volunteers from said township, 315

178. A further supplement to an act entitled "An act to incorporate Jersey City, 316

179. An act to incorporate the Manalapan and Freehold Turnpike Company, 320

180. A supplement to an act entitled "An act to incorporate the Weehawken Fire Department, of the township of Union, in the county of Hudson," approved the sixth day of March, eighteen hundred and sixty-one, 329

181. A supplement to the act entitled "An act to incorporate the town of Phillipsburgh, in the county of Warren," approved March eighth, one thousand eight hundred and sixty-one, 331

182. An act to provide for the recording of certain papers in the office of the Secretary of State, 333

183. An act to confirm the acknowledgments and proofs of deeds, mortgages, and other instruments in writing, taken by Meline W. Bonnell, of the county of Union, 334

184. An act to authorize the inhabitants of the township of Clinton, in the county of Essex, to raise money, 335

185. An act to revive the act entitled "An act to incorporate the Middletown and Keyport Turnpike Company," approved March fifteenth, eighteen hundred and fifty-nine, ib.

186. An act to authorize the inhabitants of the township of Readington, in the county of Hunterdon, to vote by ballot at their town meetings, 336

187. An act to incorporate the Hibernia Mine Railroad Company, 339

188. An act to revise and amend the charter of the city of New Brunswick, 347

Chap. Page

189. A supplement to an act entitled "An act to incorporate the Ringwood Valley Railroad Company," approved March ninth, eighteen hundred and fifty-four, 392

190. Further supplement to an act entitled "An act to incorporate the New Brunswick Water Company," approved March first, eighteen hundred and fifty-nine, 393

191. An act to legalize certain acts of the inhabitants of the townships of Hamilton, Washington and East Windsor, in the county of Mercer, and also of the assessors and collectors of said townships, 394

192. An act to incorporate the New Jersey Mutual Life Insurance Company, 395

193. An act to incorporate the Phillipsburgh Gas Light Company, 399

194. An act to authorize the inhabitants of the township of Hackensack, in the county of Bergen, to raise money, issue bonds, and for other purposes, 402

195. A supplement to the act entitled "An act to regulate fees," approved April fifteenth, eighteen hundred and forty-six, 404

196. An act to legalize certain acts of the inhabitants of the township of Lebanon, in the county of Hunterdon, and also of the assessor, collector and township committee of said township, ib.

197. A further supplement to the act entitled "An act relating to the registering and returns of births, deaths and marriages in the state of New Jersey," approved March third, one thousand eight hundred and forty-eight, 405

198. An act concerning taxes in the township of Hackensack, in the county of Bergen, 406

199. A supplement to the act entitled "An act to prevent fishing with seines or gill nets in the Passaic river, between Dundee Dam and the Passaic Falls," approved March twentieth, eighteen hundred and sixty-two, 407

200. Supplement to an act entitled "An act to provide for the removal of obstructions to the free course of the waters in the Rockaway River and Whippany River, in the county of Morris, ib.

201. A supplement to the act entitled "A supplement to the act entitled 'an act to incorporate the South River and Freehold Plank Road Company,'" 408

202. A supplement to the act entitled "An act relative to offices commissions and resignations," revision, approved April sixteenth, eighteen hundred and forty-six, 409

203. A further supplement to an act entitled "An act to divide the township of North Bergen, in the county of Hudson," approved February twenty-eighth, eighteen hundred and sixty-one, 410

204. A further supplement to an act entitled "An act to divide the township of North Bergen, in the county of Hudson,"

Chap. Page

erecting the township of West Hoboken, etc., approved February twenty-eighth, eighteen hundred and sixty-one, 411

205. A further supplement to an act entitled "An act relating to hawkers, pedlers and petty chapmen," 414

206. An act relative to the election of overseers of the highways in the township of Washington, in the county of Mercer, 415

207. An act to incorporate the Long Branch and Sea Shore Railroad Company, 416

208. An act to extend the provisions of an act entitled "An act to prevent horses, cattle, sheep and swine from running at large in the township of Clinton, in the county of Essex, and in the township of Rahway, in the county of Union," to the Haddon School District, in Newton township, county of Camden, 425

209. An act to change the name of William Harrison to William David Laverack, 426

210. An act for the relief of George N. Creamer, ib.

211. An act to authorize the erection of wharves, piers and bulkheads in front of certain lands on Cooper's Creek, in the city of Camden, 427

212. An act to authorize the inhabitants of the township of Pahaquarry, in the county of Warren, to reimburse those who have advanced money to pay volunteers, 428

213. An act to construct a railroad from the borough of Princeton to the Camden and Amboy Railroad, ib.

214. An act ratifying the issue of bonds by the mayor and common council of Jersey City, for purposes relating to the maintenance of the federal government, 429

215. An act to extend the corporate term of the Adirondack Steel Manufacturing Company, 430

216. An act to incorporate the Fifth Ward Savings Bank of Jersey City, 431

217. An act to authorize the Belvidere Delaware Railroad Company to extend their railroad to the Warren Railroad, upon the route and in the place of the Belvidere and Water Gap Railroad, 435

218. An act to authorize the inhabitants of the township of Mansfield, in the county of Warren, to raise by tax an amount sufficient to pay the bounties to the nine months' volunteers of said township, 436

219. An act to incorporate the Ottawa Manufacturing Company, in the county of Passaic, 437

220. An act to change the name of the Plumsted Institute to that of the New Egypt Seminary and Female College, and to authorize the conferring of degrees, 439

221. An act relative to clerks of counties and of county courts, 440

222. An act accepting on the part of the State of New Jersey a grant of lands made by the United States to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts, 441

Chap. Page

223. Supplement to the act entitled "An act to incorporate the Cooper Rolling Mill Company," approved March sixteen, eighteen hundred and fifty-nine, 442

224. A supplement to an act entitled "An act to incorporate the Trenton Horse Railroad Company," approved March ninth, eighteen hundred and fifty-nine, ib.

225. A supplement to the act entitled "An act to incorporate the Jersey Shore Improvement Company," approved March third, eighteen hundred and fifty-four, 443

226. A supplement to the act entitled "An act to incorporate the Rahway Mutual Insurance Fire Company," passed February twenty-fifth, eighteen hundred and thirty-three, 444

227. A further supplement to an act entitled "An act to incorporate the Freehold and Jamesburg Agricultural Railroad Company," 445

228. An act to incorporate the Passaic Copper Mining Company, in the counties of Passaic, Hudson and Bergen, and state of New Jersey, 446

229. An act to authorize the Township Committee of the township of Dover, in the county of Ocean, to raise money by taxation, 448

230. An act to incorporate "The Raritan Water Power Company," ib.

231. An act to authorize the inhabitants of the township of Franklin, in the county of Hunterdon, to reimburse those who have advanced money to pay volunteers, 451

232. An act to authorize the Mayor and Common Council of the city of Newark to borrow a sum or sums of money not exceeding in the whole thirty thousand dollars, for permanent improvements, 452

233. An act to change the corporate name of "The Rector, Wardens and Vestrymen of the Free Protestant Episcopal Church of Trinity, in Jersey City," 453

234. An act to enable "The New York and Passaic Quarrying and Manufacturing Company" to hold and convey real estate in this state, 454

235. An act authorizing an addition to the State Capitol, 455

236. An act regulating the election of overseers of highways in the township of Montgomery, in the county of Somerset, 456

237. An act to change the termination of the fiscal year of the several state officers and institutions, and to regulate the making of their reports, ib.

238. An act to authorize the inhabitants of the township of Union, in the county of Hunterdon, to reimburse those who have advanced money to pay volunteers, 457

239. An act increasing the compensation of the Treasurer of the State of New Jersey, 458

Chap. Page

240. An act extending the provisions of a supplement to an act concerning roads, approved March twenty-third, one thousand eight hundred and fifty-nine, being "A supplement to an act concerning roads, approved April sixteenth, eighteen hundred and forty-six," to the township of Princeton, in the county of Mercer, 459

241. An act to consolidate the Robertsville and Patton's Corner Turnpike Company and the Manalapan Turnpike Company, ib.

242. Supplement to an act entitled "An act relative to oaths and affirmations." 461

243. A supplement to the act entitled "An act to incorporate the Orange and Newark Horse Car Railroad Company," approved March fifteenth, eighteen hundred and fifty-nine, 462

244. Supplement to the act entitled "An act to incorporate 'The People's Fire Insurance Company,'" approved February twenty-fifth, Anno Domini one thousand eight hundred and sixty-one, 463

245. A supplement to the act entitled "An act to authorize the inhabitants of Hackensack to enclose the public green in said village," approved March tenth, eighteen hundred and fifty-three, 464

246. A further supplement to the act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six, 465

247. A supplement to an act entitled "An act to authorize the building of a bridge over the Mullicus river, at Lower Bank." 466

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

249. A supplement to the act entitled "An act to authorize the business of banking," approved February twenty-seventh, eighteen hundred and fifty, 467

250. Supplement to an act entitled "An act authorizing a loan for the purposes of war, to repel invasion and suppress insurrection, and appropriating the same and providing for the payment thereof," approved May tenth, eighteen hundred and sixty-one, 468

251. A further supplement to an act entitled "An act respecting executions and regulating the sale of personal estate by virtue thereof," 469

252. A further supplement to an act entitled "An act to incorporate the Hoboken and Weehawken Horse Railroad Company, and to confirm the grants therein mentioned," approved February fourteenth, eighteen hundred and sixty, 470

253. A further supplement to an act entitled "An act for the publication of chancery and law reports," approved April seventeenth, eighteen hundred and forty-six, ib.

Chap.		Page
254.	A supplement to the act entitled "An act to incorporate the town of Bergen," approved March eleventh, eighteen hundred and sixty-two,	471
255.	An act to repeal the act entitled "An act concerning elections in the township of Winslow, in the county of Camden," approved March twenty-third, eighteen hundred and fifty-nine,	472
256.	A further supplement to the act entitled "An act relating to the registry and returns of births, deaths and marriages in the State of New Jersey," approved March thirtieth, one thousand eight hundred and forty-six,	ib.
257.	An act to incorporate the Camden County Manufacturing Company,	474
258.	A supplement to an act entitled "An act for the relief of such portion of the militia of the State as may be called into service," approved May eleventh, one thousand eight hundred and sixty-one,	475
259.	A supplement to an act entitled "An act for the security of manufacturers of mineral waters and other beverages," approved February tenth, eighteen hundred and fifty-four,	477
260.	A supplement to an act entitled "An act authorizing commissions and the taking of depositions," approved April fifteenth, eighteen hundred and forty-six,	478
261.	An act for the improvement of Somerville,	479
262.	An act for the partition and sale of real estate where some of the owners are unknown,	482
263.	Supplement to an act entitled "An act for the defence of the State," approved May tenth, eighteen hundred and sixty-one,	484
264.	An act concerning county clerks,	485
265.	An act to extend the provisions of an act to prevent horses, cattle, sheep and swine from running at large in part of the township of Upper Alloways Creek, in the county of Salem,	ib.
266.	An act in relation to the Belleville and Newark Horse Car Railroad Company,	486
267.	Supplement to an act entitled "An act to authorize the business of banking,"	487
268.	A supplement to an act entitled "An act to establish public schools,"	ib.
269.	An act relative to agricultural societies,	489
270.	An act to vest in the devisees under the will of Margaret Curtis, deceased, land and real estate in the county of Burlington, of which Emma Curtis died seized,	490
271.	An act to incorporate the firemen of the city of Elizabeth,	493
272.	A supplement to an act entitled "An act to raise money in the several townships of Cumberland county, New Jersey,	496

Chap. Page

273. An act to authorize the inhabitants of School District Number Two, in the township of Union, and county of Camden, to raise money to build school houses and for the support of public schools, ib.

274. Supplement to an act entitled "An act to make taxes a lien on real estate, and to authorize sales for the payment of the same," 497

275. An act to authorize the erection of a bridge over the Rancocas river, 498

276. A supplement to an act entitled "An act to prevent the importation of paupers and vagrants into the counties of Burlington, Passaic, Camden, Gloucester and Mercer," approved March twenty-third, eighteen hundred and fifty-two, 499

277. An act providing for the erection and repair of workshops within the enclosure of the State Prison, ib.

278. A further supplement to the act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six, 500

279. An act to defray incidental expenses, 502

JOINT RESOLUTIONS.

1. Relative to the relief of Joseph I. Thompson, late sheriff of Monmouth county, 509

2. Relative to National Affairs, 510

3. In relation to suits or prosecutions, civil or criminal, in which this state is a party or interested, removed into the courts of the United States, under or by color of an act of congress entitled "An act relating to habeas corpus, and regulating judicial proceedings in certain cases," 514

INDEX.

INDEX.

A.

	Page
Acknowledgments of Deeds—act to confirm, G. S. Boyce,	10
act to confirm, Samuel S. Marcy,	93
act to confirm, Samuel S. Marcy and A. P. Hildreth,	241
act to confirm, Adrian Van Sinderen,	301
act to confirm, Meline W. Bonnell,	334
Actions of Replevin—act concerning,	5
Acquackanonk, township of, Volunteer Fund—act to authorize,	18
Adjutant General and Quartermaster General—supplement to act providing compensation to,	283
Advertising, Legal—supplement to act to establish,	180
Agricultural College—land granted for by United States,	441
Agricultural Societies—act relative to,	489
Allentown Iron Company to hold Lands—act to authorize,	222
Adirondack Steel Manufacturing Company—act to extend corrate term of,	430
Appropriation for Adjutant General and Quartermaster General,	283
for State Prison,	314
for State Defence,	484
for State Capitol,	455
for State Prison,	499
for Treasurer of State,	458
for War purposes,	468
for Incidental Expenses, (1862)	157
for Incidental Expenses, (1863)	502
Assignments and Trusts, fraudulent—to prevent,	31
Association, Elizabeth Orphan Asylum—supplement to incorporation,	8
Hoboken Exempt Firemen—to incorporate,	48
Woodbury Fire—to amend charter of,	65
Asylum, State Lunatic—act to provide for organization of,	184

B.

	Page
Babbitt, William M.—act to indemnify,	76
Ballot—inhabitants of Union and Tewksbury to vote by,	36
inhabitants of Pompton to vote by,	193
inhabitants of Readington to vote by,	336
Bank, Farmers and Mechanics', Rahway—act relative to,	6
Fifth Ward Savings, Jersey City—incorporating,	431
Banking—supplement to act to authorize business of,	467
supplement to act to authorize business of,	487
Bank Notes—to suspend non-redemption in specie of,	195
Beatty, Henry B.—act for relief of sureties of,	287
Bedminster, Township of—cattle law extended to,	83
Belleville and Newark Horse Car Railroad Company—act relative to,	486
Belvidere Delaware Railroad Company—to authorize extension of,	435
Bergen, County of, Volunteer Fund—act to authorize,	33
Town of—supplement to incorporation,	94
Town of—authorizing appointment of street commissioners,	263
Town of—supplement to incorporation,	471
Bernards, Township of—cattle law extended to,	83
Bills of Exceptions—act directing to be sealed,	311
Births, Deaths and Marriages—relative to registering,	405
relative to registering,	472
Blair, Alexander C.—granting land to,	54
Bloomfield, Township of, Volunteer Fund—act to authorize,	278
Bonds, County of Hudson to issue—act authorizing,	39
Bonnell, Meline W.—to legalize acts of as Deed Commissioner,	334
Boundary Line of Elizabeth, Union and Linden—act to alter,	206
Bounty for Volunteers—act to authorize,	
City of Elizabeth,	290
Hudson City,	38
Jersey City,	429
Newark City,	27
New Brunswick City,	276
Rahway City,	312
County of Bergen,	33
Burlington,	63
Camden,	194
Cape May,	250
Cumberland,	63
Cumberland,	496
Gloucester,	64
Hudson,	226
Somerset,	265
Union,	59
Warren,	169
Township of Acquackanonk,	18
Bloomfield,	278
Clinton,	334

	Page
Bounty for Volunteers—act to authorize, Township of Dover,	448
East Windsor,	394
Ewing,	30
Franklin, Warren County,	266
Franklin, Hunterdon County,	451
Hackensack,	47
Hackensack,	402
Hamilton,	394
Holmdel,	24
Lambertville,	207
Lebanon,	404
Manchester,	13
Mansfield,	436
Marlboro',	58
Matavan,	207
Middletown,	81
Milburn,	195
Ocean,	73
Orange,	291
Pahaquarry,	428
Perth Amboy,	166
Pequannock,	37
Phillipsburg,	33
Piscataway,	315
Pompton,	74
Princeton,	99
Raritan,	11
Rockaway,	72
Shrewsbury,	165
South Amboy,	98
Union, County of Ocean,	63
Union, County of Union,	264
Union, County of Hunterdon,	457
Wall,	240
Washington,	394
Wayne,	218
West Hoboken,	411
West Milford,	55
West Windsor,	313
Weymouth,	297
Woodbridge,	41
Boyce, Garret S.—to confirm acts of as Deed Commissioner,	10
Bridge over Mullicus River—to authorize building of,	88
over Mullicus River—supplement to act authorizing building of,	466
over Rancocas River—to authorize building of,	498
Burlington County and other Townships, Volunteer Fund—act to authorize,	63
Butts, Hogsheads, &c.—act in relation to fraudulent sale or use of,	220

C.

	Page
Camden County, Volunteer Fund—act to legalize,	194
County Manufacturing Company—act to incorporate,	474
Cape May and Millville Railroad Company—act to incorporate,	228
Volunteer Fund—act to legalize,	250
Cattle, Horses, &c.—act to prevent running at large in townships of Clinton, Rahway, Bernards and Bedminster,	83
supplement to act to prevent running at large in townships of Clinton, Rahway and Haddon School District,	425
to prevent running at large in Upper Alloways Creek township,	485
Cemetery, Hudson Rural—act to incorporate,	15
Central American Transit Company—supplement to incorporation,	239
Chancery and Law Reports—supplement to act for publication of,	470
Charter of City of Elizabeth—act to amend,	109
of City of Newark—act to amend,	222
Church, First Presbyterian, Springfield—act respecting,	277
City of Elizabeth—act to amend charter of,	109
of Elizabeth—to incorporate Firemen of,	493
of Hudson—supplement to incorporation of,	286
of Newark—act to amend charter of,	222
of New Brunswick—act to amend charter of,	347
of Trenton—supplement to incorporation,	185
Clinton, Township of—to legalize certain acts,	192
Township of, Volunteer Fund—act to authorize,	334
Commissioners of Deeds—act relative to,	26
to confirm G. S. Boyce as,	10
to confirm Samuel S. Marcy,	93
to confirm Samuel S. Marcy and A. P. Hildreth,	241
to confirm Adrian Van Sinderen,	301
to confirm Meline W. Bonnell,	334
Commissioners of Streets, Newark—supplement to act authorizing,	223
Bergen—supplement to act authorizing,	263
Commissions and Depositions—act relative to taking,	478
Company, West Jersey Marl and Transportation—act to incorporate,	214
Central American Transit—supplement to incorporation,	239
Fibre Disintegrating—supplement to incorporation,	252
Ocean Glass Manufacturing—act to incorporate,	304
Adirondack Steel Manufacturing—to extend charter,	430
Cooper Rolling Mill—supplement to incorporation,	442
Passaic Copper Mining—act to incorporate,	446
Conveyances—supplement to act respecting,	169
County Clerks and Courts—act relative to,	440
Clerks—act concerning,	485
Courts of Law—act to regulate,	10

Page
Courts—supplement to act relating to, 29
for Small Causes—supplement to, 251
Cooper's Creek—act to authorize erection of wharves, piers and bulkheads, 427
Cooper Rolling Mill Company—supplement to incorporation, 442
Creditors—supplement to act on assignment, 5
Crimes—supplement to act concerning, 71
supplement to act for punishment of, 88
supplement to act for punishment of, 95
supplement to act for punishment of, 240
Criminal Cases—bills of exceptions to be sealed in, 311
Creamer, George N.—act for relief of, 426
Cumberland County, townships of and others, Volunteer Fund—act to authorize, 63
Cumberland County Volunteer Fund—act to authorize, 496
Curtis, Margaret—act for benefit of devisees of, 490

D.

Dam—enabling Richard Stanton and others to erect a, 27
enabling owners of lands to erect a, 22
on Rambo's Run—enabling owners to erect a, 173
Deaf and Dumb—supplement to act for instruction of, 311
Deaths, Births and Marriages—act relating to registering of, 405
act relating to registering of, 472
Deeds—act respecting Ancient, 72
Deeds, Commisioners of—supplement to act relative to, 26
to confirm acts of G. S. Boyce as, 10
to confirm acts of Samuel S. Marcy as, 93
to confirm acts of Samuel S. Marcy and A. P. Hildreth as, 241
to confirm acts of Adrian Van Sinderen as, 301
to confirm acts of Meline W. Bonnell as, 334
Deptford School Society—act to incorporate, 298
Dover, Township of, Volunteer Fund—act to authorize, 448

E.

Eagle Glass Manufacturing Company, at Port Elizabeth—to incorporate, 20
East Orange Township—act to create, 102
East Windsor and other Townships, Volunteer Fund—act to authorize, 394
Election of Overseers in Townships of Greenwich and Princeton—act to regulate, 302
District—to erect an in Newton township, Camden county, 77
Elections in Township of Winslow—act concerning, 472

Page

Elizabeth Orphan Asylum Association—supplement to incorporation, 8
Horse Railroad Company—to incorporate, 89
City—act to amend charter of, 109
act to alter boundary line of, 206
Volunteer Fund—act to authorize, 290
to incorporate firemen of, 493
Englishtown and Millstone Turnpike Company—act to incorporate, 254
Equitable Gas Light Company—to incorporate, 180
Equity and Law Reports—act respecting, 190
Ewing Township, Volunteer Fund—act to authorize, 30
Executions—supplement to act respecting, 469
Exceptions, Bills of—act directing to be sealed, 311

F.

Fairmount Township—supplement to act to create, 279
Farmers and Mechanics' Bank, Rahway—act relative to, 6
Fees—supplement to an act to regulate, 404
Fibre Disintegrating Company—to incorporate, 252
Fire Association, Woodbury—act to amend charter, 65
Fire Department, Weehawken—supplement to incorporation, 329
Firemen, Exempt of Hoboken—to incorporate Association of, 48
of City of Elizabeth—to incorporate, 493
Fishing with Seines and Gill-nets—supplement to act to prevent, 407
Flemington School District—act to authorize Trustees of to convey real estate, 96
Franklin, Township of, Volunteer Fund—to authorize, 266
Volunteer Fund—to authorize, 451
Fraudulent Trusts and Assignments—act to prevent, 31
Sale of Butts, Hogsheads, &c.—act to prevent, 220
Freeholders of Hudson County to issue bonds for floating debt, and to raise money, 39
to establish Jail and Workhouse, 170
Freehold and Englishtown Turnpike Company—to incorporate, 197
and Jamesburg Agricultural Railroad Company—supplement to incorporation, 445

G.

Gas Light Company—to incorporate Equitable, 180
to incorporate Hudson, 187
to incorporate Phillipsburg, 399
Geological Survey—supplement to act relative to, 87
Gill-nets or Seines—supplement to act to prevent fishing with, 407
Gloucester County, Volunteer Fund—act to authorize, 64

Page
Goats—supplement to act concerning, 277
Grant, Margaret—act to grant lands to, 273
Greenville—to create township of, 306
Greenwich Township—to regulate overseers in, 302

H.

Hackensack, Township of, Volunteer Fund—act to authorize, 47
Township of, Volunteer Fund—act to authorize, 402
act concerning taxes in, 406
to authorize inhabitants of to enclose public green, 464
Haddon School District—act to extend provisions of act preventing cattle, &c., running at large, 425
Hall, Euphemia—act for relief of, 101
Hawkers, Pedlers and Petty Chapmen—relating to, 414
Hamilton and other townships, Volunteer Fund—act to authorize, 394
Harrison, William—to change name of, 426
Hibernia Mine Railroad Company—to incorporate, 339
Hildreth, Alvin P. and Samuel S. Marcy—to confirm acts as Deed Commissioners, 241
Hoboken—to incorporate Association of Exempt Firemen of, 48
to confirm laying out of westerly part of, 49
supplement to incorporation, 57
supplement to incorporation, 292
and Weehawken Horse Railroad Company—supplément to incorporation, 470
Holmdel, Township of, Volunteer Fund—act to authorize, 24
Home Fire Insurance Company—to incorporate, 209
Hudson City—act to incorporate, 286
City, Volunteer Fund—act to authorize, 38
County Rural Cemetery—to incorporate, 15
County—act to issue bonds for floating debt and to raise money, 39
County Freeholders to establish Jail and Workhouse, 170
County Gas Light Company—to incorporate, 187
County Volunteer Fund—act to authorize, 226
City—supplement to incorporation, 286

I.

Improvement Company, Jersey Shore—supplement to incorporation, 443
Incidental Expenses, 1862—act to defray, 157
1863—act to defray, 502
Incorporated Companies—relating to taxes from, 239
Incorporating City of Paterson, 3
Sussex Mine Railroad Company, 7

	Page
Incorporating Elizabeth Orphan Asylum,	8
Newark Lime and Cement Manufacturing Company,	9
Hudson County Rural Cemetery,	15
Eagle Glass Manufacturing Company,	20
Newark Mutual Fire Assurance Company,	25
Manufacturers' Fire and Marine Insurance Company,	32
Moorestown and Mount Laurel Turnpike Company,	35
City of Paterson,	42
Perth Amboy and Woodbridge Railroad Company,	45
Newark Firemen's Insurance Company,	ib.
Association of Exempt Firemen of Hoboken,	48
Paterson Rolling Mill Company,	51
Somerville Mutual Insurance Company,	54
City of Hoboken,	57
Rankin Mills Company,	77
New Jersey Railroad and Transportation Company,	82
Somerville and Easton Railroad Company,	83
Elizabeth Horse Railroad Company,	89
Town of Bergen,	94
Union Works Manufacturing Company,	106
Paterson Horse Railroad Company,	177
Equitable Gas Light Company,	180
City of Trenton,	185
Hudson Gas Light Company,	187
Freehold and Englishtown Turnpike Company,	197
Vincentown Branch of the Burlington County Railroad Company,	208
Home Fire Insurance Company,	209
West Jersey Marl and Transportation Company,	214
Cape May and Millville Railroad Company,	228
Somerville and Easton Railroad Company,	238
Central American Transit Company,	239
Middlesex and Monmouth Turnpike Company,	242
Fibre Disintegrating Company,	252
Englishtown and Millstone Turnpike Company,	254
Security Mutual Life Insurance Company,	268
Jersey City and Bergen Railroad Company,	284
West Hoboken and Hoboken Passenger Railway Company,	285
City of Hudson,	286
Town of Orange,	291
City of Hoboken,	292
Trenton Car Works Company,	293
Deptford School Society,	298
City of Paterson,	303
Ocean Glass Manufacturing Company,	304
Jersey City,	316
Manalapan and Freehold Turnpike Company,	320
Weehawken Fire Department,	329
Town of Phillipsburg,	331
Middletown and Keyport Turnpike Company,	335
Hibernia Mine Railroad Company,	339
Ringwood Valley Railroad Company,	392

Pag

Incorporating New Brunswick Water Company, 393
New Jersey Mutual Life Insurance Company, 395
Phillipsburg Gas Light Company, 399
South River and Freehold Plank Road Company, 408
Long Branch and Sea Shore Railroad Company, 416
Fifth Ward Savings Bank, Jersey City, 431
Ottawa Manufacturing Company, 437
Cooper Rolling Mill Company, 442
Trenton Horse Railroad Company, ib.
Jersey Shore Improvement Company, 443
Rahway Mutual Insurance Company, 444
Freehold and Jamesburg Agricultural Railroad Company, 445
Passaic Copper Mining Company, 446
Raritan Water Power Company, 448
Orange and Newark Horse Car Railroad Company, 462
People's Fire Insurance Company, 463
Hoboken and Weehawken Horse Railroad Company, 470
Camden County Manufacturing Company, 474
Town of Bergen, 471
Firemen of City of Elizabeth, 493
Indemnify William M. Babbitt—act to, 76
Instruction of Indigent Deaf and Dumb Persons—supplement to act, 311
Insurance Company, Manufacturers' Fire and Marine—supplement to incorporation, 32
Newark Firemen's—supplement to incorporation, 45
Somerville Mutual—supplement to incorporation, 54
Home Fire—supplement to incorporation, 209
Security Mutual Life—to incorporate, 268
Rahway Mutual Fire—supplement to incorporation, 444
New Jersey Mutual—incorporating, 395
People's Fire—supplement to act, 463
Iron Company, Allentown—to hold lands and real estate, 222

J.

Jail and Workhouse in Hudson County—act to establish, 170
Jersey City—act to create water works in, 205
and Bergen Railroad Company—supplement to incorporation, 284
supplement to incorporation, 316
Volunteer Fund—act to authorize, 429
to incorporate Fifth Ward Savings Bank of, 431
Jersey Shore Improvement Company—supplement to incorporation, 433

L.

Page

Lambertville Volunteer Fund—act to authorize, 207
Land granted to Alexander C. Blair, 54
to authorize Allentown Iron Company to hold, 222
to grant title of to Margaret Grant, 273
act accepting grant of from United States, 441
Laverack, William David—to change name to, 426
Law and Equity Reports—act respecting, 190
Lebanon, Township of, Volunteer Fund—act to authorize, 404
Lehigh Water Company to supply Phillipsburg—supplement to act authorizing, 227
Lime and Cement Manufacturing Company—supplement to incorporation, 9
Linden—act to alter boundary line of, 206
Long Branch and Sea Shore Railroad Company—incorporating, 416
Lunatic Asylum—supplement to act to provide for organization of, 184

M.

Manalapan and Freehold Turnpike Company—to incorporate, 320
Manalapan Turnpike Company and Robertsville and Patton's Corner Turnpike Company—to consolidate, 459
Manchester, Township of, Volunteer Fund—act to authorize, 13
Mansfield, Township of, Volunteer Fund—act to authorize, 436
Manufacturers' Fire and Marine Insurance Company, Newark—supplement to incorporation, 32
of Mineral Waters, &c.—act for protection of, 477
Manufacturing Company, Newark Lime and Cement—supplement to incorporation, 9
Eagle Glass—to incorporate, 20
Union Works—to incorporate, 106
Ocean Glass—to incorporate, 304
Adirondack Steel—to extend charter of, 430
Ottawa—to incorporate, 437
New York and Passaic—to incorporate, 454
Camden County—to incorporate, 474
Marcy, Samuel S.—to legalize acts of as Deed Commissioner, 93
and Alvin P. Hildreth—to confirm acts as Deed Commissioners, 241
Marlboro', Township of, Volunteer Fund—act to authorize, 58
Marriages, Births and Deaths—act referring to registering of, 405
Matawan, Township of, Volunteer Fund—act to authorize, 207
Mechanics and others, to secure payment to—supplement to act, 275
Meridian Line in Counties—act to establish, 12
Middletown, Volunteer Fund—act to authorize, 81
act in respect to road districts in, 187
and Keyport Turnpike Company—act to revive, 335

Page
Middlesex and Monmouth Turnpike Company—act to incorporate, 242
Milburn, Township of—act to set off part of, 85
Volunteer Fund—act to authorize, 195
Militia—supplement to law organizing, 250
Law—supplement to, 290
act for relief of, 475
Montgomery Township—regulating election of overseers in, 456
Moorestown and Mount Laurel Turnpike Company—supplement to incorporation, 35
Morris, Robert—to discharge trustees of estate and appoint others. 60
Mortgages and other contracts assignable at law, 267
Mount Holly—to repeal act for grading streets, &c., in, 213
Mullicus River—to authorize building a bridge over, 88
supplement to act authorizing bridging of, 466
Mutual Fire Asurance Company, Newark—supplement to incorporation, 25
Life Insurance Company, Security—act to incorporate, 268

N.

Newark Lime and Cement Manufacturing Company—supplement to incorporation, 9
Mutual Fire Assurance Company—supplement to incorporation, 25
Mayor and Common Council, Volunteer Fund—act to authorize, 27
Manufacturers' Fire and Marine Insurance Company—supplement to incorporation, 32
Firemen's Insurance Company—supplement to incorporation, 45
supplement to act to amend charter of city of, 222
supplement to act authorizing appointment of commissioners, 223
supplement to act authorizing appointment of commissioners, 225
to enable common council of to borrow money, 452
New Brunswick, Volunteer Fund—act to authorize, 276
act to revise charter of, 347
Water Company—supplement to incorporation, 393
New Egypt Seminary and Female College—act to change name of Plumstead Institute to, 439
New Jersey Railroad and Transportation Company—supplement to incorporation, 82
Mutual Life Insurance Company—to incorporate, 395
Newton, Township of—act to erect an election district in, 77
New York and Passaic Quarrying and Manufacturing Company to hold real estate, 454
North Bergen—supplement to act dividing township of, 410
supplement to act dividing township of, 411

O.

Page

Oaths and Affirmations—act relative to, 461
Ocean, Township of, Volunteer Fund—act to authorize, 73
Ocean Glass Manufacturing Company—to incorporate, 304
Offices, Commissions and Resignations—act relative to, 409
Orange and Newark Horse Car Railroad Company—supplement to incorporation, 462
Township of—act to authorize Volunteer Fund, 291
Township of—supplement to incorporation, 437
Orphan Asylum Association of Elizabeth—supplement to incorporation, 8
Ottawa Manufacturing Company—to incorporate, 437
Overseers of Highways in Townships of Greenwich and Princeton—act to regulate, 302
township of Washington, Mercer county—relative to election of. 415
township of Montgomery—relative to election of, 456

P.

Pahaquarry, Township of, Volunteer Fund—act to authorize, 428
Passaic Copper Mining Company—incorporating. 446
River—to prevent fishing with seines and gill-nets in, 407
Paterson—further supplement to incorporation, 3
further supplement to incorporation, 42
Rolling Mill Company—act to incorporate, 51
Horse Railroad Company—act to incorporate, 177
City—supplement to act to amend charter of, 303
Paupers and Vagrants—to prevent importation of in several counties, 498
Pequannock, Township of, Volunteer Fund—act to authorize, 37
Perth Amboy and Woodbridge Railroad Company—supplement to incorporation, 45
Perth Amboy Volunteer Fund—act to authorize, 166
Phillipsburg—supplement to incorporation, 33
supplement to act authorizing Lehigh Water Company to supply, 227
supplement to act to create township of, 289
Town of—supplement to act incorporating, 331
Gas Light Company—act to incorporate, 399
Piscataway, Township of, Volunteer Fund—act to authorize, 315
Plumstead Institute—act to change name of, 439
Pompton, Township of, Volunteer Fund—act to authorize, 74
inhabitants of to vote by ballot, 193
Practice of Courts of Law—act to regulate, 10
Presbyterian Church, Springfield—act respecting, 277
Princeton, Township of, Volunteer Fund—act to authorize, 98
to regulate overseers of, 302
Borough of—to construct railroad from, 428

	Page
Princeton, Township of—act concerning roads in,	459
Public Laws, Publication of—supplement to,	296
Printing—act relative to,	294
Schools—supplement to act to establish,	314
Schools—supplement to act to establish,	487
Private Laws—to renew charter of Farmers and Mechanics' Bank, Rahway,	6
to incorporate Sussex Mine Railroad Company,	7
Elizabeth Orphan Asylum Association,	8
Newark Lime and Cement Manufacturing Company,	9
Hudson County Rural Cemetery Company,	15
Eagle Glass Manufacturing Company,	20
to enable owners of Land in Cumberland county to erect a dam,	22
to incorporate Newark Mutual Fire Assurance Company,	25
to authorize Richard Stanton and others to erect a dam in Cumberland county,	27
to incorporate Manufacturers' Fire and Marine Insurance Company of Newark,	32
Moorestown and Mount Laurel Turnpike Company,	35
Perth Amboy and Woodbridge Railroad Company,	45
Newark Firemen's Insurance Company,	ib.
Association of Exempt Firemen of Hoboken City,	48
Paterson Rolling Mill Company,	51
Somerville Mutual Insurance Company,	54
to grant Lands to Alexander C. Blair,	ib.
to discharge Trustees of Robert Morris and appoint others,	60
to amend charter of Woodbury Fire Association,	65
to indemnify William M. Babbitt for expenses,	76
to incorporate Rankin Mills Company,	77
New Jersey Railroad and Transportation Company,	82
Somerville and Easton Railroad Company,	83
to authorize bridging of Mullicus River,	88
to incorporate Elizabeth Horse Railroad Company,	89
for the relief of Euphemia Hall,	101
to incorporate Union Works Manufacturing Company,	106
to enable owners to dam Rambo's Run,	173
to incorporate Paterson Horse Railroad Company,	177
Equitable Gas Light Company,	180
Hudson Gas Light Company,	187
Freehold and Englishtown Turnpike Company,	197
Vincentown Branch of Burlington County Railroad Company,	208

Page
Private Laws—to incorporate Home Fire Insurance Company, 209
to incorporate West Jersey Marl and Transportation Company, 214
to enable Allentown Iron Company to hold lands, 222
to authorize Lehigh Water Company to supply township of Phillipsburg, 227
to incorporate Cape May and Millville Railroad Company, 228
Somerville and Easton Railroad Company, 238
Central American Transit Company, 239
Middlesex and Monmouth Turnpike Company, 242
Fibre Disintegrating Company, 252
Englishtown and Millstone Turnpike Company, 254
Security Mutual Life Insurance Company, 268
to grant lands to Margaret Grant, 273
respecting First Presbyterian Church at Springfield, 277
to incorporate Jersey City and Bergen Railroad Company, 284
West Hoboken and Hoboken Passenger Railway Company, 285
for relief of sureties of Henry B. Beatty, 287
to incorporate Trenton Car Works, 293
Deptford School Society, 298
Ocean Glass Manufacturing Company, 304
Manalapan and Freehold Turnpike Company, 320
Weehawken Fire Department, 329
Middletown and Keyport Turnpike Company, 335
Hibernia Mine Railroad Company, 339
Ringwood Valley Railroad Company, 392
New Brunswick Water Company, 393
New Jersey Mutual Life Insurance Company, 395
Phillipsburg Gas Light Company, 399
concerning taxes in township of Hackensack, 406
to prevent fishing in Passaic River, 407
to incorporate South River and Freehold Plank Road Company, 408
Long Branch and Sea Shore Railroad Company, 416
to change name of William Harrison to William David Laverack, 426
for relief of George Creamer, ib.
to authorize erection of wharves, piers, &c., on Cooper's creek, 427
to construct a railroad from Borough of Princeton, 428
to extend term of Adirondack Steel Manufacturing Company, 430

Page

Private Laws—to incorporate Fifth Ward Savings Bank, Jersey City, 431
to authorize extension of Belvidere Delaware Railroad Company, 435
to incorporate Ottawa Manufacturing Company, 437
to change the name of Plumstead Institute, 439
to incorporate Cooper Rolling Mill Company, 442
Trenton Horse Railroad Company, ib.
Jersey Shore Improvement Company, 443
Rahway Mutual Insurance Fire Company, 444
Freehold and Jamesburg Railroad Company, 445
Passaic Copper Mining Company 446
Raritan Water Power Company, 448
to change name of Rector, &c., of Episcopal Church, Jersey City, 453
to enable New York and Passaic Quarrying and Manufacturing Company to hold real estate, 454
to consolidate Robertsville and Patton's Corner Turnpike Company and Manalapan Turnpike Company, 459
to incorporate Orange and Newark Horse Car Railroad Company, 462
People's Fire Insurance Company, 463
to authorize bridging of Mullicus River, 466
to incorporate Hoboken and Weehawken Horse Railroad Company, 470
Camden County Manufacturing Company, 474
relating to the Belleville and Newark Horse Car Railroad Company, 486
for benefit of devisees of will of Margaret Curtis, deceased, 490
to incorporate Firemen of Elizabeth City, 493
to authorize the erection of a bridge over Rancocas River, 498

Public Laws—incorporating city of Paterson, 3
regulating assignment for benefit of creditors, 5
concerning actions of replevin, ib.
regulating practice in courts of law, 10
to confirm acts of Garret S. Boyce, ib.
to establish meridian line in counties, 12
relative to deed commissioners, 26
against usury, 28
relating to courts of the several counties, 29
to prevent fraudulent trusts and assignments, 31
to enable inhabitants of townships of Union and Tewksbury to vote by ballot, 36
to authorize freeholders of Hudson county to raise money, 39
revising the incorporation of Paterson, 42
for the preservation of sheep, 47
laying out westerly part of city of Hoboken, 49

	Page
Public Laws—to incorporate city of Hoboken,	57
concerning crimes,	71
respecting ancient deeds,	72
to erect an election district in township of Newton,	77
to prevent cattle, &c., from running at large in townships of Clinton, Rahway, Bernards and Bedminster,	83
an act concerning taxes,	84
to set off township of Milburn,	85
incorporating townships,	86
relating to geological survey,	87
for punishment of crimes,	88
to confirm acts of Samuel S. Marcy as deed commissioner,	93
to incorporate town of Bergen,	94
for punishment of crimes,	95
to authorize Flemington School Trustees to convey real estate,	96
for relief of Rahway colored school,	101
to create township of East Orange,	102
to revise charter of city of Elizabeth,	109
to defray incidental expenses,	157
designating powers of townships,	168
respecting conveyances,	169
authorizing jail and workhouse in Hudson county,	170
to establish uniform rates of advertising,	180
to organize State Lunatic Asylum,	184
incorporating city of Trenton,	185
respecting road districts,	187
respecting law and equity reports,	190
authorizing inhabitants of Pompton to vote by ballot,	193
to suspend non-redemption of bank notes in specie,	195
relative to taxes on public roads,	196
to construct water works in Jersey City,	205
to alter boundary line between townships in Union,	206
to repeal an act for grading streets in Mount Holly,	213
in relation to fraudulent sale or use of butts, hogsheads, &c.,	220
to amend charter of Newark,	222
to appoint street commissioners in city of Newark,	223
to appoint street commissioners in city of Newark,	225
to fix salaries of officers of Senate and General Assembly,	238
relating to taxes from incorporated companies,	239
for punishment of crimes,	240
to legalize acts of Samuel S. Marcy and Alvin P. Hildreth as deed commissioners,	241
organizing militia,	250
constituting a court for trial of small causes,	251
authorizing appointment of street commissioners in town of Bergen,	263
making mortgages and other contracts assignable at law,	267
for preservation of sheep,	274

	Page
Public Laws—to secure payment to mechanics and others,	275
concerning goats.	277
to create township of Fairmount,	279
to regulate record of stamped instruments,	283
providing compensation to State officers,	ib.
incorporating city of Hudson,	286
to establish township of Phillipsburg,	289
supplement to militia law,	290
to incorporate town of Orange,	291
incorporating city of Hoboken,	292
in relation to public printing,	294
to provide for publication of public laws,	296
to legalize doings of Adrian Van Sinderen,	301
to regulate election of overseers in townships of Greenwich and Princeton,	302
to amend charter of city of Paterson,	303
to set off township of Greenville,	306
directing bills of exception to be sealed in certain cases,	311
for instruction of indigent deaf and dumb,	ib.
to establish public schools,	314
to pay indebtedness of State Prison,	ib.
incorporating Jersey City,	316
incorporating town of Phillipsburg,	331
to provide for recording certain papers,	333
to legalize doings of Meline W. Bonnell,	334
to authorize inhabitants of Readington to vote by ballot,	336
to amend charter of city of New Brunswick,	347
to regulate fees,	404
relating to registering of deaths, births and marriages,	405
relative to offices, commissions and resignations,	409
to divide township of North Bergen,	410
to divide township of North Bergen,	411
relative to hawkers, pedlars and petty chapmen,	414
relative to election of overseers of highways in Washington township,	415
to prevent cattle, sheep, &c., from running at large in townships of Clinton, Rahway and Haddon School District,	425
relative to clerks and courts of counties,	440
accepting grant of lands from the United States,	441
to enable common council of Newark to borrow money,	452
authorizing an addition to the State Capitol,	455
regulating election of overseers in Montgomery township,	456
to change termination of fiscal year of State Officers,	ib.
increasing compensation of State Treasurer,	458
concerning roads in township of Princeton,	459
relative to oaths and affirmations,	461
authorizing inhabitants of Hackensack to enclose public green,	464
concerning taxes,	465
for preservation of sheep,	466

Page

Public Laws—authorizing business of banking, 467
authorizing a loan for war purposes, 468
regulating executions and sale of personal estate, 469
for publication of chancery and law reports, 470
for incorporating town of Bergen, 471
concerning elections in township of Winslow, 472
relating to registering of births, deaths and marriages, ib.
for relief of State Militia, 475
for security of manufacturers of mineral waters, &c., 477
authorizing commissions and taking of depositions, 478
for improvement of Somerville, 479
for partition and sale of real estate, 482
for State defence, 484
concerning county clerks, 485
to prevent horses, cattle, &c., from running at large in township of Upper Alloways Creek, ib.
to authorize business of banking, 487
to establish public schools, ib.
relative to agricultural societies, 489
to authorize inhabitants of Union township to raise money for school purposes, 496
to make taxes a lien on real estate, 497
to prevent importation of paupers, &c., in several counties, 499
providing for erection and repair of workshops in State Prison, ib.
an act concerning taxes, 500
to defray incidental expenses, 502
to authorize Bounty Fund for Volunteers,—
township of Raritan, 11
Manchester, 13
Acquackanonk, 18
Holmdel, 24
city of Newark, 27
township of Ewing, 30
county of Bergen, 33
township of Pequannock, 37
city of Hudson, 38
township of Woodbridge, 40
Hackensack, 47
West Milford, 55
Marlboro', 58
county of Union, 59
counties of Cumberland and Burlington and township of Union, Ocean county, 63
county of Gloucester, 64
township of Rockaway, 72
Ocean, 73
Pompton, 74
Middletown, 81
South Amboy, 98
Princeton, 99
Shrewsbury, 165

Page

Public Laws—to authorize Bounty Fund for Volunteers—
township of Perth Amboy, 166
county of Warren, 169
township of Clinton, 192
county of Camden, 194
township of Milburn, 195
Lambertville, 207
Matawan, ib.
Wayne, 218
county of Hudson, 226
township of Wall, 240
county of Cape May, 250
township of Union, 264
county of Somerset, 265
township of Franklin, 266
city of New Brunswick, 276
township of Bloomfield, 278
city of Elizabeth, 290
township of Weymouth, 297
city of Rahway, 312
township of West Windsor, 313
Piscataway, 315
Clinton, 335
Hamilton, Washington and East Windsor, 394
Hackensack, 402
Lebanon, 404
Pahaquarry, 428
city of Jersey City, 429
township of Mansfield, 436
Dover, 448
Franklin, 451
Union, 457
county of Cumberland, 496

Q.

Quartermaster General and Adjutant General—supplement to act providing compensation to, 283

R.

Rahway, Farmers and Mechanics' Bank of—act relative to, 6
Colored School—supplement to act for relief of, 101
Volunteer Fund—act to authorize, 312
Mutual Fire Insurance Company—supplement to incorporation, 444
Railroad Company, Sussex Mine—supplement to incorporation, 7
Perth Amboy and Woodbridge—supplement to incorporation, 45

Page

Railroad Company, New Jersey Transportation—supplement to incorporation, 82
Somerville and Easton—supplement to incorporation, 83
Elizabeth Horse—act to incorporate, 89
Paterson Horse—act to incorporate, 177
Vincentown Branch of Burlington County—supplement to incorporation, 208
Cape May and Millville—act to incorporate, 228
Somerville and Easton—supplement to incorporation, 238
Jersey City and Bergen—supplement to incorporation, 284
West Hoboken and Hoboken Passenger—supplement to incorporation, 285
Hibernia Mine—to incorporate, 339
Ringwood Valley—supplement to incorporation, 392
Long Branch and Sea Shore—to incorporate, 416
Belvidere Delaware—act authorizing extension of, 435
Trenton Horse—supplement to incorporation, 442
Freehold and Jamesburg Agricultural—supplement to incorporation, 445
Orange and Newark Horse Car—act relative to, 462
Hoboken and Weehawken Horse—supplement to incorporation, 470
Newark and Belleville Horse Car—act relative to, 486
Railroad—to construct from borough of Princeton, 428
Rambo's Run—to enable owners of to dam, 173
Rankin Mills—act to incorporate, 77
Rancocas River—act authorizing bridging of, 498
Raritan, Township of, Volunteer Fund—act to authorize, 11
Water Power Company—act to incorporate, 448
Readington—to authorize inhabitants of to vote by ballot, 336
Real Estate—act for partition and sale of, 482
Recording of Stamped Instruments—act to regulate, 283
of Papers in Office of Secretary of State—act to provide for, 333
Rector, &c., of Free Protestant Episcopal Church, Jersey City—act to change name of, 453
Relief of Rahway Colored School—supplement to act for, 101
Euphemia Hall—act for, ib.
sureties of Henry B. Beatty—act for, 287
George N. Creamer—act for, 426
Replevin—concerning actions of, 5
Reports, Law and Equity—act respecting, 190
Chancery and Law—supplement to act respecting, 470
Resolutions, Joint—relative to relief of Joseph I. Thompson, 509
relative to national affairs, 510
relative to suits or prosecutions removed into courts of the United States, 514
Ringwood Valley Railroad Company—supplement to incorporation, 392
Road Districts in Middletown—act in respect to, 187
Roads—act relative to, 196
Robertsville and Patton's Corner Turnpike Company and Manalapan Turnpike Company to be consolidated, 459

Page
Rockaway, Township of, Volunteer Fund—act to authorize, 72
River—act to remove obstructions from, 407
Rolling Mill Company, Paterson—act to incorporate, 51
Rural Cemetery, Hudson County—act to incorporate, 15

S.

School District, Flemington—to authorize trustees of to convey real estate, 96
School, Rahway Colored—act for relief of, 101
Secretary of State—to provide for recording of certain papers in office of. 333
Security Mutual Life Insurance Company—to incorporate, 268
Senate and General Assembly—fixing salaries of officers of, 238
Sheep—act for preservation of, 47
supplement to act for preservation of, 274
supplement to act for preservation of, 466
Shrewsbury, Township of, Volunteer Fund—act to authorize, 165
Small Causes—supplement to act constituting courts for trial of, 251
Somerset County—act to authorize Volunteer Fund, 265
Somerville Mutual Insurance Company—to incorporate, 54
and Easton Railroad Company—supplement to incorporation, 83
and Easton Railroad Company—supplement to incorporation, 238
act for improvement of, 479
South Amboy, Volunteer Fund—act to authorize, 98
South River and Freehold Plank Road Company—supplement to incorporation, 408
Specie—act to suspend non-redemption of bank notes in, 195
Springfield First Presbyterian Church—act respecting, 277
Stanton, Richard and others—to authorize to construct a dam, 27
State Geological Survey—act relative to, 87
Lunatic Asylum—supplement to act providing for organization of, 184
Prison—making an appropriation for, 314
Capitol—authorizing an addition to, 455
Officers—to change termination of fiscal year of, 456
Militia—for relief of, 475
Defence—supplement to act for, 484
Prison—providing for erection and repairs to workshops in, 499
Streets, to authorize appointment of commissioners to lay out in Newark—supplement to act, 223
to authorize appointment of commissioners to lay out in Newark—further supplement to act, 225
appointment of commissioners of in Bergen, 263
Sussex Mine Railroad Company—to incorporate, 7
Supplements—to act incorporating city of Paterson, 3
regulating assignments for benefit of creditors, 5

Page

Supplements—to renew charter of Farmers and Mechanics' Bank Rahway, 6
to incorporate Sussex Mine Railroad Company, 7
to incorporate Elizabeth Orphan Asylum Association, 8
to incorporate Newark Lime and Cement Manufacturing Company, 9
to regulate practice of courts, 10
to incorporate Newark Mutual Fire Assurance Company, 25
to act relative to deed commissioners, 26
to act against usury, 28
relating to courts in several counties, 29
to prevent fraudulent trusts and assignments, 31
to incorporate Manufacturers' Fire and Marine Insurance Company, Newark, 32
to incorporation of town of Phillipsburg, 33
to incorporation of Moorestown and Mount Laurel Turnpike Company, 35
to authorize inhabitants of townships of Union and Tewksbury to vote by ballot, 36
to incorporate city of Paterson, 42
to incorporate Perth Amboy and Woodbridge Railroad Company, 45
to incorporate Newark Firemen's Insurance Company, 45
to act for preservation of sheep, 47
to incorporate Somerville Mutual Insurance Company, 54
to incorporate city of Hoboken, 57
to act concerning crimes, 71
to act to erect an election district in Newton, 77
to incorporate New Jersey Railroad and Transportation Company, 82
to act to prevent horses and other cattle running at large in townships of Clinton, Rahway, Bernards and Bedminster, 83
to incorporate Somerville and Easton Railroad Company, ib.
act concerning taxes, 84
incorporating inhabitants of townships, 86
relative to State Geological Survey, 87
for punishment of crimes, 88
to incorporate town of Bergen, 94
for punishment of crimes, 95
for relief of Rahway colored schools, 101
designating powers of townships, 168
respecting conveyances, 169
to establish uniform rates for legal advertising, 180
to provide for the organization of State Lunatic Asylum, 184
to incorporate city of Trenton, 185
to authorize inhabitants of Pompton to vote by ballot, 193
to suspend non-redemption of bank notes in specie, 195
relative to public roads, 196
to authorize construction of water works in Jersey City, 205

Page

Supplements—to incorporate Vincentown Branch of Burlington County Railroad Company, 208
to revise charter of city of Newark, 222
authorizing appointment of street commissioners for Newark, 223
authorizing appointment of street commissioners for Newark, 225
to authorize Lehigh Water Company to supply Phillipsburg, 227
to fix salaries of State officers, 238
to incorporate Somerville and Easton Railroad Company, ib.
to incorporate Central American Transit Company, 239
relating to taxes from incorporated companies, ib.
for punishment of crimes, 240
for organizing militia, 250
constituting courts for trial of small causes, 251
authorizing appointment of street commissioners in town of Bergen, 263
for the preservation of sheep, 274
to secure payment to mechanics and others, 275
concerning goats, 277
to create township of Fairmount, 279
providing compensation to State Officers, 283
to incorporate Jersey City and Bergen Railroad Company, 284
to incorporate West Hoboken and Hoboken Passenger Railway Company, 285
to incorporate city of Hudson, 286
to establish township of Phillipsburg, 289
to militia law, 290
to incorporate town of Orange, 291
to incorporate city of Hoboken, 292
to provide for publication of laws, 296
to revise charter of city of Paterson, 303
to act for instruction of indigent deaf and dumb, 311
to establish public schools, 314
to incorporate Jersey City, 316
to incorporate Weehawken Fire Department, 329
to incorporate town of Phillipsburg, 331
to incorporate Ringwood Valley Railroad Company, 392
to incorporate New Brunswick Water Company, 393
to prevent fishing with seines or gill-nets in Passaic River, 407
to remove obstructions in Rockaway and Whippany Rivers, ib.
to incorporate South River and Freehold Plank Road Company, 408
relative to offices, commissions and resignations, 409
to act to divide township of North Bergen, 410
to act to divide township of North Bergen, 411
relative to hawkers, pedlers and petty chapmen, 414

Page
Supplements—to incorporate Cooper Rolling Mill Company, 442
to incorporate Trenton Horse Car Railroad Company, ib.
to incorporate Jersey Shore Improvement Company, 443
to incorporate Rahway Mutual Insurance Company, ib.
to incorporate Freehold and Jamesburg Agricultural Railroad Company, 445
to oaths and affirmations, 461
to incorporate Orange and Newark Horse Car Railroad Company, 462
to incorporate People's Fire Insurance Company, 463
to authorize inhabitants of Hackensack to enclose public green, 464
to act concerning taxes, 465
authorizing bridging of Mullicus River, 466
for preservation of sheep, ib.
to authorize business of banking, 467
authorizing a loan for war purposes, 468
respecting executions and regulating sale of personal estate, 469
incorporating Hoboken and Weehawken Horse Railroad Company, 470
for publication of law and chancery reports, ib.
incorporating town of Bergen, 471
relating to registry and returns of deaths, births and marriages. 472
for relief of State Militia, 475
for security of manufacturers of mineral waters, 477
authorizing commissions and taking of depositions, 478
for State Defence, 484
to authorize business of banking, 487
to establish public schools, ib.
to raise money in Cumberland county, 496
to make taxes a lien on real estate, 497
to prevent importation of paupers, &c., in several counties, 499
act concerning taxes, 500

T.

Taxes—supplement to act concerning, 84
from Incorporated Companies—supplement to act relative to, 239
on Public Roads—act relative to, 195
act concerning in township of Hackensack, 406
supplement to act concerning, 465
to make a lien on real estate, 497
supplement to act concerning, 500
Tewksbury and Union—inhabitants of to vote by ballot, 37
The People's Fire Insurance Company—supplement to incorporation, 463
Township of Milburn—act to set off part of, 85

Page

Townships—supplement to act designating powers of, 86
Township of East Orange—act to create, 102
Townships—supplement to act designating powers of, 168
of Elizabeth, Union and Linden—to alter boundary line, 206
to create township of Fairmount from other, 279
Township of Phillipsburg—supplement to act to establish, 289
of Greenville—act to create, 306
of North Bergen—supplement to act dividing, 410
Townships—authorizing Bounty Fund for Volunteers in—
Raritan, 11
Manchester, 13
Acquackanonk, 18
Holmdel, 24
Ewing, 30
Pequannock, 37
Woodbridge, 40
Hackensack, 47
West Milford, 55
Marlboro', 58
Union, 63
Rockaway, 72
Ocean, 73
Pompton, 74
Middletown, 81
South Amboy, 98
Princeton, 99
Shrewsbury, 165
Perth Amboy, 166
Clinton, 192
Milburn, 195
Lambertville, 207
Matawan, ib.
Wayne, 218
Wall, 240
Union, 264
Franklin, 266
Bloomfield, 278
Weymouth, 297
West Windsor, 313
Piscataway, 315
Clinton, 335
Hamilton, Washington and East Windsor, 394
Hackensack, 402
Lebanon, 404
Pahaquarry, 428
Mansfield, 436
Dover, 448
Franklin, 451
Union, 457
Transit Company, Central American—supplement to incorporation, 237
Treasurer of State—increasing compensation of, 458

Page

Trenton, City of—supplement to incorporation, 185
Car Works—to incorporate, 293
Horse Car Railroad Company—supplement to incorporation, 442
Trusts and Assignments, Fraudulent—act to prevent, 31
Trustees of Robert Morris estate to discharge and appoint others, 60
of Flemington School District to convey real estate, 96
Turnpike Company—act to incorporate Moorestown and Mount Laurel, 35
act to incorporate Freehold and Englishtown, 197
act to incorporate Middlesex and Monmouth, 242
act to incorporate Englishtown and Millstone, 254
act to incorporate Manalapan and Freehold, 320
act to incorporate Middletown and Keyport, 335
to consolidate Robertsville and Patton's Corner and Manalapan, 459

U.

Union and Tewksbury—inhabitants of to vote by ballot, 36
County Volunteer Fund—act to authorize, 59
Township and other Townships, Volunteer Fund—act to authorize, 63
Works Manufacturing Company—to incorporate, 106
act to alter boundary line of township of, 206
township of, Volunteer Fund—act to authorize, 264
township of, Volunteer Fund—act to authorize, 457
to authorize inhabitants of township of to raise money for school purposes, 496
United States Land—grant to accept, 441
Upper Alloways Creek—act to prevent cattle, &c., from running at large, 485
Usury—supplement to act against, 28

V.

Vincentown Branch of Burlington County Railroad Company—supplement to act to incorporate, 208
Van Sinderen, Adrian—to confirm acts of as Deed Commissioner, 301

W.

Wall, Township of, Volunteer Fund—act to authorize, 240
Warren County Volunteer Fund—act to authorize, 169
War—supplement to act authorizing a loan for purposes of, 468

Page

Washington and other Townships, Volunteer Fund—act to authorize, 394
Township—election of overseers of highways in, 415
Water Company, Lehigh, to supply village of Phillipsburg—supplement, 227
Power Company, Raritan—to incorporate, 448
New Brunswick—supplement to incorporation, 393
Wayne, Township of, Volunteer Fund—act to authorize, 218
Weehawken Fire Department—supplement to incorporation, 329
West Hoboken and Hoboken Railway Company—supplement to incorporation, 285
West Milford, Township of, Volunteer Fund—act to authorize, 55
West Jersey Marl and Transportation Company—to incorporate, 214
West Windsor, Township of, Volunteer Fund—act to authorize, 313
West Hoboken, Township of, Volunteer Fund—act to authorize, 410
Weymouth, Township of, Volunteer Fund—act to authorize, 297
Wharves, Bulkheads, &c.—to authorize erection of on Cooper's Creek, 427
Whippany River—to remove obstructions from, 407
Winslow—act concerning elections in township of, 472
Woodbridge, Township of, Volunteer Fund—act to authorize, 41
Woodbury Fire Association—act to amend charter of, 65
Workhouse and Jail, Hudson County—Board of Freeholders to establish, 170