

ACTS

32988

OF THE

SEVENTIETH LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

SECOND SESSION UNDER THE NEW CONSTITUTION.



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1846.



ACTS

OF THE

SEVENTIETH LEGISLATURE

OF THE

STATE OF NEW JERSEY.

AN ACT respecting highways in the township of Paterson, in the county of Passaic.

It being represented to the legislature, by the petition of inhabitants of Paterson, that public convenience requires an alteration in the laws respecting roads, as applicable to that township, and it appearing just and proper that their request in that matter should be granted—therefore,

Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Paterson, in the county of Passaic, shall be vested with and exercise, in their corporate name, all the powers, rights, privileges, and duties that the overseers of the highways in said township are now capable of exercising and performing; and shall have authority to regulate the streets and sidewalks, and to make and to enforce, by penalties, all ordinances necessary for the purposes aforesaid; and the members thereof shall be subject to the penalties existing against overseers for neglect of duties.

Powers and duties of township committee.

2. *And be it enacted*, That hereafter the inhabitants of said township shall not elect overseers of the highways in said township.

Inhabitants not to elect overseers.

3. *And be it enacted*, That this act shall go into operation on the day of the next annual town meeting in the said township.

Act, when to take effect.

Approved, January 29, 1846.

New Jersey State Library

A further supplement to an act entitled, "An act securing to mechanics and others payment for their labour and materials, in erecting any house or other building within the limits therein mentioned," passed February twenty-fifth, eighteen hundred and twenty.

Writs of sci. fa.
may issue upon
liens filed, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, it shall be lawful to issue a writ or writs of scire facias, either out of the circuit court or inferior court of common pleas of the county of Camden, upon any lien heretofore filed and recorded, in pursuance of the act, and supplements thereto, to which this is a further supplement.

Judgments
heretofore ob-
tained declared
valid.

2. *And be it enacted*, That all judgments heretofore obtained upon scire facias, issued out of the inferior court of common pleas of the county of Camden aforesaid, on any liens duly filed and recorded, shall be of equal force, validity, and effect as if the same had been obtained in the inferior court of common pleas of the county of Gloucester, in this state; and sales of property founded upon such judgment are hereby declared valid in law, and are confirmed accordingly.

Act, when to
take effect.

3. *And be it enacted*, That this act shall take effect immediately after it becomes a law.

Approved, January 29, 1846

A supplement to "An act relative to insurance companies," passed December twenty-sixth, eighteen hundred and twenty-six, and to an act to amend the same, passed March twenty-sixth, eighteen hundred and forty-five.

Rate of percent.
reduced.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of five per centum, directed by the third section of said original act to be paid, by way of tax, by persons making or effecting, or causing to be made or effected, any insurance by or on behalf of any foreign insurance company not incorporated by the laws of this state, is hereby reduced to two and a half per centum; and the said original act, and the said act to amend the same,

shall have the like force and effect as if the third section of said original act were modified accordingly.

2. *And be it enacted*, That the provisions of said act shall not extend to the premiums paid on policies of perpetual insurance, when the premiums on deposit money, or the principal part thereof, are by the terms of such policy liable to be reclaimed at any time by the ensured.

Provisions of act not to extend to premiums on perpetual insurance.

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

Act, when to take effect.

Approved, January 29, 1846.

AN ACT to authorize Isaac W. Elwell to excavate marl from the public highway in the township of Stow Creek, county of Cumberland.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Isaac W. Elwell, of the township of Stow Creek, is hereby authorized and empowered to excavate the marl which lies in a public highway in said township, near the house of said Elwell, without let or hinderance from any person whatsoever, other than any person who may own the soil of such highway; *provided nevertheless*, that the said Isaac W. Elwell shall not enter upon the excavation until he shall have prepared a lateral road, as near as may be convenient to the before mentioned public highway, nor until he shall have given satisfactory security unto the township committee of Stow Creek, that said township shall be at no expense about the same; and that he will keep such lateral road in good order and repair for travelling, until the highway shall be returned to its present position, and, also, that the public highway shall be returned to its present position; in good order for travelling, in three years from the time the excavation shall commence.

I. W. Elwell authorized to excavate marl.

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

Act, when to take effect.

Approved, February 3, 1846.

AN ACT to authorize the minister, elders, and deacons of the Reformed Dutch Church in Harlingen, in the county of Somerset, to sell and convey certain real estate.

Preamble.

WHEREAS it has been represented, that the minister, elders, and deacons of the Reformed Dutch Church and Congregation in Harlingen, in the county of Somerset, have been, and still are the owners and possessors of a certain tract of land or farm, situate in the townships of Montgomery and Hillsborough, in said county, known as the parsonage farm, bounded by lands of Peter Labagh, John R. Stryker, Court Sutphen, and others, containing one hundred and sixty acres; and whereas the said minister, elders, and deacons of the said church and congregation, believing that the interest and prosperity of the said church would be promoted by the sale of the said farm, have, with the concurrence, and according to the recommendation of the said congregation, petitioned the legislature to pass a law for that purpose—therefore,

Minister, &c.,
authorized to
sell real estate.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the minister, elders, and deacons of the Reformed Dutch Church in Harlingen, in the county of Somerset aforesaid, are hereby authorized and empowered, in their corporate name and capacity, to make sale and conveyance of the aforesaid farm, or any part thereof, for the best price that can be obtained for the same, and to execute good and sufficient deed or deeds for the same.

Proceeds of sale
to be invested.

2. And be it enacted, That the said minister, elders, and deacons of the said church and congregation aforesaid, shall, in their corporate name and capacity, safely invest the proceeds arising from such sale or sales in bond and mortgage, and apply the interest thereof to the support of the minister of said church, as the profits and rents of said farm are now applied, and to no other purpose whatsoever; *provided*, that in case it may at any time be deemed advisable, they may apply a part of the said proceeds to purchase a small and more convenient parsonage for the use of the minister of said church.

Statement of
proceedings to
be made.

3. And be it enacted, That the said minister, elders, and deacons shall, within one month after such sale or sales, make a full statement in writing of all their proceedings relating thereto; which statement they shall cause to be read at a public meeting of the said congregation, to be by them duly called for the purpose, and also to be entered at length on the minutes of the said corporation.

Approved, February 6, 1846.

A further supplement to the act entitled, "An act to incorporate the Paterson and Hamburg Turnpike Company," passed the third of March, eighteen hundred and six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors of the Paterson and Hamburg Turnpike Company be, and they are hereby authorized and empowered to alter the course of the Paterson and Hamburg Turnpike road, so as to run from the top of the mountain, south-east from Hamburg, in the county of Sussex, near Hamilton's bog meadow, about a south-easterly course, to the road leading from Snufftown to the Franklin furnace; then to follow the course of the old road to Snufftown, as far as may be deemed expedient; and that they be also authorized and empowered to alter the course of said road, so as to run from near Hennion's bridge, in the county of Passaic, around the foot of the hill to near the house of Henry A. Vreeland; *provided*, that the said directors shall first obtain the consent of the owners of the land over which the alterations in the said road may run; *and provided also*, that the said directors shall cause maps and surveys of the said alterations to be made and filed in the offices of the clerks of the counties of Sussex and Passaic; *and provided also*, that the said directors shall not put up, or cause to be put up, any gate on that part of the said turnpike which follows the course of the old Franklin and Snufftown road.

Directors authorized to alter the course of road.

Proviso.

2. *And be it enacted*, That the said turnpike road, as at present located, between the points where the routes of the same, as altered, shall be vacated when and as soon as the alterations aforesaid are made.

Former road to be vacated.

3. *And be it enacted*, That the directors of said turnpike road be, and they are hereby authorized and empowered to cause a map to be made of their said turnpike road, from the survey now on file in the office of the secretary of state, or a certified copy thereof; and that said map, when made and filed in the office of the secretary of state, shall have the same force, effect, and validity as the map directed to be made and filed in and by the act to which this is a supplement could or would have.

Map of road to be made and filed.

4. *And be it enacted*, That the account of receipts and expenditures of said company, filed with the secretary of state, be deemed and taken, and have the like force and effect, as the accounts required to be filed by the directors at the end of every ten years, in and by the act to which this is a supplement, would or could have; and that no forfeiture or disability shall arise or accrue to the said Paterson and Hamburg Turn-

No forfeiture to accrue for want or loss of original map.

pike Company by reason of the want or loss of the said original map, and of the oath required by the act to which this is a supplement, to be taken and filed by the commissioners who located the said turnpike road, or for or by reason of the neglect to file the accounts required to be filed at the end of every ten years, in and by the act aforesaid.

Directors authorized to erect gates.

5. *And be it enacted*, That the directors of said company be, and they are hereby authorized and empowered to erect two gates on six miles of said road, between Pompton and Paterson, where they may be deemed expedient, subject to be removed at the orders of the directors of said company, and to ask and receive the same amount of toll that they may be entitled to receive at one gate, as authorized in and by the act to which this is a supplement; and that all the provisions of the last mentioned act shall apply to and extend to the gates authorized, and which may be erected under and by virtue of this act.

Approved, February 6, 1846.

AN ACT for the relief of Thomas Goltrey, of the county of Somerset.

Pension of \$60 per annum to T. Goltrey.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is authorized and required to pay to Thomas Goltrey, of the county of Somerset, a soldier of the Revolutionary war, or his order, the sum of sixty dollars per annum, during his natural life, in semi-annual payments, of thirty dollars each, the first payment to be made the first day of March next; and the receipt of the said Thomas Goltrey, or his order, shall be a sufficient voucher to the treasurer, in the settlement of his accounts.

Approved, February 6, 1846.

AN ACT to incorporate the New Jersey Historical Society.

Preamble.

WHEREAS the persons herein after named, and others, have formed themselves into an association, under the name and

title of "the New Jersey Historical Society," the object of which society is "to discover, procure, and preserve whatever relates to any department of the history of New Jersey, natural, civil, literary, or ecclesiastical, and generally of other portions of the United States;" and whereas the said society has, by its executive committee, presented a memorial to the legislature, praying for an act of incorporation, that the purposes of said society may be the more effectually subserved—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel V. McLean, Peter D. Vroom, Eli F. Cooley, Amzi C. McLean, Richard S. Field, Stacy G. Potts, Henry W. Green, Aaron A. Marcelus, Nicholas Murray, William P. Robeson, William B. Kinney, Thomas Gordon, James T. Sherman, William A. Whitehead, George W. Doane, and their associates, who now are, and such other persons as shall hereafter become members of the said society, shall be, and are hereby ordained, constituted, and declared a body corporate and politic, by the name of "the New Jersey Historical Society;" and that, by that name, they and their successors for ever hereafter shall and may have succession, and, by the same name, be capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of law and equity, in all manner of actions, suits, complaints, and matters whatsoever; and that they and their successors may have a common seal, and the same break, alter, change, and renew at their pleasure; and, by the same, shall be for ever hereafter capable in law to purchase, take, hold, receive, and enjoy, to them and their successors, any lands, tenements, hereditaments, goods, chattels, or estate, real or personal, of whatever nature or quality, in fee-simple, for life or lives, or for years, or in any other manner whatsoever; *provided always*, that the yearly income or value of the said real or personal estate, or both, do not at any time exceed the sum of two thousand dollars.

Names of corporators.

Style.

2. *And be it enacted*, That they and their successors shall, by the same name, have power and authority to give, grant, bargain, sell, demise, release, and convey to others the whole or any part of such real or personal estate, on such terms and in such manner and form as the said society may deem eligible to subserve and promote the purposes and design of said society; and that they and their successors shall have power, from time to time, to abolish any of the offices or appointments herein after mentioned, and create others in their room, with such powers and duties as they may think fit to confer and prescribe, and shall have power, from time to time, to make, constitute, and ordain such constitution, by-laws, ordinances,

General powers.

and regulations as they shall judge proper for the election of officers, the election and admission of new members, for the government and regulation of the officers and members, for fixing the times and places of the meetings of the said corporation, and the same, from time to time, to alter, change, repeal, revoke, and annul, at their pleasure; and that the constitution and by-laws, rules and regulations, of the society heretofore made and adopted, and now existing, shall and may remain in force until altered or repealed by the said corporation; *provided*, that such by-laws and constitution, made, or to be made, by the said corporation, shall not be repugnant to the constitution and laws of the United States or of this state.

Act to be a public act.

3. *And be it enacted*, That this act shall be, and is hereby declared to be a public act, and shall be construed most favourably to promote the purposes and designs of the said society; and that no misnomer of the said corporation, in any deed, will, testament, gift, grant, demise, or other instrument of contract or conveyance, shall vitiate or defeat the same; *provided* the said corporation shall be sufficiently described to show the intention of the parties.

Limitation. Proviso.

4. *And be it enacted*, That this act shall be and remain in full force until the year of our Lord one thousand nine hundred; *provided nevertheless*, that in case the aforesaid society shall at any time appropriate their, or any part of their funds to any purpose or purposes other than those contemplated by this act, and shall be thereof convicted by due course of law, that thenceforth the said corporation shall cease and determine, and the estate, real and personal, whereof it may be seized and possessed shall vest in the people of this state.

Approved, February 6, 1846.

AN ACT to set off from the townships of Stafford and Dover, in the county of Monmouth, a new township, to be called the township of Union.

Boundaries of township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the townships of Stafford and Dover, in the county of Monmouth, lying within the following boundaries, that is to say: beginning at the sea, and running first a due west course to the southerly point of

Harvest-point; thence north, forty-five degrees west, crossing the bay to the main meadows; thence north-easterly, along the edge of the same, to the north of Gunning river; thence up said river, its various courses, to the north of Fresh creek; thence up said creek, its various courses, to the northline of a tract of land known as the Fresh creek lot, now owned by the heirs or devisees of Samuel G. Wright, deceased, and others; thence westerly, along said line, to the westerly end thereof; thence north, fifty-two degrees and fifty minutes west, along a line, known as the Ogden line, to a stone, being the second corner of a tract of land, known as the Ogden tract, standing on a course north, ten degrees and twenty-one minutes east, eight chains and seventy-five links, from a large stone standing on Par's cabin knoll; thence north-westerly to the north-west corner of a tract of land that Joseph W. Pharo purchased of the executors of Samuel Pharo, deceased; thence north, fifty degrees west, one hundred and eight chains and twenty-seven links, to a stone in the west line of Sunman's patent; thence north, seventy degrees west, to the Burlington county line; thence, up and along said county line, to intersect with a due west course from the head of the main southerly branch of Cedar creek, known as Factory branch; thence a due east course to the head of said Factory branch; thence down and along said branch and creek to the bay; thence a due east course to the sea; thence southerly, along the edge of the same, to the beginning, is hereby set off from the said townships of Stafford and Dover, and erected into a separate township, to be called and known by the name of "the township of Union."

2. *And be it enacted*, That the inhabitants of the said township of Union 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 Union, in the county of Monmouth," shall be vested with and entitled to all the rights, power, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in the said county of Monmouth.

Township incorporated.

3. *And be it enacted*, That the inhabitants of the township of Union shall hold their first annual town meeting at the public house now kept by Benjamin Predmore, in the village of Waretown, on the day appointed by law for holding the annual town meetings in the other townships of the county of Monmouth, and afterwards at such place in the township of Union as the said inhabitants shall determine, in the manner prescribed by law.

Time and place of holding first town meeting.

4. *And be it enacted*, That all paupers who may be chargeable to the said townships of Stafford and Dover, at the time when this act shall go into operation, shall thereafter be charge-

Settlement of paupers.

able to, and supported by that township within the bounds of which they have acquired their settlements respectively, or in which the said paupers may have resided at the time of acquiring their respective settlements; and all persons whose present settlements are in the said townships of Stafford and Dover, and who shall hereafter become chargeable as paupers, shall be supported by that one of the said townships of Union, Stafford, and Dover, within the bounds of which they respectively resided at the time of acquiring their settlements.

Allotment of property.

5. *And be it enacted*, That the poor-house farm, and all other real and personal property now belonging to the said township of Dover, shall hereafter belong to the townships of Union and Dover, in proportion to the number of inhabitants residing within the limits of each, and who are now residents in the township of Dover, according to the last census, and shall be owned and held by them in common; all the real and personal property now belonging to the township of Stafford shall hereafter belong to the townships of Union and Stafford, in the same proportion and manner as above mentioned and described.

Committee to allot and divide property.

6. *And be it enacted*, That the township committees of the said townships of Stafford, Dover, and Union shall meet on the fourth Monday in April next, at ten o'clock in the forenoon, at the house of Benjamin Predmore, in the township of Union, and shall then and there proceed by writing, to be signed by a majority of those present, to allot and divide between the said townships all the property and moneys on hand or due, in proportion to the number of inhabitants residing within the limits of each, and who are now resident within the respective limits of the said township, according to the last census; and shall also ascertain and determine which of the paupers now supported by the townships of Stafford and Dover shall have their residence in that part of said townships hereby set off as the township of Union, and may adjourn from time to time, and to such time and place, as a majority of those assembled may think proper; and the inhabitants of the said township of Union shall be liable to pay their just proportion of the debts, if any there should be, and to support and maintain the paupers so allotted to them; and if any of the persons composing either of the town committees 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.

Township committee of Union to release right, &c.

7. *And be it enacted*, That the township committee of the said township of Union shall have power, and they are hereby authorized and empowered, to sell and release to the said townships of Stafford and Dover, respectively, all the right, share,

and interest of the said township of Union in and to the property, both real and personal, now belonging to the said townships, respectively, or any part thereof, for such sum or sums as may be agreed upon by the committees of the townships interested, and to make and deliver good and sufficient deed or deeds for the same.

8. *And be it enacted*, That nothing in this act contained shall be construed to impair or in any wise affect the rights of the said township of Union in and to any portion of the surplus revenue of the general government, to which the said township may now or at any time hereafter be entitled, in the distribution of said surplus revenue. Rights of township of Union to surplus revenue not impaired.

9. *And be it enacted*, That this act shall take effect on the second Tuesday of March next. Act, when to take effect.

Approved, February 7, 1846.

Supplement to an act authorizing the incorporating of the Easton Water Company,

AN ACT giving the assent of this state to the act of the legislature of Pennsylvania entitled, "Supplement to an act authorizing the incorporating of the Easton Water Company," passed March twenty-fourth, eighteen hundred and seventeen.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assent of this state be, and the same is hereby given to the second section of the act of the legislature of the state of Pennsylvania entitled, "Supplement to an act authorizing the incorporating of the Easton Water Company," passed the fifteenth day of January, in the year of our Lord one thousand eight hundred and forty-six; and said second section is hereby adopted, ratified, and confirmed by this state, and the provisions thereof shall be in full force and effect in this state, and said section shall be annexed to, and published with this act; and the governor shall transmit an attested copy of this act to the governor of the commonwealth of Pennsylvania. Assent of the state to act of the legislature of Pennsylvania.

Supplement to "An act authorizing the incorporating of the Easton Water Company," passed March twenty-fourth, eighteen hundred and seventeen, passed by the legislature of

Pennsylvania, on the fifteenth day of January, in the year of our Lord one thousand eight hundred and forty-six.

Wing-wall and
dam authorized.

SEC. 2. That said company is hereby authorized to construct a wing-wall and dam in the river Delaware, at any point north of the confluence of said river and the Bushkill creek and the northern line of the borough of Easton, from the western shore of said river to the western shore of a small island called Easton Island, a distance of about one hundred feet, and to construct such other works, reservoirs, connecting pipes, conduits, and machinery, in or adjacent to said river, and in or adjacent to said borough, under the provisions of the act to which this is a supplement, as may be necessary for pumping, conducting, retaining, and supplying a sufficiency of water to the inhabitants of said borough; *provided*, that the construction authorized by this act shall be so made as not in any way to obstruct or impair the navigation of said river; nor shall any water be withdrawn from said river for the purpose of creating water-power for propelling machinery for manufacturing purposes; *and provided also*, that said company shall not withdraw any water from the river Delaware, excepting for the purposes mentioned in this act.

Approved, February 11, 1846.

AN ACT to confirm the last will and testament of Berret Havens, late of the county of Sussex, deceased.

Preamble.

WHEREAS it appears to the legislature, that Doct. Berret Havens, late of the county of Sussex, deceased, departed this life on the twenty-third day of December, in the year of our Lord one thousand eight hundred and forty-five, seized and possessed of a handsome real estate in the said county of Sussex, and of a large personal estate, having first made and executed his last will and testament in writing, bearing date the twelfth day of July, in the year of our Lord one thousand eight hundred and thirty; and it appearing, by the said will, that having disposed of almost all his personal estate among his collateral relatives, the said testator did give and devise to James C. Havens, his son, certain real estate, therein mentioned, but that, by reason of the said will having been attested in the presence of two witnesses only, it is insufficient to pass real estate; and whereas

the heirs-at-law, legatees, and other persons interested in the said estate, together with the executors of the said will, have petitioned the legislature to aid them in giving effect to the clearly expressed intention of the said testator, by confirming the said will, and it appearing to be just and reasonable that the intentions of the said testator should not be defeated—therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said last will and testament of the said Berret Havens, late of the township of Wantage, in the county of Sussex, deceased, bearing date on the twelfth day of July, in the year of our Lord one thousand eight hundred and thirty, and the several bequests and devises therein contained, be confirmed in all things; and that the same are hereby declared to be as good, valid, and effectual in law as if the said last will and testament had been signed and published by the said testator in the presence of three subscribing witnesses, in the manner prescribed by law.

Will of B. Havens confirmed.

Approved, February 12, 1846.

A further supplement to an act entitled, "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," passed the twenty-first of February, seventeen hundred and ninety-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants who are or shall be qualified by law to vote at town-meetings in the county of Cape May, shall have full power, and they are hereby directed and required, to assemble and hold town meetings in the respective townships in said county, on the first Tuesday in March annually.

Time of holding annual town meetings.

2. *And be it enacted*, That so much of the third section of the act to which this is a supplement, as relates to the county of Cape May, is hereby repealed.

Part of former act repealed.

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

Act, when to take effect.

Approved, February 13, 1846.

AN ACT concerning corporations.

Powers of corporations.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That every corporation, as such, shall be deemed to have power—

1. To have succession, by its corporate name, for the period limited in its charter, and when no period is limited, perpetually, except so far as the constitution otherwise provides concerning banks or money corporations;

2. To sue and be sued, complain and defend, in any court of law or equity;

3. To make and use a common seal, and alter the same at pleasure;

4. To hold, purchase, and convey such real and personal estate, as the purposes of the corporation shall require, not exceeding the amount limited in its charter;

5. To appoint such subordinate officers and agents as the business of the corporation shall require, and to allow them a suitable compensation;

6. To make by-laws, not inconsistent with the constitution or laws of the United States or of this state, for the management of its property, the regulation of its affairs, and for the transfer of its stock.

2. *And be it enacted*, That the powers enumerated in the preceding section shall vest in every corporation that shall hereafter be created, although they may not be specified in its charter, or in the act under which it shall be incorporated.

3. *And be it enacted*, That in addition to the powers enumerated in the first section of this act, and to those expressly given in its charter, or in the act under which it is or shall be incorporated, no corporation shall possess or exercise any corporate powers, except such as shall be necessary to the exercise of the powers so enumerated and given.

Corporation not to exercise banking powers, unless expressly authorized.

4. *And be it enacted*, That no corporation, created or to be created, shall, by any implication or construction, be deemed to possess the power of discounting bills, notes, or other evidences of debt, of receiving deposits, of buying gold or silver bullion or foreign coins, of buying and selling bills of exchange, or of issuing bills, notes, or other evidences of debt, upon loan or for circulation as money, unless such corporation is or shall be expressly incorporated for banking purposes, or unless such powers are or shall be expressly given in its charter.

Stockholders to pay their pro-

5. *And be it enacted*, That where the whole capital of a corporation shall not have been paid in, and the capital paid shall be insufficient to satisfy the claims of its creditors, each

stockholder shall be bound to pay on each share held by him the sum necessary to complete the amount of such share, as fixed by the charter of the company, or such proportion of that sum as shall be required to satisfy the debts of the company.

portion of sum necessary to discharge debts of company.

6. *And be it enacted*, That the charter of every corporation which shall hereafter be granted by the legislature, shall be subject to alteration, suspension, and repeal, in the discretion of the legislature.

Charter may be altered, &c.

7. *And be it enacted*, That it shall not be lawful for the directors of any bank, or moneyed or manufacturing corporation in this state, to make dividends, except from the surplus profits arising from the business of the corporation, nor to divide, withdraw, or in any way pay to the stockholders, or any of them, any part of the capital stock of the said corporation, nor to reduce the said capital stock without the consent of the legislature; and in case of any violation of the provisions of this section, the directors under whose administration the same may happen shall, in their individual and private capacities, jointly and severally, be liable to the said corporation, and to the creditors thereof, in the event of its dissolution or insolvency, to the full amount of the capital stock so divided, withdrawn, paid out, or reduced, with legal interest on the same from the time such liability accrued; *provided*, that any of the said directors who may have been absent when the same was done, or who may have dissented from the act or resolution by which the same was done, may respectively exonerate themselves from such liability, by causing their dissent to be entered at large on the minutes of the said directors, at the time the same is done, or forthwith after they shall have notice of the same, and by causing a true copy of the dissent so entered on the minutes to be published, within two weeks after the same shall have been entered on said minutes, in some public newspaper published in the county where the said corporation has its office or place of business; and if none be published in such county, then in a newspaper printed in an adjoining county, and circulating in the neighbourhood of such office or place of business of said corporation; *and provided also*, that this section shall not be construed to prevent a division and distribution of the capital stock of the corporation, which shall remain after the payment of all its debts, upon the dissolution, of the corporation or the expiration of its charter.

Directors of banks not to divide capital stock.

Penalty.

Proviso.

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

Act, when to take effect.

Approved, February 14, 1846.

A supplement to "An act to set off from the township of South Amboy, in the county of Middlesex, a new township, to be called the township of Monroe," passed February twenty-third, eighteen hundred and thirty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the river Matchaponix shall remain the north and north-easterly boundary line of the township of Monroe, in the county of Middlesex, to the point at which the stream of water, or brook, known by the name of the Reedy bog run empties into said Matchaponix river, at the beginning corner of the lands of Charles Abraham; thence the northerly boundary line of said township shall follow the course of the said Reedy bog run till it reaches the road leading from Englishtown to Old bridge; thence, up said road, to the division line between the counties of Middlesex and Monmouth, the residue of said township line remaining as heretofore by said act provided.

Boundaries of township.

2. *And be it enacted*, That that part of said act to which this is a supplement, which is inconsistent with this act, is hereby repealed.

Part of former act repealed.

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

Act, when to take effect.

Approved, February 14, 1846.

AN ACT for the relief of Asher Hart, of the county of Mercer

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is authorized and required to pay unto Asher Hart, of the county of Mercer, a soldier of the Revolutionary war, or his order, the sum of sixty dollars per annum, during his natural life, in semi-annual payments, of thirty dollars each, the first payment to be made the first day of March next; and the receipt of the said Asher Hart, or his order, shall be a sufficient voucher to the treasurer, in the settlement of his accounts.

Pension of \$60 per annum to A. Hart.

Approved, February 14, 1846.

A supplement to an act entitled, "An act to release to Betsey Cook the right and title of the state of New Jersey to certain land and premises in the township of Saddle River, in the county of Bergen," approved April second, eighteen hundred and forty-five.

WHEREAS it is stated in the title, preamble to, and first section of the act to which this act is a supplement, that the land and premises therein mentioned are situate in the township of Saddle River, in the county of Bergen; and whereas said land and premises, to which the right and title of the state of New Jersey were by said act intended to be released, are situate in the township of Lodi, in said county, and not in the township of Saddle River—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the aforesaid act be construed as if the word Lodi were substituted for the words "Saddle River;" in the title, preamble to, and first section of said act; and said title, preamble, and first section are modified accordingly, anything therein contained to the contrary in any wise notwithstanding.

2. *And be it enacted*, That the legal title in fee-simple to said land and premises shall vest in the said Betsey Cook, her heirs and assigns, as soon as the administrator, named in the act to which this is a supplement, shall execute and deliver to her a deed for the same.

Approved, February 16, 1846.

AN ACT for the relief of Elizabeth Weatherby, of the county of Burlington.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby authorized and directed to pay to Elizabeth Weatherby, widow of William Weatherby, a soldier of the Revolutionary war, or her order, thirty dollars per annum during her natural life, in semi-annual payments of fifteen dollars each, the first payment to be made on the tenth day of March, eighteen hundred and forty-six.

Approved, February 16, 1846.

AN ACT to incorporate the Gloucester Land Company.

Preamble.

WHEREAS it is represented to the legislature, that John Rodman Paul, Callender Price, Thomas S. Newlin, Benjamin Marshall, John Siter, Richard Price, Joseph Price, junior, Richard Ashhurst, Lewis R. Ashhurst, John Ashhurst, John R. Worrell, James C. Worrell, Gideon Scull, David S. Brown, Robert F. Walsh, Benjamin T. Tredick, William Woodnutt, Charles W. Churchman, Mordecai D. Lewis, Robert Wharton Sykes, Thomas Sparks, and Samuel R. Simmons are the owners of a tract of land, containing about one hundred and fifty acres, situated on the river Delaware, at Gloucester Point, in the township of Union, in the county of Camden, New Jersey, and have laid out the same into building lots, streets, and sites for manufacturing purposes, with the view of erecting a town, to be called "Gloucester;" and already there have been established two large steam cotton manufactories, and other manufactories, and lots have been sold, upon which about one hundred substantial stores and dwelling-houses are now built, and they intend to sell building lots to all who are disposed to purchase in said town; and whereas it is indispensable that no obstacle should exist to the making of good and sufficient titles for said lots, by reason of death or other causes affecting the individuals now owning said land—therefore,

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Rodman Paul, Callender Price, Thomas S. Newlin, Benjamin Marshall; John Siter, Richard Price, Joseph Price, junior, Richard Ashhurst, Lewis R. Ashhurst, John Ashhurst, John R. Worrell, James C. Worrell, Gideon Scull, David S. Brown, Robert F. Walsh, Benjamin T. Tredick, William Woodnutt, Charles W. Churchman, Mordecai D. Lewis, Robert Wharton Sykes, Thomas Sparks, Samuel R. Simmons, and their successors, shall be, and they are hereby incorporated and made a body politic and corporate, in fact and in name, by the name of "the Gloucester Land Company;" and, by that name, shall have perpetual succession; and be capable in law of purchasing, for the use of said company, and of holding and conveying such real and personal property as may be necessary for the objects of this incorporation; may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of law and equity; and may receive and make all deeds, conveyances, grants, transfers, covenants, contracts, agreements, and bargains, whatsoever, necessary for the said purposes; and may have and use a common seal, which they

Style of incorporation and general powers.

shall have power to renew and alter at pleasure; and, generally, do any act or thing necessary to carry into effect the provisions of this act, and promote the objects and designs of said company, as authorized by this act.

2. *And be it enacted*, That the stockholders of said company shall meet annually, on the second Monday of May, at Gloucester, two weeks' previous notice of the time and place of meeting having been given in a newspaper published in the county of Camden, and shall then and there proceed to elect, by ballot, such number of directors as their by-laws shall direct, to serve for the term of one year and until others are chosen in their places; and said election shall be made by such of the stockholders of said company as shall attend for that purpose, either in person or by proxy, each share of stock to entitle the holder thereof to one vote; the directors so chosen shall elect one of their number to be president of the board of directors of said company, and, in case of vacancy or absence, the office shall be filled by such person or persons as the remainder of the directors, or a majority of them, may appoint; if an election shall not be held at the time so appointed, it may take place at any future time, on the like notice.

Time and mode
of annual election
for directors.

3. *And be it enacted*, That the stockholders may meet at any time after the passage of this act (due notice in writing having been previously given to each stockholder), for the purpose of organizing said company, and of electing directors, to hold their office until the annual meeting on the second Monday of May next, or until others shall be chosen in their places.

Meeting for
election of first
directors.

4. *And be it enacted*, That, so soon as the said company shall be organized, the said John Siter and Samuel R. Simons, who now hold the same in trust for the owners, shall convey to the said company, by their corporate name, the residue of said lands unsold, and shall assign and transfer to the said company all bonds, mortgages, or other securities held by them, and pay over all moneys received by them for lands sold, first deducting therefrom all costs and expenses attending such sales; and the said company are hereby authorized to purchase and hold such lands adjoining the above described premises, which, by forming angles and projections into their plot, mar the regularity and beauty of the whole, and such lands as may be necessary to reclaim portions of their property now flooded by the tide; *provided* the lands to be purchased shall not exceed thirty acres in the whole.

Trustees to
convey lands,
&c., to company.

5. *And be it enacted*, That the said company are authorized to improve the above described premises, and any other lands

Company authorized to lay
out lots, &c.

hereby authorized to be purchased, by laying out the same in lots, streets, squares, blocks, lanes, alleys, or other divisions, and levelling, raising, and grading streets; and they shall have liberty to fill up, occupy, possess, and enjoy all lands covered with water fronting and adjoining the premises, that may now be owned, or may hereafter be purchased by them, and may construct thereon wharves, harbours, piers, slips, or other structures necessary for commercial and shipping purposes.

Powers of directors.

6. *And be it enacted*, That the directors shall have full power to make by-laws, and to appoint such officers and agents as they shall deem expedient for the well conducting and transacting the business of the company, to declare and provide for the payment of dividends to the stockholders, and in general to superintend the business and concerns of the company; *provided* such by-laws shall not be repugnant to the constitution and laws of this state or of the United States.

Amount of capital stock.

7. *And be it enacted*, That the capital stock of the said company shall be fifty thousand dollars, to be divided into shares of one thousand dollars each, and shall be deemed personal property, transferable only on the books of the company, in such manner as the by-laws shall direct; and nothing herein contained shall be construed to restrict the legislature from imposing any tax upon the property of the company; and no part of the capital stock shall be used for banking purposes, or for any other purposes not clearly indicated by this act.

Deeds to contain restrictions

8. *And be it enacted*, That the deeds to be made by the company, for property hereafter to be sold, shall each contain a clause prohibiting the making, selling, or vending malt or spirituous liquor, similar to the clause contained in the deeds for lots heretofore sold by the said John Siter and Samuel R. Simmons.

Proceeds of sales to be invested.

9. *And be it enacted*, That the proceeds of all sales of lands shall be invested in bonds and mortgages, or other securities, until they shall amount to fifty thousand dollars, after which, the interest arising from said investment, together with the further proceeds of the sales of lots, may be divided among the stockholders, until the said land is all disposed of, after which the capital stock shall be divided among the stockholders, and this charter shall cease and determine; *provided* no division of the capital stock shall be made until all the debts of said company shall be paid.

Limitation.

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

Approved, February 16, 1846.

AN ACT for the relief of Merick Martin, of the county of Middlesex.

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 authorized and required to pay Merick Martin, of the county of Middlesex, a soldier of the Revolutionary war, or his order, the sum of sixty dollars per annum, during his natural life, in semi-annual payments, of thirty dollars each, the first payment to be made the first day of April next; and the receipt of the said Merick Martin, or his order, shall be a sufficient voucher to the treasurer, in the settlement of his accounts.

Pension of \$60
granted to M.
Martin.

Approved, February 16, 1846.

AN ACT to incorporate the Croton Manufacturing Company at Springfield, in the county of Essex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Wright, John H. Stephens, Joel W. Condit, William Pierson, Samuel Condit, and such other persons as may hereafter be associated with them, and their successors, are hereby constituted a body politic and corporate, in fact and in name, by the name of "the Croton Manufacturing Company of Springfield, New Jersey," to be located in the township of Springfield, in the county of Essex, for the purpose of manufacturing furs, woollen and cotton goods, and generally all articles manufactured from all or either of those articles, and to rent and sell water-power; and, by the same name, they and their successors shall be capable, in law of suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts of justice or any other place whatever; and they and their successors, in their corporate name, shall be able and capable to acquire, purchase, receive, have, hold, and enjoy any lands, tenements, hereditaments, and estate, real and personal, of whatever kind and quality soever, within the said township of Springfield, necessary or useful for creating water-power and for the aforesaid manufacturing operations, and all other real estate mortgaged to said corporation by way of security, or

Names of corporators.

Style and general powers.

conveyed to them in satisfaction of debts contracted or purchased at sales upon judgments or decrees obtained for debts due, and the same to sell, mortgage, and dispose of at pleasure.

Amount of capital stock.

2. *And be it enacted,* That the capital stock of said corporation shall be five hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and shall be transferable in such manner as the by-laws of the said corporation shall direct; and books of subscription to the capital stock of said corporation shall be opened by the above named persons, or a majority of them, at the house of David Jones, innkeeper, in the township of Springfield, in the county of Essex, at such time or times as they, or a majority of them, may think proper, they first giving thirty days' notice of the opening of said books in one or more of the newspapers published in the county of Essex; and at the time of subscribing for such stock, five dollars on each share subscribed shall be paid; as soon as five hundred shares of the said capital stock shall have been subscribed and paid for, as aforesaid, the above named persons, or a majority of them, shall give notice, by public advertisement in two of the newspapers printed in the county of Essex, at least ten days, for a meeting of the stockholders to choose five directors, three of whom, at least, shall be citizens and residents of this state, each share of the capital stock entitling the holder thereof to one vote; and said election shall be made by such of the stockholders as attend for that purpose, either in person or by proxy; and the persons having the greatest number of votes at all elections, being stockholders in said corporation, shall be directors, and shall hold their offices for one year or until others are elected; and annually thereafter, the stockholders shall meet to elect directors, upon notice given as aforesaid.

Powers and duties of directors.

3. *And be it enacted,* That the directors, or a majority of them, shall be competent to transact all business of the said corporation, and shall have power to call in the capital stock of said corporation by instalments, not exceeding ten dollars on each share at any one time, at such times as they may direct, giving at least two weeks' notice of the payment of each instalment, by advertisement in one of the newspapers printed in the county of Essex; and in case of the non-payment of the said instalments, or any of them, by the stockholders, all previous payments shall be forfeited; and the said directors, or a majority of them, may make such rules, by-laws, and regulations, not repugnant to the constitution or laws of this state or of the United States, touching the management of the stock, property, estate, and effects of the said corpo-

ration, as they shall think needful and proper; and shall have power to appoint a president and such other officers as to them shall seem meet.

4. *And be it enacted*, That as soon as the sum of twenty-five thousand dollars of the said capital stock shall be subscribed and paid, in lawful money or current bank notes, and an affidavit thereof, signed by a majority of the directors, shall be filed in the office of the secretary of state, it shall be lawful for the said company to commence their said business.

When company can commence business.

5. *And be it enacted*, That the president and a majority of the directors, with the treasurer of said company, shall, within thirty days after they commence operations, make a certificate, stating the amount of the capital paid in; which certificate shall be signed and sworn to by the president and treasurer and a majority of the directors, and they shall, within thirty days, record the same in the record of deeds for the county of Essex; and a like certificate, signed and sworn to as before, shall be recorded in the aforesaid record of deeds, in the month of January of every year, of the amount of the capital stock invested, until the whole amount shall be paid in.

Certificate of amount of capital paid in to be made and recorded.

6. *And be it enacted*, That in case it should happen at any time that an election should not be made on the day that pursuant to this act it ought to be made, the corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election some future day.

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

7. *And be it enacted*, That it shall not be lawful for the directors of the said company to make dividends, except from the surplus profits arising from the business of the company; and in case of any violation of the provisions of this section, the directors under whose administration the same may have happened, except those who may have caused their dissent therefrom to be entered at large on the minutes of the said directors at the time, shall, in their individual and private capacities, jointly and severally, be liable to the said company, and to the creditors thereof, in the event of its dissolution or insolvency, to the full amount of the capital stock so divided, withdrawn, paid out, or reduced, with legal interest on the same from the time such liability accrued; *provided*, that this section shall not be construed to prevent a division and distribution of the capital stock of the company which shall remain, after the payment of all its debts, upon the dissolution of the company, or the expiration of its charter.

Dividends not to be made, except from surplus profits.

8. *And be it enacted*, That the above named persons, and such other persons as may be hereafter associated with them, and their successors, shall enjoy all the privileges and franchises incident to a corporation, for the purposes aforesaid; and

Capital stock not to be used for banking.

shall be capable of holding their capital stock, and the increase and profits thereof, in such manner and form as they shall think proper and conducive to the interest of the stockholders and of the public; *provided*, that no part of the capital stock of the said company shall be used for banking purposes.

Limitation.

9. *And be it enacted*, That this act shall not continue in force longer than thirty years, and it shall be lawful for the legislature at any time to alter, modify, or repeal the same.

Approved, February 16, 1846.

AN ACT to incorporate Burlington College.

Names of corporators.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That George Washington Doane, Garret D. Wall, Isaac B. Parker, Reuben J. Germain, Benjamin I. Haight, John D. Ogilby, Edmund D. Barry, Richard S. Field, Elias B. D. Ogden, William Wright, Richard W. Howell, George P. McCulloch, James Parker, Charles King, James Potter, Garret S. Cannon, Jonathan J. Spencer, John Joseph Chetwood, Thomas P. Carpenter, Jeremiah C. Garthwait, Abraham Browning, George Y. Morehouse, William Halsted, Daniel B. Ryall, and their successors, being members of the Protestant Episcopal Church, shall be, and they are hereby constituted a body politic and corporate, by the name of "the Trustees of Burlington College;" and, by that name, shall have perpetual succession, and may sue and be sued, implead and be impleaded; and may purchase and hold property, whether acquired by purchase, gift, or devise, and whether real, personal, or mixed; and may make and have a corporate seal, and the same break and alter at their pleasure; and shall have all other rights belonging to similar corporations by the law of this state.

Style.

General powers.

Object.

2. *And be it enacted*, That the object of said association is hereby declared to be the advancement of education.

Trustees.

3. *And be it enacted*, That the entire management of the affairs and concerns of the said corporation, and all the corporate powers hereby granted, shall be, and hereby are vested in a board of twenty-four trustees, a majority of whom shall always be citizens and inhabitants of this state; and a majority of the trustees shall constitute the necessary quorum for the

transaction of all business matters connected with the said institution; the persons named in the first section of this act to be the first trustees; the governor of the state for the time being to be also a trustee ex officio and the president of the board; *provided*, that the president or the principal officer, by whatever name called, of the said college shall always be a trustee and citizen and inhabitant of this state.

4. *And be it enacted*, That the trustees shall hold their first meeting at the call of the trustee first named, and shall have power from time to time to enact by-laws, not repugnant to the constitution or laws of the United States or of this state, or to this act, for the regulation and management of the said corporation or college, to fill up vacancies in the board, and to prescribe the number and description, the duties and powers, of the officers, the manner of their appointment, and the term of their office; and special meetings of said trustees may be called by the president, or any six or more of said trustees, upon ten days' notice in writing of the time and place thereof being given or sent to each of said trustees.

Duties of trustees.

5. *And be it enacted*, That, for the purpose of carrying out the object declared in the second section of this act, the said corporation shall have power from time to time to purchase, take, and hold real and personal estate, and to sell, lease, and dispose of the same; *provided* the annual value shall not exceed the sum of twenty thousand dollars.

Corporation may purchase real estate.

6. *And be it enacted*, That the said corporation shall have and possess the right and power of conferring the usual academic and other degrees granted by any other college in this state.

Corporation may confer degrees.

Approved, February 27, 1846.

Et

AN ACT to incorporate the Maurice River Steamboat Company of New Jersey.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That David Kimsey, Joshua Brick, Joseph Taylor, Stephen A. Garrison, William S. Townsend, William G. Leake, Ebenezer Westcott, junior, and all such persons as are now members or partners of an association, called and known by the name of the Maurice River Steam-

Names of incorporators.

Style and general powers.

boat Company of New Jersey, and their successors and assigns, be, and they are hereby made and declared to be a corporation and body politic, by the name, title, and designation of "the Maurice River Steamboat Company of New Jersey;" and by that name may have continued succession, may make and have a common seal, and shall be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere; and may have full power, right, and legal authority to purchase, build, hold, occupy, and convey any steamboat or boats, lands, tenements, hereditaments, and real and personal estate, whatsoever, which shall or may be necessary to carry into effect and operation the objects of the said corporation, as herein after declared.

Joint stock, &c. vested in corporation.

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

Proviso.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said corporation shall not exceed seventy-five thousand dollars, which shall be divided into shares of fifty dollars each; the capital stock of the said association is to be taken as a part of the said sum of seventy-five thousand dollars; and the members of the said association are to receive so many shares of the said stock of the said corporation as will equal in amount the stock which they now respectively own in the said association; and the said capital stock is to be employed in running one or more steamboats from Millville, in the county of Cumberland, to the city of Philadelphia and elsewhere, and is to be vested in the purchase or building of one or more steamboats, with steam engines, boilers, and machinery, and all their rigging, furniture, and apparatus, and in the repairs thereto, and in the purchase, repairing, or building of suitable landings, wharves, and store-houses; and that the said capital stock shall be deemed personal estate, and shall be assignable and transferable upon the books of the said corporation, agreeably to the by-laws for that purpose to be made and adopted.

Capital stock, how to be employed.

Directors, their powers and duties.

4. *And be it enacted*, That David Kimsey, Joshua Brick, Joseph Taylor, Stephen A. Garrison, William S. Townsend, William G. Leake, and Ebenezer Westcott, junior, are hereby declared to be the directors of the said corporation, from the passage of this act until the election is held, as is herein after

provided for; the board of directors for the time being shall have power to elect a president (who shall be a director), a treasurer, and all such officers and agents, and to employ such workmen, artificers, and labourers, as shall be necessary to carry into effect and execute all the powers of this act granted to said corporation, and to allow such compensation as shall be agreed upon, and, if they judge it necessary, to exact and take from their officers and agents bonds for the proper and faithful execution of their several duties and trusts, to and for the faithful performance of their several contracts.

5. *And be it enacted*, That immediately from and after the passage of this act, the said company shall be considered fully organized, and the said directors may proceed to carry into effect the purposes and powers of the said corporation; and the said directors shall have power to make, ordain, and establish such by-laws, rules, and regulations for the said company as to them shall seem expedient, and not inconsistent with the laws of this state or of the United States.

Company organized on the passage of this act.

6. *And be it enacted*, That the residue of the capital stock of said company, or any part thereof, not heretofore disposed of, may be disposed of and taken, at any time hereafter, whenever the stockholders having a majority of the stock may deem it necessary and proper, the amount, however, to be limited by the board of directors for the time being, who are authorized to open books of subscription to said stock, at such time or times and place or places as they, or a majority of them, shall think proper, giving at least twenty days' notice of the time and place of their meeting; and, at the time of subscription, the sum of twenty dollars on each share shall be paid to the directors; and the remainder of such subscription shall be paid at such times and in such instalments as the directors for the time being shall appoint, under the pain of forfeiting all previous payments on such shares, for the use of said company; *provided always*, that no instalment shall exceed twenty dollars on each share, and no two instalments shall be required to be paid within thirty days of each other; *and provided also*, that at least twenty days' notice of the time and place appointed for the payment of each instalment shall be published in one or more newspapers published in the county of Cumberland and in the city of Philadelphia.

Books of subscription to be opened.

Proviso.

7. *And be it enacted*, That the affairs, property, and concerns of the said corporation shall be conducted by seven directors, a majority of whom shall constitute a quorum, and at least four shall be residents in this state, and shall be chosen annually by ballot, by the stockholders, either in person or by proxy, no person to be eligible as a director who shall not be a stockholder in the said company; and in the choice of direct-

Time and place of first annual election.

ors, and in all other cases, each share shall be entitled to one vote; should a vacancy occur at any time in the board of directors, the place shall be supplied by the remaining directors until the next annual election; the first annual election for directors under this charter shall be held at Millville, on the first Monday in May next, ten days' notice thereof being first given in a newspaper published in the county of Cumberland and the city of Philadelphia; and the stockholders, when met, shall choose three persons as judges of election; and all future elections for directors of said corporation shall be held annually, at such time and place as the by-laws shall direct.

Directors to regulate prices of transportation.

8. *And be it enacted,* That the president shall preside at all meetings of said corporation, and if absent, his place may be supplied, for the time he is absent, by the election of any one of the directors; the directors shall have power to fix, determine, and regulate the prices of transportation of passengers, goods, wares, and merchandise, wagons, carriages, vehicles, horses, cattle, stock of every kind and description, and all kinds of produce or other articles that shall be transported in the boat or boats of the said company or corporation; and that the said board of directors shall from time to time declare dividends of so much of the profits of said corporation as they may deem advisable, and pay the sum over to the persons entitled thereto; but no part of the capital stock shall be divided during the continuance of this charter.

Corporation not dissolved for failure to elect on day prescribed.

9. *And be it enacted,* That if 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 such election may be held at any time thereafter, upon notice as aforesaid; and the directors for the time being shall continue, in all cases, to hold their offices until new ones shall have been chosen in their stead; and in all elections for directors of said corporation, stockholders may vote either in person or by proxy.

Not to engage in banking.

10. *And be it enacted,* That the said corporation shall not use or employ any part of the capital stock or other funds for banking or other purposes not clearly indicated in this act, under the penalty of an immediate forfeiture of their charter.

Act may be repealed, &c.

11. *And be it enacted,* That it shall be lawful for the legislature, at any time hereafter, to alter, amend, modify, or repeal this act; and this act shall continue in operation twenty years, from and after the passage thereof, and no longer.

Approved, February 17, 1846.

A supplement to the act entitled, "An act authorizing a sale of part of the state lands at Paterson, for the purpose of several cemeteries," passed February second, eighteen hundred and thirty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the attorney general be, and he is hereby authorized and directed to grant, in behalf of this state, unto "the Trustees of the Roman Catholic St. John's Chapel in Paterson" a conveyance in fee simple, without limitation or condition, for all that lot of land and premises in the township of Paterson, described in a deed from the state of New Jersey to the said trustees, dated September fifth, eighteen hundred and thirty-nine, and recorded in the clerk's office of the county of Passaic, in book I of deeds, pages four hundred and thirty-one and four hundred and thirty-two, and containing three acres, strict measure.

Attorney general authorized to make conveyance of certain lands.

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

Parts of former acts repealed.

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

Act, when to take effect.

Approved, February 18, 1846.

AN ACT to authorize the inhabitants of the township of Bloomfield, in the county of Essex, to vote by ballot at their town meetings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Bloomfield, in the county of Essex, are hereby required to elect by ballot, and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are or may be fixed by law, that is, a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highways, three commissioners of appeal, one or two overseers of the poor, a town committee consisting of five persons, a school committee consisting of three persons, as many jus-

Inhabitants of Bloomfield authorized to vote by ballot.

tices of the peace as the township may be constitutionally entitled to elect, and an equal number of 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 the dog tax, and for the place of holding the next annual town meeting and the election of state and county officers.

Officers of election.

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

Elections, how conducted.

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

Vacancies, &c., how supplied.

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

Clerk of township to be clerk of town committee.

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

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

6. *And be it enacted*, That the overseers of the highways shall be elected by the voters of the several road districts, as they may be arranged from time to time by the town committee; and for the purpose of carrying this provision into effect, it shall be the duty of the town committee to give public notice, as directed in the seventh section of this act, of the time, which shall be within five days after the town meeting, and of the place, which shall be some convenient place in the district, when and where the legal voters of the township residing in such district shall assemble for the purpose of such election, and at which time and place such legal voters, so assembled, having been called to order by any legal voter of the district, shall proceed viva voce, by holding up of hands, or by count, to elect a moderator of such meeting, by plurality of votes, and being so organized, the meeting shall proceed, as in the election of the moderator, to elect an overseer of the highway for the district, being a resident in said district; the moderator of each district meeting shall immediately thereafter notify the town committee, in writing, of the election of such overseer; which committee shall thereupon, in like manner, inform the person so chosen of his appointment; in case of the failure of any district to elect an overseer, or of the person so elected to accept the appointment; the town committee shall fill such vacancy, as in other cases; in case the town committee neglect to give the notice required for the district road meetings, the town committee next elected shall call a special district meeting for the election of such overseer, at a convenient time and place: the overseers of the highways shall account to and settle with the town committee, as now required to do by law.

Overseers of the highways, how elected.

7. *And be it enacted*, That the overseers of the poor and the school committee shall, at least ten days before the town meeting, prepare and lay before the town committee their annual reports, now required by law to be made to the town meeting; and the town committee shall prepare their annual report, and, at least five days before the town meeting; shall have copies thereof, and of the reports of the overseers of the poor and of the school committee, and a notice of the times and places of holding the district road meetings, as required by the sixth section of this act, to be posted up in three of the most public places in the township, and an intelligible abstract thereof to be published in a newspaper circulating in said township, and, in addition thereto, shall also cause a notice of the time and place of holding such district road meeting to be posted up in

Overseers of the poor to make annual report.

some conspicuous place in such district, at least five days before the time of holding such meeting.

Reports to be filed.

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

Act, when to take effect.

9. *And be it enacted*, That this act shall take effect as soon as it becomes a law.

Approved, February 18, 1846.

AN ACT authorizing the administrators of Cornelius C. Cruser, deceased, to convey certain real estate.

Preamble.

WHEREAS it is represented, that Cornelius C. Cruser, late of the county of Middlesex, in the state of New Jersey, deceased; did, in his lifetime, enter into an agreement with Ezekiel Lutes, of the county of Mercer, in the state aforesaid, for the sale and conveyance of all his right, title, and interest in a certain lot of land, situate in the township of West Windsor, in the county of Mercer aforesaid, adjoining the lands of George T. Olmsted and others, containing twelve acres, more or less, whereof the said Ezekiel Lutes was possessed, and now is possessed; by the act of the said Cruser, in his lifetime; and whereas the said Ezekiel Lutes did, at the time of said agreement, and according to the terms thereof, pay to the said Cruser therefor the sum of six hundred dollars, and the said Cornelius C. Cruser departed this life without having made and executed a deed of conveyance for the said property; and whereas letters of

administration have been granted to Eleanor Cruser, widow of the said Cornelius C. Cruser, deceased, and to James Scudder, William V. Scudder, and the said Eleanor Cruser, widow and administratrix, and the said James Scudder and William V. Scudder, administrators, as aforesaid, have prayed for legislative aid in the premises—therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Eleanor Cruser, administratrix, and James Scudder and William V. Scudder, administrators, of Cornelius C. Cruser, deceased, are hereby authorized to make, execute, and deliver to the said Ezekiel Lutes a good and sufficient deed of conveyance of all the estate, right, title, and interest of the said Cornelius C. Cruser of, in, and to the aforesaid lot of land and premises, situate in the township of West Windsor, in the county of Mercer; which said deed shall be as valid and effectual as if the same had been duly executed by the said Cornelius C. Cruser, deceased, in his lifetime.

Administrators
authorized to
make deed, &c.

Approved, February 18, 1846.

AN ACT

to incorporate the Delaware and Hanover Railroad
Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard Jones, William McKnight, and their associates, present and future, with their successors and assigns, shall be, and are hereby made, ordained, and constituted a body corporate and politic, by the name of "the Delaware and Hanover Railroad Company;" and, by that name, shall have continued succession, and shall have power to make and use a common seal, to sue and be sued, to plead and be impleaded, to purchase, hold, and convey lands and tenements, goods and chattels, and to do such other acts and things, possess and enjoy such other powers, privileges, and franchises, as are incident to a corporation and necessary for the purposes of this act.

Names of corporators.

Style and general powers.

2. *And be it enacted*, That it shall and may be lawful for the said company, and they are hereby invested with all the rights and powers proper or necessary to reconstruct, amend, and repair all that certain railroad, heretofore known as the

Company to repair railroad.

Delaware and Atlantic Railroad; to have, hold, use, and occupy the same; to make excavations; to erect and construct embankments and bridges, and all other necessary banks upon and along the route of said road, and the same to repair; to take up and alter, for the purpose of relaying, the timbers and rails of the said road; to sink timbers and lay rails; to level and grade the said road; to carry and transport persons and every species of property thereon; to construct or purchase, and to place thereon, all machines, engines, wagons, cars, or carriages for the transportation of passengers and property, at such rates and charges as the said company shall think reasonable and right; *provided* the said company shall not charge more than at the rate of three cents per ton per mile for the transportation of property, nor more than at the rate of three cents per mile for the carriage of each passenger in the carriages of said company.

Proviso.

3. *And be it enacted*, That it shall and may be lawful for the said company to charge and demand tolls and rates for the passage of all carriages, cars, engines, or vehicles belonging to other persons than the said company upon their said road, and to make regulations for the collection of the same; to regulate the time and manner of transporting persons and property; to regulate and determine the kind and description of engines, carriages, cars, and other vehicles that shall or may be used on said road; *provided always*, that the tolls charged by the said company for the passage of engines, carriages, cars, or vehicles not belonging to said company, shall not exceed the following rates: for a locomotive, eight cents per ton per mile; for an empty carriage or car, weighing one ton or under, two cents per mile; above one ton, and not exceeding two tons, three cents per mile; above two tons, six cents per mile; and the following tolls for passengers and freight carried in said carriages and cars, in addition to the tolls allowed to be charged for said carriages and cars, *viz*: three cents per cord per mile for wood; three cents per thousand feet per mile for lumber; three cents per ton per mile for every other species of property, and three cents per mile for every passenger, carried in said carriages and cars.

Rates of toll.

Amount of capital stock.

4. *And be it enacted*, That the capital stock of the said company shall be limited to the sum of thirty thousand dollars, and shall be divided into six hundred shares, of fifty dollars each; which stock the said company shall and may sell and dispose of at such time, to such person or persons, and in such amounts and numbers of shares, as the said company shall think necessary and expedient for effecting the purposes of this act: the said stock shall be deemed personal property, and

shall be transferable in such manner as the said company shall by their by-laws direct.

5. *And be it enacted*, That on the first Monday in May next, and on the first Monday in May annually thereafter, there shall be a meeting of the stockholders of said company, at which said annual meetings the stockholders then present shall elect as many directors, to serve for the ensuing year and until others are chosen, as shall be fixed and determined by a majority of the stockholders then present; and in determining the number, as well as in electing the said directors, each share of the said capital stock shall entitle the holder thereof to one vote; of each annual meeting, at least thirty days' previous notice shall be given by the said company, by advertisement, stating the time and place thereof, published in one of the public newspapers of the county of Burlington.

Time of annual election.

6. *And be it enacted*, That within twenty days after each annual election, as aforesaid, the said directors shall choose from their own body a president of the said company, who shall hold his office for one year and until another shall be chosen; 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; the president shall be the presiding officer at all meetings of the said directors, and have the casting vote when they shall be divided, shall have charge of the seal of the said company, and shall appoint the judge or judges of all elections by the stockholders; and in case of the absence of the president, the said directors, or a majority of them, may choose from their body a president pro tempore, who, for the time being, shall possess the same power and authority, and perform the same duties herein prescribed.

Powers and duties of president.

7. *And be it enacted*, That a majority of the directors, with the president, shall be a quorum for business; and the said directors, or a majority of them, shall have power to appoint a treasurer and all other officers, engineers, agents, superintendents, and servants that may be required to transact the business of the said company; to decide upon the description of engines, carriages, and cars to be used upon the said railroad, the weight to be carried in each carriage and car, the times of starting, and the rates of travelling; to regulate the tolls, to superintend and direct the receipts and disbursements, and other affairs of the said company, and to make and enforce such ordinances and by-laws as they may think expedient for regulating the transfers of stock and for the general government of the company, and the management of its affairs; *pro-*

Powers and duties of directors.

vided the same be not repugnant to the constitution and laws of this state or of the United States.

Company to
make bridges,
&c.

8. *And be it enacted*, That the said company shall provide, by means of bridges or otherwise, convenient ways and passages for the public across said railroad, whenever it may cross a public road, and shall fix at least one easy passage at each farm, for cattle and wagons across the said railroad.

Penalty for in-
juring works.

9. *And be it enacted*, That if any person or persons shall wilfully and maliciously injure the said railroad, or any machinery, building, or works of the said company appertaining thereto, such person or persons shall forfeit and pay therefor, to the said company, three times the amount of the damages occasioned by such injury, to be recovered, in the name of the said company, with costs of suit, in any court having cognizance of the same.

Charter to be
forfeited if com-
pany abandon
road, &c.

10. *And be it enacted*, That in case the said company shall abandon the said road, or any part thereof, or cease to use and keep the same, or any part thereof, in repair, at any time for three successive years, that then and in that case this charter shall be annulled, and the title to the lands over which the said road shall pass shall be reinvested in the person or persons from whom the lands were taken by concession or by inquisition, as aforesaid, their heirs and assigns; but the said road shall for ever thereafter be considered as a public highway.

Special meet-
ings of stock-
holders may be
called.

11. *And be it enacted*, That it shall and may be lawful for the president and directors for the time being, or a majority of them, whenever they may deem it expedient, to call special meetings of the stockholders, by giving the like notice as is herein before directed; but no business shall be transacted at such special meetings, unless there be present a majority in interest of the said stockholders.

Style of incor-
poration.

12. *And be it enacted*, That the said railroad shall hereafter be called and known by the name of "the Delaware and Hanover Railroad;" and this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatsoever.

Restriction.

13. *And be it enacted*, That it shall not be lawful for the said company to use their capital, or any part thereof, in banking operations.

Act, when to
take effect.

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

Approved, February 19, 1846.

AN ACT to incorporate the New Brunswick Mutual Fire Insurance Company.

WHEREAS sundry inhabitants of the city of New Brunswick and its vicinity, in this state, have represented to the legislature that ensurance on buildings and other property, situate and belonging to citizens in this state, is frequently, and to a large amount, made in the city of New York, and that another ensurance company in the city of New Brunswick, under proper regulations, would tend to the convenience of the inhabitants, and would confine at home a source of wealth which is yearly carried into another state—therefore,

Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That Frederick Richmond, Peter Spader, Nicholas Booraem, James Conover, John Clark, Martin A. Howell, Ira C. Voorhees, George G. Nevius, Asa Applegate, James C. Stout, John Van Nuis, Lewis R. Stelle, Johnson Letson, John H. Stothoff, and others, their associates, successors, and assigns, shall be, and hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of “the New Brunswick Mutual Fire Insurance Company,” the office thereof to be located in the city of New Brunswick; and, by that name, they and their successors shall and may have succession during the continuance of this act, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and they and their successors may have a common seal, and may change and alter the same at pleasure; and also, that they and their successors, by the name of the New Brunswick Mutual Fire Insurance Company, shall be in law capable of purchasing, possessing, and enjoying, to them and to their successors, lands, tenements, and hereditaments, goods, chattels, and effects, of what nature and kind soever, necessary for the purpose of this corporation, and the same may grant, demise, alien, and dispose of at pleasure, for the benefit of said company.

Names of corporators.

Style of incorporation and general powers.

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

What property may be ensured.

3. *And be it enacted,* That the property and concerns of

Time and mode
of annual elec-
tion of direct-
ors.

the said corporation shall be managed and conducted by thirteen directors, all of whom shall be citizens of this state, to be chosen by ballot, by and from among the members, to hold their offices for one year and until others are chosen to fill their places; and the election for directors shall be held on the second Monday in March, in every year, between the hours of ten in the forenoon and three in the afternoon, at the office of the company, or at such place as the majority of directors for the time being shall appoint, of which election the secretary shall give public notice in the newspapers printed in the city of New Brunswick, at least two weeks immediately preceding such election; and if any of the said directors shall die, or refuse to serve, or neglect to act in said office for the space of six months successively, then and in every such case the remaining directors shall have power to fill such vacancy or vacancies until the time of the next annual election; and in case it shall happen that an election of directors should not be held on the day when, pursuant to this act, it ought to have been held, the said corporation for that cause shall not be dissolved, but it shall and may be lawful on any other day to hold an election for directors; and until an election for directors shall be held according to the provisions of this section, the following persons shall be directors, namely, Frederick Richmond, Peter Späder, John Clark, Martin A. Howell, Nicholas Booraem, Ira C. Voorhees, James Conover, Johnson Letson, James C. Stout, George G. Nevius, Asa Applegate, John H. Stothoff, and Lewis R. Stelle.

First directors.

Directors to
choose presi-
dent.

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

Powers and du-
ties of directors:

5. *And be it enacted*, That the board of directors for the time being, or a majority of them, shall have power to make or prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, touching the management and

disposition of the stock, property, estate, and effects of the said corporation, and touching all such other matters as appertain to the business, ends, and purposes which the corporation by this act is entitled to; and also shall have power to appoint a secretary, surveyor or surveyors, and such additional officers, clerks, and servants, for carrying on the business of the said corporation, with such allowances as to them shall seem meet; *provided*, that such by-laws, rules, and regulations be not repugnant to the constitution and laws of the United States and of this state.

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

Officer of any other insurance company, not to hold office in this.

7. *And be it enacted*, That every person who shall become a member of said company, by effecting insurance therein, shall, before he receives his policy, deposit his promissory note, for such a sum of money as shall be determined by the directors to be the premium for said insurance, twenty-five per centum of which said note shall be immediately paid; and the remainder of said deposit note shall be payable, in part or the whole, at any time when the directors shall deem the same requisite for the payment of loss or damage by fire, and such incidental expenses as shall be necessary for transacting the business of said company; but no member shall be held liable beyond the amount of his, her, or their promissory note; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, after deducting a just and fair proportion of all losses and expenses occurring during said term, shall be relinquished and given up to the maker thereof; and it shall be lawful for said corporation to loan such portion of their money in hand as may not be immediately wanted for the purposes of said corporation, to be secured by mortgage on unencumbered real estate in the counties of Middlesex and Somerset, of double the amount loaned, or invest the same in stocks of the United States or of the state or city of New York.

Terms of effecting insurance.

8. *And be it enacted*, That from and after the passing of this act, no person shall be admitted as a member, and entitled to all the benefits and privileges of the said corporation, unless he or she shall first pay, or cause to be paid, to the secretary thereof, the same amount of premium, with the interest accrued thereon, as is already paid to the said corporation by the first ensured members thereof; *provided*, that after the term of ten years, and if so ordered by the members of the corporation, the directors may make such by-laws as will confine the be-

New members, how admitted.

nefits of the mutual principle of insurance to those who are thus ensured in said company, and that others may effect insurance in said company on paying such premium or premiums as shall be agreed on between the company and the assured.

Suits may be maintained against members, &c.

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

Duties of secretary.

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

Policies, how made.

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

Transfers to be entered.

12. *And be it enacted*, That no transfer of any policy of insurance of the said company shall be valid, unless entered in the books of said company and certified on such policy by the secretary.

When policies to be issued.

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

Restrictions.

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

Oath of directors and secretary.

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

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

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

Approved, February 20, 1846.

AN ACT to incorporate the American Mutual Fire and Marine Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Stephen G. Gould, William N. Simpson, Alexander N. Dougherty, Samuel P. Smith, Jonathan Parkhurst, Chilson F. Decamp, Thomas B. Segur, Lewis C. Grover, Thomas V. Johnson, John Young, John W. Poinier, and Daniel Pierson and others, their associates and successors, are hereby constituted and declared to be a body corporate and politic, by the name of "the American Mutual Fire and Marine Insurance Company," to be located at Newark, New Jersey; and, by that name, they and their successors shall and may have succession during the continuance of this act, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions, suits, complaints, matters, and causes whatever; and they and their successors may have a common seal, and may alter and change the same at pleasure; and also, they and their successors, by the name of the American Mutual Fire and Marine Insurance Company, shall be in law capable of purchasing, holding, and conveying any estate, real and personal, for the uses of the said corporation; *provided* the said estate which it shall be lawful for the said corporation to hold, be only such as is necessary for the corporation, in the transaction of the business thereof, or such as shall be taken as security for, or in payment of debts; nor shall the yearly income of such real estate exceed three thousand dollars. Names of corporators.

Style and general powers.

2. *And be it enacted*, That all persons who shall ensure in or with said company, shall be members of said corporation; and the property and concerns of said corporation shall be conducted and managed by twelve directors (a majority of whom shall be citizens and residents of this state, and shall not Persons ensuring to be members.

hold a like office or agency in any other fire or marine insurance company), to be chosen by ballot, by and from among the members, and shall hold their office for one year and until others are chosen.

Time and mode
of annual elec-
tion of direct-
ors.

3. *And be it enacted*, That an election for directors shall be held on the first Monday in February in every year, at the office of the company or such other place as a majority of the directors may previously designate; a public notice of the election shall be given by the secretary, in one or more newspapers printed in Newark, at least two weeks previous to the time of holding the election; and if any of the directors shall die, or refuse to serve, or neglect to act in their said office for the space of three months successively, then and in every such case the remaining directors shall have power to fill such vacancy or vacancies until the next election; and in case it should happen that an election for directors should not be held on the day when pursuant to this act it ought to have been held, the said corporation shall not for that cause be dissolved, but it shall and may be lawful, on any other day, to hold such election; *provided*, that the first election for directors shall be held on the first Monday in February next; and, until the said election, the persons named in the first section of this act shall be directors of said company.

What property
may be ensured.

4. *And be it enacted*, That it shall and may be lawful for the said corporation to ensure their respective dwelling-houses, stores, shops, or other buildings, together with household furniture, merchandise, and all other personal property, against loss or damage by fire; and also to take marine risks, and ensure against loss or damage at sea, and generally to ensure against all losses pertaining to fire and marine risks.

Powers and du-
ties of directors.

5. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, for the management and disposition of the property, estate, and effects of the corporation, for the regulation of the mode of effecting insurance in said corporation, and of valuation of property ensured or to be ensured thereby; and to fix rates of insurance and fees of officers, and for such other matters as appertain to the business of the said corporation; and shall have power to appoint a secretary, surveyor or surveyors, appraiser or appraisers, and such additional officers, agents, or servants, as by them shall be deemed proper, to which offices the directors shall be eligible; *provided* such by-laws, rules, and regulations shall not be repugnant to the constitution or laws of the United States or of this state.

6. *And be it enacted*, That it shall and may be lawful for

the officers of said corporation to take the notes or obligations of the members for the amount, either in part or the whole, of the premium of ensurance, in proportion to the amount ensured; which notes or obligations may be taken, subject to such rules and regulations as the board of directors, by their by-laws, may direct.

Notes of members may be taken for amount of ensurance.

7. *And be it enacted*, That at the first meeting of the directors held after their election in each year, the directors shall choose, from among themselves, one person for president, who shall continue in office until the next annual meeting and until another shall be chosen in his place; they shall also elect a treasurer, and require of him to give bond to the corporation for the faithful performance of his duty, for such sum as to them shall appear sufficient.

Directors to choose a president.

8. *And be it enacted*, That all policies of ensurance which shall be made by the corporation in pursuance of this act, shall be made on such terms and conditions, and for such periods of time, and confined to such places, as shall be from time to time ordered and prescribed by the by-laws, rules, and regulations of said corporation; and if at any time it shall so happen that there shall be just claims on the corporation, for losses sustained or other liabilities, to a greater amount than they have funds to discharge, in such case 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 representatives, according to the amount of each member's ensurance, which rates or assessments shall be approved of by a majority of the whole number of directors; *provided*, that such assessment shall not exceed the amount of the note or obligation given by each member; and notice in writing shall be given by the secretary to each member, or his representative, of his assessment, and the amount by him, or them to be paid; and each and every member, or his representative, so notified, shall pay the same to the treasurer for the time being within sixty days after such notification, and in default thereof, shall forfeit all right and claim to any policy that he may have obtained, and be no longer a member of the association, and shall also be liable for the amount of such assessment, with interest, to be recovered by action of debt, with costs of suit, before any court of competent jurisdiction.

Policies, how made.

9. *And be it enacted*, That no money shall be drawn from the treasury of the corporation, except for the purpose of paying damages in cases of loss by fire or sea, and for other purposes, to be provided by the by-laws, rules, and regulations of the company.

Drafts on treasury, &c.

10. *And be it enacted*, That if any person ensured by the

Transfers to be recorded.

said corporation shall convey or assign the property ensured, it shall be lawful for such person to assign to the purchaser the policy of insurance; but the corporation shall not be bound by such policy after such assignment, until the assignment shall have been recorded in the books of the corporation, and the same certified on such policy by the secretary.

Corporation may be sued, if payment for damages is withheld.

11. *And be it enacted*, That any person or persons ensured by said corporation, may maintain an action at law against the same, for losses and damages due to him, her, or them from said corporation, if payment is withheld for more than ninety days after the amount of such losses shall have been ascertained, and the said corporation notified thereof; no member of the corporation, not being in his own individual capacity a party to such suit, shall be incompetent as a witness; *provided*, that if the directors agree to rebuild or replace the property lost or damaged, in such case a reasonable time shall be allowed them.

Limitation.

12. *And be it enacted*, That this act shall continue in force twenty years, and no longer, unless the charter is renewed; and it shall be lawful for the legislature at any time to amend, alter, modify, or repeal the same; *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.

Restriction.

13. *And be it enacted*, That no part of the funds of said corporation shall be used for banking purposes.

Act, when to take effect.

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

Approved, February 20, 1846.

AN ACT authorizing the board of chosen freeholders of the county of Mercer to equalize the taxes of townships in said county.

Township committee may appeal.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of any township in the county of Mercer, who believe their township to be unjustly and improperly taxed by the board of assessors, in the apportionment of the taxes of the different townships

in said county, shall be, and they are hereby authorized to appeal from such assessment to the board of chosen freeholders of the said county, at their next annual meeting, giving notice of such intention, by advertising the same in any newspaper circulating in said county, for thirty days previous to such annual meeting of the board of chosen freeholders.

2. *And be it enacted*, That the board of chosen freeholders of said county, at such annual meeting, shall examine the assessment list or roll of such township so appealing, and the respective assessment lists of the several townships in said county, for the purpose of ascertaining whether the quota of tax apportioned to any township, in such previous year, bore a just relation to the amount of tax to be raised by said county; and they may increase or diminish the aggregate valuation of the taxable property in any township, by adding or deducting such sum as may, in their opinion, be necessary to produce a just relation between all the valuations of taxable property in said county for the preceding year, but they shall not reduce the aggregate valuations of all the townships below the aggregate valuations for said county, as made by the assessors.

Board of chosen freeholders to equalize taxes.

3. *And be it enacted*, That whenever the board of chosen freeholders shall alter and correct the quota of tax of any township or townships for the preceding year, they shall make out a statement and determination of the correct quota of the respective townships for the preceding year, specifying the amount of excess or deficiency in the quota of tax of each township, which statement and determination shall be entered in the minutes of the board; and they shall direct a copy of such statement, certified by their clerk to be a true copy, to be furnished to the board of assessors at their annual meeting for the current year; and such board of assessors shall cause the excess of tax apportioned to any township in the preceding year, to be deducted from the quota of tax to be raised by such township for the current year, and the deficiency of any township to be added to its quota for the current year.

Board to make out a statement and determination.

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

Act, when to take effect.

Approved, February 20, 1846.

AN ACT to extend the charter of the State Bank at Elizabeth.

Time of former
act extended.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the act entitled, "An act to extend the act incorporating the state banks in New Jersey, passed February nineteenth, in the year of our Lord one thousand eight hundred and twenty-nine, shall be, and hereby is continued and extended, so far as regards the president, directors, and company of the State Bank at Elizabeth, for and during the term of seventeen years from and after the time by the said act limited for its continuance.

Time of annual
election of direc-
tors.

2. *And be it enacted*, That on the third Tuesday of October, in every year, an election shall be held by the stockholders of said bank, at their banking-house, between the hours of nine and twelve in the forenoon, to choose thirteen directors, who shall take their seats at the board on the second Monday of November following, and serve as such for the ensuing year and until others are elected to supply their places, unless disqualified.

Parts of former
acts repealed.

3. *And be it enacted*, That all sections and parts of sections in said acts contained, inconsistent with the provisions of this act, shall be, and the same are hereby repealed.

Approved, February 21, 1846.

AN ACT to make valid and binding a certain contract, entered into between the mayor and common council of the city of Newark, of the first part, and the president and directors of the Newark Aqueduct Company, of the second part.

Preamble.

WHEREAS the mayor and common council of the city of Newark and the president and directors of the Newark Aqueduct Company have entered into certain articles of agreement, for the purpose of furnishing a full and adequate supply of water to extinguish fires in the city of Newark and for other purposes, in the said articles of agreement particularly specified, which said articles of agreement bear date the ninth day of December, in the year of our Lord eighteen hundred and forty-five; and whereas, it is doubted by the parties of the first part, whether the said "the president

and directors of the Newark Aqueduct Company, by virtue of their charter of incorporation, have the power to make and execute said agreement and contract; and whereas the parties to said agreement and contract have sought the aid of the legislature of this state in the premises—therefore,

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the said articles of agreement, made and executed on the ninth day of December, eighteen hundred and forty-five, between the mayor and common council of the city of Newark, of the first part, and the president and directors of the Newark Aqueduct Company, of the second part, be, and the same are hereby declared valid and binding between the parties thereto, from and after the date thereof, in every article, clause, and covenant therein contained and expressed; and further, it shall and may be lawful for the said the president and directors of the Newark Aqueduct Company, at any time hereafter, with the consent of the mayor and common council of the city of Newark, to add to, alter, or vary the terms of the said agreement in any particulars, matters, and things, or to make a new contract for the purposes in the present one declared and expressed; which said alterations, additions, or new contract, acknowledged, certified, and recorded as herein after mentioned and provided, or the record or certified copy thereof, shall be received in evidence, in the same manner, and with the same effect, as is herein after provided for the original contract. Agreement made valid.

2. *And be it enacted*, That either of the parties to said agreement, may cause the same to be recorded in the clerk's office of the county of Essex, in any book provided by law for the recording of deeds in said county; and the clerk of said county is hereby authorized and required, upon the payment of the same fees as are prescribed by law for recording deeds, to record the said agreement, when produced to him for that purpose; *provided* the same be first acknowledged or proved, and certified to be acknowledged or proved, in the manner prescribed by the act entitled, "An act respecting conveyances," passed on the seventh day of June, seventeen hundred and ninety-nine; and the articles of agreement so acknowledged, or proved and certified as aforesaid, or the record aforesaid, or a transcript of such record, certified to be a true transcript by the clerk of the county of Essex for the time being, shall be received in evidence in all courts of this state, and in all places where necessary for evidence, and with the same effect as if the original articles of agreement were then and there produced and proved. Agreement to be recorded.

3. *And be it enacted*, That nothing contained in this act or in the said articles of agreement shall be construed to impair or Proviso.

Rights of common council not affected.

affect the legislative capacities or powers vested in the common council of the city of Newark, under "An act to incorporate the city of Newark," or the supplements thereto.

Act to be a public act.

4. *And be it enacted*, That this act shall be deemed and taken to be a public act, and as such shall be recognized and taken notice of by all persons and courts of justice, whatsoever, within this state; and that the same shall take effect immediately.

Approved, February 24, 1846.

AN ACT to authorize Thomas Hunt to maintain and keep in repair a dock or wharf in front of his land in the township of Shrewsbury, in the county of Monmouth.

Preamble.

WHEREAS Thomas Hunt has built, or caused to be built, a dock or wharf upon and in front of his lands in the township of Shrewsbury, in the county of Monmouth, and extending a sufficient distance into the North Shrewsbury river, for the accommodation of vessels navigating the same; and whereas, since the erection of said dock or wharf, the aforesaid Thomas Hunt has learned that he has no legal right to extend the aforesaid dock or wharf into the river—therefore,

T. Hunt authorized to maintain dock, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Thomas Hunt, his heirs and assigns, to maintain and keep in repair the dock or wharf he, the said Thomas Hunt, has built upon and in front of his lands in the township of Shrewsbury, in the county of Monmouth, and from time to time to rebuild and repair the same, and to lay vessels at said dock or wharf, and receive dockage and wharfage therefor, from all persons using the same; *provided*, that this act shall not affect the legal rights of any persons whatever; *and provided also*, that the rates of such dockage and wharfage shall not be higher than those charged in the city of New York.

Penalty for injuring dock.

2. *And be it enacted*, That if any person or persons shall destroy, or in any way injure the said dock or wharf, such person or persons shall be responsible, and shall make good all

damage which the owners may sustain, recoverable by action of trespass, in any court having jurisdiction of the same.

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

Approved, February 24, 1846.

AN ACT to authorize Jeremiah Stull to construct a dam across the Great Egg Harbour river, at May's Landing, in the county of Atlantic.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Jeremiah Stull, his heirs or assigns, to construct a mill-dam across the Great Egg Harbour river, at the most convenient point, not more than three hundred yards above the bridge known as Hamilton bridge, at May's Landing, in the county of Atlantic, and adjoining the bank of lands of Nicholas Rape on the westerly side, and the bank of lands of Abraham L. Iszard and others on the easterly side of said river, for the purpose of creating a water-power for the benefit of such mill or mills, or other water works, for manufacturing or other purposes, as shall be hereafter erected by the said Jeremiah Stull, his heirs or assigns, or by any other person or persons, or bodies corporate, to whom he or they may hereafter let, sell, or lease any water-power, right, or privilege, and for ever hereafter use the same for the purposes aforesaid; and the same to repair, maintain and uphold, upon condition that the said Jeremiah Stull shall form, build, and complete suitable gates and shute, at least sixteen feet wide, in said dam, at the most advantageous place in said river, so that boats and rafts of the usual size floated down said river may pass through the same with ease and safety; and it shall be lawful for any person floating boats or rafts down said river to pass through said gates at any time, except during the night; but the said dam and works shall not be constructed until the timber on the ground, to be covered by the water of the dam, shall be cut off and removed, so as to offer no obstruction to the navigation, the owner or owners of the timber being entitled to the same, if removed by him or them, or at his or their expense; but upon his or their refusal to remove the same, or pay the expense thereof, the

J. Stull authorized to construct a dam.

same shall be wholly at the disposal of the said Jeremiah Stull, his heirs or assigns; and further, if it becomes necessary hereafter for the better navigation of the said river, that a lock should be placed in said dam for the passage of vessels or boats, the said Jeremiah Stull, his heirs or assigns, shall offer no obstruction to the building of said lock, by any person who may be willing to complete the same.

Consent of owners of land to be obtained.

2. *And be it enacted*, That the said Jeremiah Stull, his heirs or assigns, shall not commence the building of said dam across said river, in whole or in part, at the place in the said preceding section mentioned, until he, the said Jeremiah Stull, shall obtain the consent in writing of such persons whose lands may be touched or flooded by the contemplated works of the said Jeremiah Stull, and until the said writing shall be duly acknowledged by the said persons from whom the same may be obtained, and recorded in the clerk's office of the county of Atlantic.

Dam to be kept in repair, &c.

3. *And be it enacted*, That after the building of said dam, gates, and shute, the said Jeremiah Stull, his heirs or assigns, as long as the same is made use of for the purposes aforesaid, shall maintain, uphold, and support the said dam, gates, and shute, and if occasion shall require, rebuild the same, and at all times hereafter keep the said dam, gates, and shute in good and sufficient repair.

Penalty for injuring works.

4. *And be it enacted*, That if any person or persons shall wilfully injure said dam, gates, or shute, or other improvements built or made for the support thereof, or shall wilfully, negligently, or unnecessarily leave open any gate or aperture whereby a waste of water is occasioned, with an intent as aforesaid to injure the said Jeremiah Stull, his heirs or assigns, or either of them, he, she, or they so offending shall be liable to be indicted, and on conviction thereof, be fined, at the discretion of the court, in any sum not exceeding one hundred dollars, and shall also be liable to damages in an action of trespass, at the suit of the party injured.

Time for completion of works

5. *And be it enacted*, That if the mill-dam, gates, and shute contemplated by this act shall not be commenced within two years after the passage of this act, or shall not be completed within three years, this act shall be void; and that the legislature may at any time hereafter alter, modify, or repeal the same, whenever in their opinion the public good requires it.

Approved, March 4, 1846.

AN ACT to incorporate the Year-Clock Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James R. Mills, Josiah Rhodes, David Seaman, John Kennedy, and Abraham V. Spear, and their associates and successors, are hereby constituted a body corporate, by the name of "the Year-Clock Company," for the purpose of manufacturing clocks and time-keepers in the county of Essex, in this state, and not elsewhere, and of carrying on the business incident thereto, and to rent and use any surplus water or steam power for other lawful manufacturing purposes.

Names of corporators.

2. *And be it enacted*, That the stock, property, and concerns of the 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 until others are chosen; and the said directors shall be chosen on the second Monday of January in every year, at such place and time as shall be directed by the by-laws of the said corporation, and public notice thereof shall be given two weeks previous, in a newspaper printed in the said county of Essex, 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 five 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 named in this act, or those hereafter chosen, 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 transacting the business of the said corporation; and that the said James R. Mills, Josiah Rhodes, David Seaman, John Kennedy, and Abraham V. Spear shall be the first directors of the said corporation, and shall hold their offices until others are legally chosen.

Time and mode of annual election of directors.

3. *And be it enacted*, That the capital stock of the said company shall be divided into shares of one hundred dollars each, and, as soon as the sum of fifteen thousand dollars of the capital stock shall be subscribed and paid in, and a certificate thereof made of the amount so paid in, signed and sworn or affirmed to by a majority of the directors, and the same recorded in the office of the clerk of the said county of Essex, and published for two weeks in a newspaper printed in the said county of Essex, it shall be lawful for the said company to commence their said business; and the said company may increase its capital stock from time to time, as the same shall become necessary, until it shall amount to the sum of one hun-

Amount of capital stock.

dred thousand dollars; and shall, within thirty days after the payment of the last instalment of every such increase of said capital stock, as may be determined on by the said company, make a certificate of the amount so added and paid in; and a majority of the directors shall sign and swear or affirm to the same, and cause it to be recorded and published in the manner and form aforesaid.

Books of subscription to be opened.

4. *And be it enacted*, That the books of subscription to the said capital stock shall be opened under the direction of the board of directors, and subject to such rules and conditions as they may prescribe; and it shall be lawful for the directors, or a majority of them, from time to time to call for and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under the penalty of forfeiting the shares, and all previous payments thereon, if such payments shall not be made within thirty days after the day fixed for that purpose by public notice, previously published for two weeks in a newspaper printed in the said county of Essex, designating the proportion of such payment per share, and the time and place where, and to whom the same shall be made.

Stock transferable.

5. *And be it enacted*, That the stock of said corporation shall be deemed personal property, and transferable on the books of the company, in such manner as the by-laws may provide; but no stockholder indebted to the company shall be permitted to make any transfer or receive a dividend until such debt be paid; and whenever any transfer of shares shall be made for collateral security, and not absolutely, the same shall be so expressed in the entry of said transfer.

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

6. *And be it enacted*, That in case it should happen at any time that an election should not be made on the day designated by this act, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election on some future day.

Limitation.

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

Approved, February 25, 1846.

AN ACT to incorporate the Raritan Mining and Manufacturing Company.

WHEREAS Albert Cammann has, in behalf of himself and his future associates, by his petition set forth that he is proprietor, by lease and in fee, of certain tracts of land in the county of Middlesex, and state of New Jersey, containing mines of copper and other minerals and metals, and has full right, by virtue thereof, to work the said mines, and has requested the legislature to pass an act incorporating the said petitioner and his future associates, for the purpose of enabling them to work the said mines, and any other mines they may hereafter possess in said state; and also to manufacture the ores thereof, in such manner as they may think proper—therefore,

Preamble.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Albert Cammann, and such others as may hereafter be associated with him for the purposes aforesaid, shall be, and hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the President and Directors of the Raritan Mining and Manufacturing Company;" and, by that name, they and their successors and assigns shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may have a common seal, and make, change, and alter the same at their pleasure; and that they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, hereditaments, goods and chattels, wares and merchandise, whatsoever, necessary to the object of the incorporation.

Names of corporators.

Style and general powers.

2. And be it enacted, That the stock, property, concerns, and affairs of the said corporation shall be managed and conducted by five directors, who shall be annually elected on the first Tuesday of January, at such time of the day, and at such place in the state of New Jersey, as the by-laws of the said corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in one of the newspapers printed in the county of Somerset, and in one printed in the city of New York; and the election shall then and there be made, by such of the stockholders as shall attend for that purpose, in persons

Time and mode of annual election of directors.

or by proxy; and all elections shall be by ballot, each share having one vote; and the persons who shall have the greatest number of votes shall be the directors; and the said directors, so soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be their president; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation, or otherwise, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; *provided always*, that the number of directors shall not exceed five persons.

Corporation not dissolved for failure to elect on day prescribed.

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

Amount of capital stock.

4. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of two hundred and fifty thousand dollars, and that a share in the said stock shall be one hundred dollars; and it shall be lawful for the president and directors of the said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such proportion as they shall deem fit, under the pain of the forfeiture of their shares, and all previous payments made thereon, to the said corporation, always giving at least thirty days' notice of such call or demand in the newspapers before mentioned.

Directors, their powers and duties.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board or quorum for the transacting of the business of the said corporation, and shall have power to make and prescribe such by-laws, rules, and regulations, not repugnant to the constitution and laws of the United States or of this state, as to them shall appear needful and proper touching the management and disposition of the stock, property, estate, and effects of the said corporation, the election of directors, and all such other matters as pertain to the concerns of the said corporation.

Restrictions.

6. *And be it enacted*, That nothing in this act contained shall authorize said corporation to use its funds for banking operations, or the loan of moneys, or for any other purposes, except for the benefit of the mining and manufacturing operations.

7. *And be it enacted*, That the stock of the said company shall be deemed and considered personal estate, and be transferred in such manner as shall be prescribed by the by-laws of the said company; and for all debts which shall be due and owing by the said company, the persons then composing such company shall be individually responsible, to the extent of their respective shares of stock in said company, and no further; but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate, from being liable. Stock transferable.

8. *And be it enacted*, That no transfer of stock of said company shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose, which book shall at all times be open to the inspection of the stockholders. Transfers to be registered.

9. *And be it enacted*, That the contracts entered into by the said Albert Cammann, touching and concerning leases of any part of the said tract or tracts of land, shall be, and the same are hereby made obligatory on the president and directors hereafter elected, and their successors, to fulfil the same, as if made by themselves. Contracts made by its command binding on company.

10. *And be it enacted*, That this act shall be, and hereby is declared to be a public act, and shall be judicially referred to by all judges and justices, and others, without being specially pleaded. Act to be a public act.

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

Approved, February 25, 1846.

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

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the act passed March second, eighteen hundred and thirty-six, entitled, "A supplement to the charter of the Morris and Essex Railroad Company," passed January twenty-ninth, eighteen hundred and thirty-five, shall not be so construed as to limit the time for the construction of the branch or lateral roads, in said supplement mentioned, to the fourth day of July, eighteen hundred and forty-five. Time for construction of branch road.

Road to be continued to Stanhope.

2. *And be it enacted*, That it shall and may be lawful for the said company, when a branch or lateral road to Dover shall be completed, to continue the same to Stanhope; and, for the purpose of carrying into effect the objects of this act and of the aforesaid supplement, the said company are hereby invested with all the rights, powers, and privileges given and granted by their original act of incorporation, and the several supplements thereto, and subjected to the several restrictions contained in said acts.

Act may be amended.

3. *And be it enacted*, That the legislature may alter or amend this act, whenever the public good requires it, and that the same shall not be so construed as in any wise to affect or impair the right or interest of any person or persons claiming to be creditors of said company, nor in any wise to prejudice said company in relation to any such claim.

To be a public act.

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

Approved, February 25, 1846.

AN ACT to incorporate the American Mutual Fire Insurance Company at Plainfield.

Names of corporators.

Style and general powers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Elias Kirkpatrick, Elisha Runyon, Madison Terrell, James C. Ayres, Isaac Titus, John Smalley, and others, their associates and successors, are hereby constituted and declared to be a body corporate and politic, by the name of "the American Mutual Fire Insurance Company at Plainfield;" and, by that name, they and their successors shall and may have succession during the continuance of this act, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions, suits, complaints, matters, and causes whatever; and they and their successors may have a common seal, and may alter and change the same at pleasure; and also, they and their successors, by the name of the American Mutual Fire Insurance Company at Plainfield, shall be in law capable of purchasing, holding, and conveying any estate, real and personal, for the uses of the said corporation; *provided* the said estate which it shall be lawful for the said corporation to hold,

be only such as is necessary for the corporation, in the transaction of the business thereof, or such as shall be taken as security for the payment of debts; nor shall the yearly income of such real estate exceed three thousand dollars.

2. *And be it enacted,* That all persons who shall ensure in or with said company, shall be members of said corporation; and the property and concerns of the said corporation shall be conducted and managed by nine directors, (all of whom shall be citizens of this state, and shall not hold a like office or agency in any other ensurance company) to be chosen by ballot, by and from among the members, and shall hold their office for one year and until others are chosen.

Persons enst^ring to be mem^bers.

3. *And be it enacted,* That an election for directors shall be held on the first Monday in April of every year, at the office of the company or such other place as a majority of the directors may previously designate; a public notice of the election shall be given by the secretary, in a newspaper printed in Plainfield at least two weeks previous to the time of holding the election; and if any of the directors shall die, or refuse to serve, or neglect to act in their said office for the space of three months successively, then and in every such case the remaining directors shall have power to fill such vacancy or vacancies until the next election; and in case it should happen that an election for directors should not be held on the day when pursuant to this act it ought to have been held, the said corporation shall not for that cause be dissolved, but it shall and may be lawful, on any other day, to hold such election; *provided,* that the first election for directors shall be held on the first Monday of May next; and the directors, when elected, shall continue in office until the first Monday of April thereafter, of which said last mentioned election previous public notice shall be given in a newspaper printed in Plainfield, for at least two weeks.

Time and mode of annual election of directors.

4. *And be it enacted,* That it shall and may be lawful for the said corporation to ensure their respective dwelling-houses, stores, shops, or other buildings, together with household furniture, merchandise, and all other personal property, against loss or damage by fire.

What property may be ensured.

5. *And be it enacted,* That at the annual meeting of the said corporation, or at any general meeting of the same, which general meeting may be called by any three directors, it shall be lawful for a majority of the members present 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 property, estate, and effects of the corporation, for the regulation of the mode of effecting ensurance in said cor^p

Powers and duties of directors.

poration, and of valuation of property ensured or to be ensured thereby; and to fix rates of ensurance and fees of officers, and for such other matters as appertain to the business of the said corporation; and shall have power to appoint a secretary, surveyor or surveyors, appraiser or appraisers, and such additional officers, agents, or servants, as by them shall be deemed proper, to which offices the directors shall be eligible; *provided*, that a majority of the members present at such annual or general meeting may, by resolution, vest any or all of the powers given in this section in the board of directors; *and provided*, that such by laws, rules, and regulations shall not be repugnant to the constitution of the United States and to the constitution and laws of this state.

Directors to
choose a presi-
dent.

6. *And be it enacted*, That at the first meeting of the directors held after their election in each year, the directors shall choose, from among themselves, one person for president, who shall continue in office until the next annual meeting and until another shall be chosen in his place; they shall also elect a treasurer, and require of him to give bond to the corporation for the faithful performance of his duty, for such sum as to them shall appear to be sufficient.

Policies, how
made.

7. *And be it enacted*, That all policies of ensurance which shall be made by the corporation in pursuance of this act, shall be made on such terms and conditions, and for such periods of time, and confined to such places, as shall be from time to time ordered and prescribed by the by-laws, rules, and regulations of said corporation; and if at any time it shall happen that there shall be just claims on the corporation, for losses sustained or other liabilities, to a greater amount than they have funds to discharge, in such case 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 representatives, according to the amount of each member's ensurance, which rates or assessments shall be approved of by a majority of the whole number of directors; and notice in writing shall be given by the secretary to each member, or his representative, of his assessment, and the amount by him, her, or them to be paid; and each and every member, or his representative, so notified, shall pay the same to the treasurer for the time being within sixty days after such notification, and in default thereof, shall forfeit double said rates and all their rights and claims to any policy that they may have obtained, and be no longer members of the corporation, but shall be liable to a recovery of the amount of such rate or assessments by action of debt, with costs of suit, in any court of competent jurisdiction.

Drafts on trea-
sury, &c.

8. *And be it enacted*, That no money shall be drawn from

the treasury of the corporation, except for the purpose of paying damages in cases of loss by fire, and for other purposes, to be provided by the by-laws, rules, and regulations.

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

Transfers to be recorded.

10. *And be it enacted*, That any person or persons ensured by said corporation, may maintain an action at law against the same, for losses and damages due to him, her, or them from said corporation, if payment is withheld for more than ninety days after the amount of such losses shall have been ascertained, and the said corporation notified thereof; no member of the corporation, not being in his own individual capacity a party to such suit, shall be incompetent as a witness; *provided* the directors do not agree to rebuild or replace the property lost or damaged, in which case a reasonable time shall be allowed them.

Actions may be maintained, if payment is withheld.

11. *And be it enacted*, That this act shall not continue in force longer than twenty years, and it shall be lawful for the legislature at any time to amend, modify, or repeal the same; *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.

Limitation.

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

Act, when to take effect.

Approved, March 4, 1846.

AN ACT to authorize the inhabitants of the townships of Bedminster and Warren, in the county of Somerset, and of the townships of Randolph, Chester, and Rockaway, in the county of Morris, and of the township of West Windsor, in the county of Mercer, and of the township of Washington, in the county of Bergen, and of the townships of Hope, Hardwick, and Knowlton, in the county of Warren, and of the townships of Dover and Millstone, in the county of Monmouth, to vote by ballot at their town meetings.

Inhabitants of certain townships authorized to vote by ballot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the townships of Bedminster and Warren, in the county of Somerset, and of the townships of Randolph, Chester, and Rockaway, in the county of Morris, and of the township of West Windsor, in the county of Mercer, and of the township of Washington, in the county of Bergen, and of the townships of Hope, Hardwick, and Knowlton, in the county of Warren, and of the townships of Dover and Millstone, in the county of Monmouth, are hereby authorized and required to elect by ballot, and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are or may be fixed by law, that is, a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highways, three commissioners of appeal, one or two overseers of the poor, as many overseers of the highways as there are road districts, a town committee consisting of five persons, a school committee consisting of three persons, as many justices of the peace as the township may be constitutionally entitled to elect, and an equal number of 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 the dog tax, and for the place of holding the next annual town meeting and the election of state and county officers.

Officers of election.

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

Elections, how conducted.

3. *And be it enacted*, That the elections shall open at eight o'clock in the morning, and close at four o'clock in the after-

noon of the same day, and be conducted in the same manner, and be subject to the same rules, as elections for state and county officers are or shall be; and the same duties shall devolve upon the judge of election and the clerk as are to be performed by the board of election and the clerk in other elections; they shall take the same oath or affirmation, as far as applicable, be invested with the same powers, and be liable to the same penalties, the same qualifications for voters shall be required, and the result ascertained in the same manner, and stated according to law.

Elections, how conducted.

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

Vacancies, &c., how supplied.

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

Clerk of township to be clerk of town committee.

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

Overseers of the poor to make annual report.

7. *And be it enacted,* That the reports of the town commit-

Reports to be filed.

tee, the overseers of the poor, and the school committee, shall be filed and preserved by the town committee: in posting up the list of officers elected, as required by law, the clerk shall add thereto the results of the election in other particulars; the first elections under this act shall be held at the place appointed at the last town meeting, and all special town meetings at the place of holding the last preceding annual town meeting; the same ballot-box shall be used at the town meetings, and provided by the clerk, which is used at the state and county elections; the judge of election and clerk shall receive the same compensation for attending any town meeting as for attending a state or county election, and the town committee shall allow the clerk such compensation, for the additional duties required by this act, as they may deem reasonable.

Provisions of act extended.

8. *And be it enacted*, That the provisions of this act shall extend to the townships named in the first section thereof.

Act, when to take effect.

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

Approved, March 14, 1846.

AN ACT to authorize the establishment, and to prescribe the duties of manufacturing companies.

Nature of certificate to be made.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That it shall be lawful for any number of persons, exceeding four, to associate themselves into a company to carry on any branch or branches of lawful manufactures within this state, upon making a certificate in writing, under their hands and seals, setting forth:

First. The name assumed to designate such company, and to be used in its business and dealings;

Second. The place or places where the business of such company is to be conducted, and the kind or branch of manufactures to be carried on thereat;

Third. The total amount of the capital stock of such company, the amount with which they will commence business, and the number of shares into which the same is divided;

Fourth. The names and residences of the stockholders, and the number of shares held by each;

Fifth. The periods at which such company shall commence and terminate;

Which certificate shall be proved or acknowledged and recorded in a book to be kept for that purpose in the office of the clerk of the county where the office or place of business of such company shall be established; and, after being so recorded, shall be deposited and filed in the office of the secretary of state. Certificate to be recorded.

2. *And be it enacted*, That the said certificate, or copies thereof, duly certified by said clerk or secretary, shall be evidence in all courts and places for and against any such company.

3. *And be it enacted*, That, upon making said certificate, and causing the same to be recorded and filed as aforesaid, the said persons so associating, their successors and assigns, shall be, from the time of commencement fixed in said certificate, and until the time limited therein for the termination thereof, incorporated into a company, by the name mentioned in said certificate; *provided*, that the legislature may at pleasure dissolve any company created by virtue of this act. Company to be incorporated when certificate is filed.

4. *And be it enacted*, That all companies that may be hereafter established within this state under the provisions of this act, and also, the officers of every such company, and the stockholders therein, may exercise the powers, and shall be governed by the provisions, and be subject to the liabilities herein after provided.

5. *And be it enacted*, That every such company shall have power in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and may have a common seal, and change, alter, and renew the same at pleasure; and, by its corporate name, shall in law be capable of buying, holding, and conveying any lands, tenements, hereditaments, goods, wares, and merchandise, whatsoever, necessary or useful for said company to carry on their manufacturing operations, and all other real estate which shall have been bona fide mortgaged to the said company, by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealings, or purchased at sales upon judgments or decrees which shall be obtained for such debts; *provided always*, that no part of the funds of such company shall be used or employed at any time in banking operations, or for any other purpose inconsistent with the provisions of this act. Powers of corporations.

6. *And be it enacted*, That the business of every such manufacturing company shall be managed and conducted by the president and directors thereof, and such other officers, agents, Officers.

and factors as the company shall think proper to authorize for that purpose; and every such company shall have a secretary and treasurer.

Directors.

7. *And be it enacted*, That the directors shall not be less than three in number, and they shall be chosen annually by the stockholders, at such time and place as shall be provided by the by-laws of the company, and shall hold their offices for one year and until others are chosen and qualified in their stead; and one of the directors shall be chosen president, either by the directors or by the company, as shall be directed by the by-laws.

Duties of secretary and treasurer.

8. *And be it enacted*, That the secretary and treasurer shall also be chosen annually, either by the directors or the stockholders, as the by-laws may direct, and shall hold their offices until others are chosen and qualified in their stead; the secretary shall be sworn to the faithful discharge of his duty, and shall record all the votes of the company and directors in a book to be kept for that purpose, and perform such other duties as shall be assigned to him; and the treasurer shall give bond in such sum, and with such sureties, as shall be required by the by-laws for the faithful discharge of his duty.

9. *And be it enacted*, That all other officers, agents, and factors of the company shall be chosen in such manner, and hold their offices for such terms, as shall be directed by the by-laws.

Companies to make by-laws.

10. *And be it enacted*, That every such company may make by-laws for their own regulation and government, with penalties for the breach thereof, not exceeding twenty dollars; *provided*, that such by-laws shall not be repugnant to the provisions of this act or to the constitution and laws of this state or of the United States.

Stockholders may vote by proxy.

11. *And be it enacted*, That at all meetings of the company absent stockholders may vote by proxy, authorized in writing; and every company may determine, by its by-laws, the manner of calling and conducting all meetings, what number of shares shall entitle the stockholders to one or more votes, what number of stockholders shall attend, either in person or by proxy, or what number of shares or amount of interest shall be represented at any meeting in order to constitute a quorum; and if the quorum shall not be so determined by the company, a majority of the stockholders in interest shall constitute a quorum.

Notice to be given of meetings.

12. *And be it enacted*, That the first meeting of every such company shall be called by a notice, signed by a majority of the persons named in the before mentioned certificate, and designating the time, place, and purposes of the meeting; and

such notice shall, three weeks at least before the time of such meeting, be published in some newspaper of the county where the corporation may be established, or if there be no newspaper in the county, then in a newspaper of an adjoining county.

13. *And be it enacted,* That every stockholder shall have a certificate, under the seal of the corporation, and signed by the treasurer, certifying his property in such shares as shall be expressed in the certificate. Stockholders to have certificate.

14. *And be it enacted,* That every such company may, at any meeting called for that purpose, increase its capital stock and the number of shares therein; *provided,* that the stock, when so increased, shall not exceed the total amount fixed in the original certificate. Company may increase its capital stock.

15. *And be it enacted,* That the shares of stock in every such company shall be deemed personal property, and shall be transferable on the books of such company in such manner as the by-laws may provide; and whenever any transfer of shares shall be made for collateral security, and not absolutely, the same shall be so expressed in the entry of said transfer. Shares transferable.

16. *And be it enacted,* That every such company may from time to time, at any legal meeting called for that purpose, assess upon each share such sums of money as two-thirds of the stockholders in interest shall direct, not exceeding in the whole the amount at which each share shall be originally limited under the third article of the first section of this act; and such sums so assessed shall be paid to the treasurer, at such times and by such instalments as the directors shall direct, said directors having given thirty days' notice of the time and place of such payment in a newspaper circulating in the county where such company is established. Notice to be given of payment of instalments.

17. *And be it enacted,* That if the owner or owners of any share or shares shall neglect to pay any sum or sums duly assessed thereon, for the space of thirty days after the time appointed for the payment thereof, the treasurer of the company may sell, at public auction, such number of the shares of such delinquent owner or owners as will pay all assessments then due from him or them, with interest and all necessary incidental charges; *provided* two-thirds of the stockholders in interest shall so direct. Shares of delinquent owners to be sold.

18. *And be it enacted,* That the treasurer shall give notice of the time and place appointed for such sale, and of the sum due on each share, by advertising the same three weeks, successively, before the sale, in some newspaper circulating in the county where such company is established, and shall transfer such shares to the purchaser, who shall be entitled to a certificate therefor. Treasurer to give notice of time of sale.

Stockholders
liable for debts.

19. *And be it enacted,* That all the stockholders of every manufacturing company established under this act shall be jointly and severally liable for all debts and contracts made by such company, until the amount of the capital stock from time to time fixed and limited by the company in manner aforesaid, shall have been paid in, and a certificate thereof shall have been made and recorded in the clerk's office and published, as prescribed in the following section.

Certificate of
amount of stock
paid in.

20. *And be it enacted,* That the president and directors, with the secretary and treasurer of each company, within thirty days after the payment of the last instalment of the capital stock so fixed and limited by the company, shall make a certificate stating the amount of the capital so fixed and paid in; which certificate shall be signed and sworn, or affirmed to by the president, secretary, and treasurer and a majority of the directors, and they shall, within the said thirty days, cause the same to be recorded in a book to be kept for that purpose in the office of the clerk of the county wherein the manufactory is established, and also, to be published for three weeks in a newspaper circulating in said county.

Certificate of
increase of capi-
tal stock.

21. *And be it enacted,* That if any of the said companies shall increase their capital stock, as before provided in this act, the officers mentioned in the preceding section, within thirty days after the payment of the last instalment of such additional stock, shall make a certificate of the amount so added and paid in, and sign and swear, or affirm, to the same, and cause it to be recorded and published in the manner provided in the preceding section.

Officers liable
for debts in case
of neglect.

22. *And be it enacted,* That if any of the said officers shall neglect or refuse to perform the duties required of them in the two preceding sections, they shall be jointly and severally liable for all debts of the company contracted after the expiration of the said thirty days, and before such certificate shall be recorded as aforesaid.

Company may
reduce its capi-
tal stock.

23. *And be it enacted,* That every such company may, by a vote at any meeting called for that purpose, reduce its capital stock; and in such case a certified copy of the vote shall, within thirty days after the passing thereof, be recorded in the said book in the clerk's office for the county wherein the manufactory is established, and published for three weeks in a newspaper circulating in said county, and in default thereof, the directors of the company shall be jointly and severally liable for all debts of the company contracted after said thirty days, and before the recording of the copy of the vote as aforesaid.

24. *And be it enacted,* That if any part of the capital stock

of said company shall be withdrawn and refunded to the stockholders, before the payment of all the debts of the company contracted previously to the recording and publishing of a copy of a vote for that purpose, as prescribed in the preceding section, all the stockholders of the company shall be jointly and severally liable for the payment of the said last mentioned debts.

No part of capital stock to be withdrawn before payment of debts.

25. *And be it enacted,* That every such company shall give notice in the month of January, annually, in some newspaper circulating in the county where the manufactory is established, of the amount of stock actually paid in, and the amount of existing debts, and amount of all the assets of said company deemed good, which notice shall be signed by the president and a majority of the directors, and verified by their oaths or affirmations; and if any of the said companies shall fail so to do, all the stockholders of the company shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be contracted before such notice shall be given.

Annual statement to be published.

26. *And be it enacted,* That if the directors of any such company shall declare and pay any dividend when the company is unable to pay its debts, or any dividend, the payment of which would render it so unable, they shall be jointly and severally liable for all the debts of the company then existing and for all that shall be thereafter contracted, so long as they shall respectively continue in office; *provided,* that the amount for which they shall be so liable shall not exceed the amount of such dividend; and that if any of the directors shall be absent at the time of making the dividend, or shall object thereto, and, in case of being so absent or so objecting, shall file their objection in writing with the secretary of the company, and publish the same in a newspaper circulating in the county wherein the said company is located, such directors shall be exempted from the said liability.

Dividends not to be declared when company is unable to pay its debts.

27. *And be it enacted,* That no note or obligation given by any stockholder, whether secured by any pledge or otherwise, shall be considered as payment of any part of the capital stock; and no loan of money shall be made to a stockholder therein; and if any such loan shall be made to a stockholder, the officers who shall make it, or who shall assent thereto, shall be jointly and severally liable, to the extent of such loan and interest, for all the debts of the company contracted before the repayment of the sum so loaned.

No loan to be made to stockholders.

28. *And be it enacted,* That the whole amount of the debts which any such company shall at any time owe, shall not exceed the amount of its capital stock actually paid in; and in case of any excess, the directors under whose admin-

Debts not to exceed amount of capital stock paid in.

istration it shall happen shall be jointly and severally liable, to the extent of such excess, for all the debts of the company then existing, and for all that shall be contracted, so long as they shall respectively continue in office, until the debts shall be reduced to the said amount of the capital stock; *provided*, that any of the directors who shall be absent at the time of contracting any debt contrary to the foregoing provisions, or who, being present, shall object thereto, may exempt themselves from the said liability, by forthwith giving notice of the fact to the stockholders at a meeting, which they may call for that purpose.

Office of secretary to be kept in this state.

29. *And be it enacted*, That every corporation created under the provisions of this act shall keep the office of its secretary, together with its records and papers, at some place within this state.

Parol contracts binding.

30. *And be it enacted*, That parol contracts may be binding on any company created under the provisions of this act, if made by an agent duly authorized by a corporate vote or under the general regulations of the company; and contracts may be implied on the part of such corporation from their corporate acts, or those of an agent whose powers are of a general character.

Three stockholders may call meeting in certain cases.

31. *And be it enacted*, That whenever, for want of sufficient by-laws for the purpose, or of officers duly authorized, or from the improper neglect or refusal of such officers, or from other legal impediment, a legal meeting of any company cannot be otherwise called, three or more stockholders thereof may call a meeting of the company, by giving ten days' notice in a newspaper circulating in the county; and such meeting, so called, shall be a legal meeting of the company; and if there be no officers of the company present, whose duty it is to preside at meetings, the stockholders present may elect officers for the meeting; and it shall be the duty of the secretary of the company to record the proceedings of such meeting in the book of minutes of the company.

Penalty for false representation.

32. *And be it enacted*, That if any certificate made, or any public notice given, by the officers of any manufacturing company in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same, shall be jointly and severally liable for all the debts of the company contracted while they were stockholders or officers thereof.

Actions may be maintained against officers.

33. *And be it enacted*, That when any of the officers of any manufacturing company shall be liable, by the provisions of this act, to pay the debts of such company, or any part

thereof, any person to whom they shall be so liable may have an action on the case against any one or more of the said officers; and the declaration in such action shall state the claim against the company, and the ground on which the plaintiff expects to charge the defendants personally; and such action may be brought notwithstanding the pendency of an action against the company for the recovery of the same claim or demand; and both of the said actions may be prosecuted until the plaintiff shall obtain payment of his debt and the costs of both actions.

34. *And be it enacted*, That when any of the said officers or stockholders are liable, as mentioned in this act, for the debts of any such company, or any part thereof, the person to whom they are so liable may, instead of the other proceedings mentioned in this act, have his remedy against the said officers or stockholders by a bill in chancery.

Proceedings may be had in chancery.

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

Stockholders may recover of company.

36. *And be it enacted*, That any officer of a manufacturing company who shall pay any debt of the company for which he is made liable by the provisions of this act, may recover the amount so paid in an action against the company for money paid for their use, in which action the property of the company, only, shall be liable to be taken, and not the property of any stockholder.

37. *And be it enacted*, That every agent or other person having charge of any property of such company, on request of any public officer having for service a writ of execution against such company, shall furnish the names of the directors, stockholders, and secretary thereof, and a schedule of all its property, including debts due or to become due to such company, so far as he may have knowledge of the same.

Agents to furnish schedule of property, &c.

38. *And be it enacted*, That if any such officer, holding an execution, shall be unable to find other property belonging to such company liable to execution, he or the judgment creditor

Proceedings in case no property can be found.

may elect to satisfy such execution, in whole or in part, by any debts due such company, not exceeding the amount thereof; and it shall be the duty of any agent or other person having the custody of any evidence of such debt, to deliver the same to the officer, for the use of the creditor; and such delivery, with a transfer to the officer in writing, for the use of the creditor, and notice to the debtor, shall be a valid assignment thereof; and such creditor may sue for and collect the same in the name of such company, subject to such equitable set-offs on the part of the debtor as may be in other assignments.

Penalty for refusal to comply with provisions of act.

39. *And be it enacted*, That every such agent or other person who shall neglect or refuse to comply with the provisions of the two preceding sections, shall be himself liable to pay to the execution creditor the amount due on said execution, with costs.

Executors, &c. not liable for debts of company.

40. *And be it enacted*, That no person holding stock in any manufacturing company, as executors, administrators, guardians, or trustees, and no person holding such stock as collateral security, shall be personally subject to any liabilities as stockholders of such company, but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly; and the estates and funds in the hands of such executors, administrators, guardians, and trustees shall be liable in their hands, in like manner, and to the same extent, as the deceased testator or intestate, or the ward or person interested in such trust fund would have been if they had respectively been living and competent to act, and had held the same stock in their own names.

Executors, &c. may vote.

41. *And be it enacted*, That every such executor, administrator, guardian, and trustee shall represent the share or stock in his hands at all meetings of the company, and may vote, accordingly, as a stockholder; and every person who shall pledge his stock, as aforesaid, may nevertheless represent the same at all such meetings, and may vote, accordingly, as a stockholder.

Time for settling up business after dissolution.

42. *And be it enacted*, That all corporations created under the provisions of this act, which shall expire by their own limitation, or shall be annulled by the legislature or otherwise, shall nevertheless be continued bodies corporate for the term of three years after the time when they would have been so dissolved, for the purpose of prosecuting and defending suits by or against them, and of enabling them gradually to settle and close their concerns, to dispose of and convey their property, and to divide their capital stock, but not for the purpose of continuing the business for which such corporation may be established.

43. *And be it enacted*, That when any such company shall be dissolved, as mentioned in the preceding section, the chancellor, on application of any creditor or stockholder of such corporation, at any time within the said three years, may appoint one or more persons to be receivers of and for such corporation, to take charge of the estate and effects thereof, and to collect the debts and property due and belonging to the company, with power to prosecute and defend, in the name of the corporation or otherwise, all such suits as may be necessary or proper for the purposes aforesaid, and to appoint an agent or agents under them, and to do all other acts which might be done by such corporation, if in being, that may be necessary for the final settlement of the unfinished business of the corporation; and the powers of such receivers may be continued beyond the said three years, and as long as the chancellor shall think necessary for the purposes aforesaid.

Chancellor may appoint receivers.

44. *And be it enacted*, That the chancellor shall have jurisdiction of said application, and of all questions arising in the proceedings thereon, and may make such orders, injunctions, and decrees therein, as justice and equity shall require.

45. *And be it enacted*, That the said receivers shall pay all debts due from the corporation, if the funds in their hands shall be sufficient therefor, and if not, they shall distribute the same ratably among all the creditors who shall prove their debts in the manner that shall be directed by an order or decree of the court for that purpose; and if there shall be any balance remaining after the payment of said debts, the receivers shall distribute and pay the same to and among those who shall be justly entitled thereto, as having been stockholders of the corporation, or their legal representatives.

Receivers to pay debts of company, if funds are sufficient.

46. *And be it enacted*, That the provisions contained in this act may be amended or repealed at the pleasure of the legislature, and every company created under this act shall be bound by such amendments; but such amendment or repeal shall not take away or impair any remedy against any such corporation, its officers or stockholders, for any liability which shall have been previously incurred.

Act may be repealed, &c.

47. *And be it enacted*, That on the final dissolution of any corporation created under this act, all its real and personal estate, not legally disposed of, shall be vested in the individuals who may be stockholders at the time of such dissolution, in their respective proportions, and they shall hold the same as tenants or owners in common.

Property to be vested in stockholders in case of dissolution.

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

Act, when to take effect.

Approved, February 25, 1846.

AN ACT to relieve Catharine Rutan from a judgment upon a forfeited recognizance of bail.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if Catherine Rutan shall pay unto Nathaniel Lane, esquire, late sheriff of the county of Passaic, the costs that have accrued in the proceedings which have been instituted in behalf of the state of New Jersey against Ellis E. Collins, and the said Catharine Rutan, as his surety, upon a recognizance of bail, the said sheriff shall desist from raising and making any further moneys on the execution in said case delivered to him; and thereupon the treasurer of this state is hereby authorized and directed to enter satisfaction of record of the judgment rendered against them, in favour of the state of New Jersey, in the supreme court of judicature of this state.

Treasurer to enter satisfaction of record.

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

Act, when to take effect.

Approved, February 26, 1846.

AN ACT to incorporate the *Ætna Manufacturing Company*.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Garrick Mallery, Thomas C. Rockhill, Joseph Porter, Lawrence Lewis, Samuel V. Merrick, Benjamin W. Cooper, Edward Browning, Edward Smith, Jesse W. Starr, Nathan Sargent, and Philip J. Gray, and their associates and successors, are hereby made and created a body politic and corporate in law, by the name of "the *Ætna Manufacturing Company*," for the purpose of making, forging, or manufacturing bar and other kinds of iron, from ore, pigs, blooms, or scraps, and for manufacturing nails, screws, wire, cutlery, and other articles of hardware, as well as all machinery used for such purposes, and for the transaction of such business as may be properly connected therewith; and may erect such buildings, mills, and other works, as may be required for carrying on such branches of manufacture and business; and they shall have power to raise by subscription a capital not exceeding eight hundred thousand dollars, in shares of five hundred dollars each; and that the business op-

Names of incorporators.

Style.

rations of said company shall be conducted in the county of Camden, and not elsewhere.

2. *And be it enacted*, That the said corporation may purchase and hold such real estate as may be required for the purposes of the said corporation, or such as they may be obliged or deem it for their interest to take in settlement or payment of any debt due by the said corporation, and may dispose of the same; and may sue and be sued in all courts of law or equity; may have and use a common seal, and make such by-laws for their regulation and government as they may see proper; *provided* the same are not inconsistent with the constitution and laws of the United States and of this state.

General powers.

3. *And be it enacted*, That the said corporation shall not go into operation until fifty thousand dollars of the capital stock shall be paid in gold or silver coin or current bank notes, and an oath or affirmation thereof shall be made by two or more of the associates named in the first section of this act, and filed in the office of the secretary of state.

Amount of capital stock.

4. *And be it enacted*, That the capital stock shall be deemed personal estate, and be transferable upon the books of the said corporation; and no part of the said capital stock shall at any time, or upon any pretence whatever, be divided among the stockholders for dividends, neither shall it be withdrawn or refunded to the stockholders until all debts and liabilities of the company are fully paid; and each stockholder shall, in the election of directors, have one vote for every share he holds in said company.

Stock transferable.

5. *And be it enacted*, That Garrick Mallery, Nathan Sargent, Benjamin W. Cooper, Edward Browning, and Philip J. Gray, or a majority of them, may open books and take subscriptions for the capital stock, in such manner as they may deem expedient; and whenever such subscriptions amount to fifty thousand dollars, the stockholders, having had two weeks' notice in writing or in a newspaper published in the county of Camden, shall proceed to elect such directors and officers as they may deem necessary for conducting the affairs of the company, they to hold office until their successors shall be elected; and such directors, or their successors, shall have power to dispose of any remainder of stock which may not have been subscribed for, in such manner and at such times as they may deem fit.

Books of subscription to be opened.

6. *And be it enacted*, That in the month of May, annually, the directors shall submit to the stockholders a written statement, under oath or affirmation, of the amount of capital stock paid in, and the amount of all existing debts against the corporation or company, which statement shall be published in

Directors to make annual statement.

some newspaper circulating in the county of Camden; and no dividend shall be declared or paid to the stockholders, except it be from the net profits of the company; and the debts of the said corporation shall at no time be suffered to exceed the capital stock paid in.

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

7. *And be it enacted*, That in case it should happen that an election of directors should not be made on the day designated for that purpose, the said corporation shall not be deemed dissolved, but the stockholders may proceed to hold an election on any other day, the same notice as is herein provided to be given being given of such election, the time, place, and day being designated in such notice.

Vacancies, &c., how supplied.

8. *And be it enacted*; That a majority of the directors for the time being shall constitute a quorum for doing business, and in case a vacancy should occur in the board, it shall be filled for the remainder of the term by the remaining directors.

Books of account to be kept.

9. *And be it enacted*, That regular books shall be kept of all receipts, disbursements, &c., and showing in a plain manner the operations of the company, to which books any stockholder may have access at all reasonable hours, for the purpose of inspection; books of transfer of stock shall also be kept.

Limitation.

10. *And be it enacted*, That the corporation hereby created shall continue twenty years, 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.

Approved, February 26, 1846.

AN ACT for the relief of Mary Budd, widow of George Budd, deceased, of the county of Camden.

Pension of \$30 granted to M. Budd.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state be, and he is hereby authorized and directed to pay unto Mary Budd, widow of George Budd, deceased, late a soldier in the Revolutionary war, or to her order, the sum of thirty dollars;

per annum, during her natural life, in half-yearly payments of fifteen dollars each, the first payment to be made on the first day of March next.

Approved, February 26, 1846.

AN ACT to incorporate the Willingborough Manufacturing Company.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That John W. Fenimore, Charles Stokes, Benjamin Ridgway, Richard F. Wilmerton, John Farnum, Charles Churchman, and James Martin, and their associates and successors, are hereby made and created a body politic and corporate in law, by the name of "the Willingborough Manufacturing Company," for the purpose of manufacturing, bleaching, and printing all goods of which cotton or other fibrous materials form a part, and all the machinery incident thereto, and for the transaction of such business as may be necessarily connected therewith, and may erect such mills and other works as may be required to carry on such branches of manufacture; and they shall have power to raise by subscription a capital of three hundred thousand dollars.

Names of corporators.

2. *And be it enacted,* That the said corporation may purchase and hold such real estate in the township of Willingborough, and county of Burlington, as may be required for the purposes of the said corporation, and may dispose of the same, and may sue and be sued in all courts of law and equity, may have and use a common seal, and make such by-laws for their regulation and government as they may see proper; *provided* the same are not inconsistent with the constitution and laws of the United States or of this state.

General powers.

3. *And be it enacted,* That the capital stock of the said corporation shall be divided into shares of one hundred dollars each; but as soon as fifty thousand dollars of the said capital shall have been subscribed and paid, in lawful money or current bank notes, and an affidavit thereof made by a majority of the directors to be chosen in pursuance of this act, and filed in the office of the secretary of state, then it shall and may be lawful for the said corporation to commence their business, and with that capital to conduct and carry it on, until they

When company can commence business.

shall find it expedient to extend their capital, which they are authorized to do from time to time to the amount herein before mentioned.

Stock transferable.

4. *And be it enacted*, That the capital stock shall be deemed personal estate, and transferable upon the books of the said corporation; and no part of the said capital stock shall at any time, nor under any pretence whatever, be divided among the stockholders for dividends, and no dividend shall be made or paid, except from the actual profits; and each stockholder shall, in the election of directors, have one vote for each share of stock he holds in said company.

Books of subscription to be opened.

5. *And be it enacted*, That John W. Fenimore, Charles Stokes, Benjamin Ridgway, Richard F. Wilmerton, John Farnum, Charles Churchman, and James Martin, or any three of them, shall be commissioners, whose duty it shall be to open books to receive subscriptions to the capital stock of the said corporation, first giving two weeks' notice, in a newspaper published at Mount Holly, in the county of Burlington, of the time and place of the opening of such books, and also of the amount of the first instalment to be then paid; and as soon as the same shall be subscribed, to give a like notice for the meeting of stockholders to choose such directors, officers, and agents as may be deemed necessary for conducting the affairs of the company.

Books of account to be kept.

6. *And be it enacted*, That the directors shall at all times keep, or cause to be kept at their manufactory, proper books of account, in which shall be regularly entered all the dealings and transactions of said corporation; which books shall at all times be subject to the inspection of the stockholders of the company.

Directors to make annual statement.

7. *And be it enacted*, That in the month of May, in each year, the directors shall submit to the stockholders a written statement of the amount of capital stock paid in, and the amount of all existing debts against the company, which statement shall be published in some newspaper printed in the county of Burlington for the space of three weeks; and no dividend shall be declared or paid to the stockholders when such payment would render the company insolvent; and the debts of the said corporation shall at no time be suffered to exceed the capital stock actually paid in.

Restriction.

8. *And be it enacted*, That no part of the capital stock, or any of the lands of the said corporation, shall at any time during the continuance of this charter be used or employed, directly or indirectly, in banking operations, or for any purpose whatever inconsistent with the provisions of this act.

9. *And be it enacted*, That this act shall continue in force.

for the term of twenty years, and the said corporation shall ^{Limitation.} possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, as far as the same are applicable.

Approved, February 26, 1846.

Supplement to an act entitled, "An act to incorporate the Mutual Fire Insurance Company of Passaic," approved April third, eighteen hundred and forty-five.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section third of the act to which this is a supplement be, and the same is hereby so amended, that, after the passage of this supplement, five directors shall constitute a quorum for the transaction of business, and that at the next, and every subsequent election, nine directors shall be chosen, who shall transact the business of said company; and that section sixth of said act be, and the same is hereby so amended as to authorize the directors to require fifty per centum of the respective premium notes to be paid, anything in the said act to which this is a supplement to the contrary notwithstanding.

Former act amended.

Approved, February 27, 1846.

AN ACT providing a mode of ascertaining the population of the township of Hope, in the county of Warren.

WHEREAS the people of the township of Hope, in the county of Warren, have petitioned that a mode may be provided ^{Preamble.} by law for ascertaining the present population of said township, in order to determine the number of justices of the

peace which it may be constitutional and lawful to elect therein—therefore,

Mode of making enumeration.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Thomas Case, of the village of Hope, in said township, shall be, and he is hereby authorized, or in case of his refusal to do the same, then Alfred Mixsell, of the same place, is hereby authorized, to take and ascertain the number of inhabitants within the said township, according to the directions of this act; the said enumeration shall be made by an actual inquiry, in person, at every dwelling-house, or by personal inquiry of the head of every family, in said township; the said enumeration shall be completed and closed by the sixth day of April next ensuing, and the person taking the same, shall, on or before that day, prepare two copies of the accurate returns of all the inhabitants of said township, which shall be made in a schedule, and shall distinguish the several families by the name of the head thereof, and one copy thereof, duly attested, shall be filed with the clerk of the county of Warren, and remain of record in his office, and the other copy, also attested, shall be delivered to the township committee of the said township; and if the person taking the said enumeration should wilfully make a false return thereof, he shall forfeit the sum of two hundred dollars, to be recoverable in an action of debt, at the suit of the overseers of the poor of said township, for the use of the poor, in any court of competent jurisdiction; and the person taking the said enumeration, shall receive at the rate of two dollars for every hundred persons in said township by him returned.

Penalty for not giving information, &c.

2. *And be it enacted*, That each and every free person more than sixteen years of age, whether heads of families or not, belonging to any family in said township, shall be, and is hereby required and obliged to render to the person taking the said enumeration, if requested by him, a true account, to the best of his or her knowledge, of every person belonging to such family, respectively, on pain of forfeiting twenty dollars, to be sued for and recovered in an action of debt, by the person taking the said enumeration, the one half to his own use, and the other half to the use of the said township.

Oath of person taking enumeration.

3. *And be it enacted*, That, before entering upon the said duty, the person taking the said enumeration under this act, shall take and subscribe the following oath or affirmation before some judge or justice of the peace resident in said township, as follows: "I, T. C., appointed by an act of the legislature of New Jersey, entitled, "An act providing a mode of ascertaining the population of the township of Hope, in the county of Warren," do solemnly swear (or affirm), that I will make a

just, faithful, and perfect enumeration of all persons resident within the said township, and make due return thereof, agreeably to the directions of the said act, according to the best of my ability; and that I will take the said enumeration by actual inquiry at every dwelling-house, or personal inquiry of the head of every family, and not otherwise."

4. *And be it enacted*, That the compensation to the person making the said enumeration, as designated in the first section of this act, shall be paid by the collector of said township, upon the certificate of the township committee, it being hereby made the duty of the assessor of said township to include the amount of said compensation in his assessments for the ensuing year.

Compensation,
how paid.

Approved, February 27, 1846.

AN ACT to divide the township of Amwell, in the county of Hunterdon.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the township of Amwell, in the county of Hunterdon, be, and the same is hereby divided into two separate and independent townships; and all that part of the said township of Amwell which lies west of the middle of the great road leading direct from Woodsville, by New Market and Rocktown, to the village of Ringoes, in said county, shall be, and is hereby set off into a separate township, to be called and known by the name of "the township of West Amwell;" and all that part of the said township of Amwell which lies east of the middle of the said great road leading direct from Woodsville, as aforesaid, to the said village of Ringoes shall be, and hereby is set off into a separate township, to be called and known by the name of "the township of East Amwell."

Boundaries of
West Amwell.

Boundaries of
East Amwell.

2. *And be it enacted*, That the inhabitants of the said township of West Amwell shall be, and they hereby are constituted a body politic and corporate in law, and shall be styled and known by the name of "the Inhabitants of the township of West Amwell, in the county of Hunterdon;" and the inhabitants of the township of East Amwell shall be, and they hereby are constituted a body politic and corporate in law, and shall be styled and known by the name of "the Inhabit-

Townships in-
corporated.

ants of the township of East Amwell, in the county of Hunterdon," and shall, respectively, be entitled to all the rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in the said county of Hunterdon are or may be entitled or subject to by the existing laws of this state.

First annual town meeting.

3. *And be it enacted*, That the inhabitants of the township of East Amwell shall hold their first annual town meeting at the house of Charles W. Holcomb, at Wearts's corner, in the said township of East Amwell; and the inhabitants of the said township of West Amwell shall hold their first annual town meeting at the inn of John Menagh in the village of Mount Airy, in the said township of West Amwell; and the said townships of East Amwell and West Amwell shall hold their first, and all subsequent annual town meetings, on the day appointed by law for holding the annual town meetings in the other townships in the county of Hunterdon.

Town committees to divide property.

4. *And be it enacted*, That the town committees of the townships of East Amwell and West Amwell shall meet on the first Monday after the next annual town meetings in said townships, at the inn now occupied by Amos Williamson in the village of Ringoes, in the said township of East Amwell, at ten o'clock in the forenoon of said day, and shall then and there, or as soon afterwards as may be, proceed by writing, signed by a majority of the members of each township committee, to allot and divide between the said townships of East Amwell and West Amwell all the property and moneys on hand or due, in proportion to the taxable property and ratables, as taxed by the assessor of the said township of Amwell at the last annual assessment; and the inhabitants of the township of East Amwell shall be liable to pay their just proportion of the debts, if any there be.

Settlement of paupers.

5. *And be it enacted*, That, the said township committees of East Amwell and West Amwell shall, at their first meeting, or as soon after as may be, make division by writing, signed by a majority of the members of each township committee, of the paupers at that time chargeable to the said townships, according to the place of their legal settlement.

Act, when to take effect.

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

Approved, February 27, 1846.

AN ACT to incorporate the Passaic Manufacturing Company
at Newark.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Isaac Baldwin, John H. Stephens, Charles T. Day, James Keen, Isaac Van Wagenen, Beach Vanderpool, Charles S. Macknett, Joel W. Condit, Elihu Day, William Wright, William B. Kinney, and Samuel P. Mason, and their survivors, and all such persons as may hereafter be associated with them, or the said survivors and their successors, shall be, and they are hereby constituted a body corporate, by the name and style of "the Passaic Manufacturing Company at Newark," for the purpose of manufacturing cotton into yarn and goods by steam-power, with the right to manufacture cotton, flax, wool, iron, paper, and silk, and in printing and bleaching and dyeing goods, in the city of Newark, in the county of Essex, in this state, and of carrying on the business incident thereto; and the said company may hold such personal and real estate, situate in the city of Newark aforesaid, as may be necessary or useful 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.

Names of corporators.

Style and general powers.

2. *And be it enacted*, That the stock, property, and concerns of said corporation shall be managed and conducted by seven directors, being stockholders (one of whom shall be president), who shall hold their offices for one year and until others are chosen; and the said directors shall be chosen as soon as one hundred thousand dollars of stock is subscribed, as herein after provided, and on the first Monday of June in every year thereafter, at such place and time as shall be directed by the by-laws of the said corporation; and public notice thereof shall be given, not less than ten days previous, in one or more newspapers printed in Newark, in the said county of Essex; and each stockholder shall at such election be entitled, 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 seven persons having or receiving in such elections the greatest number of votes, and 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 fix such compensation

Time and mode of annual election of directors.

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 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.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of the said corporation shall be two hundred thousand dollars, and may be increased to four hundred thousand dollars, if the same shall become necessary; and the stock shall be divided into shares of fifty dollars each; but so soon as one hundred thousand dollars of the said capital stock shall have been subscribed, and twenty-five thousand dollars paid, and an affidavit thereof shall be made by a majority of the associates named in this act, and filed in the clerk's office of the county of Essex, it shall be lawful for the said corporation to commence business; and it shall be lawful for the directors of the said corporation, or a majority of them, from time to time to call for and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under 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 public notice previously published for the space of ten days in one or more newspapers printed in the said county of Essex, designating the proportion of such payment per share, and the time and place when, and the officer to whom the same shall be required to be made.

Books of subscription to be opened.

4. *And be it enacted*, That the subscription for said stock shall be opened by Isaac Baldwin, John H. Stephens, and Charles T. Day, until the sum required shall be subscribed, and that they give at least ten days' notice of the same, in a newspaper published in the county of Essex, designating the time and place when and where the books of subscription are to be opened; and they are hereby authorized, by public notification in one of the public newspapers printed at Newark, to call the first meeting of the stockholders to elect directors of said corporation, at such time and place as they shall judge proper.

Stock transferable.

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

Corporation not dissolved for failure to elect on day prescribed.

6. *And be it enacted*, That in case it should at any time happen that an election should not be made upon the day designated by this act for that purpose, the said corporation shall not for that cause be deemed to be dissolved, but it shall be

lawful to hold such election on such other days as shall be prescribed by the by-laws of the said corporation.

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 to make and enforce by-laws. Powers and duties of directors.

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

9. *And be it enacted*, That the corporation hereby created shall continue twenty years, and shall possess the general powers, and be subject to the restrictions and liabilities, set forth in "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six. Limitation:

Approved, February 27, 1846.

AN ACT to incorporate a joint stock company for the manufacture of India rubber goods.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Horace H. Day, William Dunham, William Waldron, A. Sidney Doane, M. D., Lewis R. Stelle, Halsey Brower, and George Eldredge, and their associates and successors, be, and they are hereby made a body corporate, for the purpose of manufacturing India rubber, in all its various forms, and all goods and articles of merchandise of which India rubber can or may form a component part; and for the purpose of erecting, purchasing, and constructing all the machinery necessary and useful for such manufactory, and transacting all business connected therewith; which said corporation shall be known and designated by the name of "Day's India Rubber Manufacturing Company;" and the said company may hold such personal and real estate and property as may be necessary, useful, or convenient for the said corporation to carry on the aforesaid manufacturing operations, together with such other real estate as shall have been Names of corporators.

Style of incorporation.

bona fide mortgaged or pledged to them by way of security, or conveyed to them in satisfaction of any debt or debts, liability or liabilities, previously created in their business, or purchased at any sale or sales upon any judgment or judgments which shall have been obtained for any such debt or debts, liability or liabilities; and may erect such mills, houses, and other works as they shall deem necessary to carry on the aforesaid manufacturing business, either in the county of Middlesex or Somerset, or both of said counties.

Time and mode
of annual elec-
tion of directors.

2. *And be it enacted*, That the stock, property, and concerns of the said corporation shall be managed and conducted by five directors; being stockholders, three of whom, at least, shall be residents of New Jersey, who shall be chosen annually, on the first Monday in January or July, at such time and place as shall be designated by the by-laws of said corporation, whereof public notice shall be given, not less than ten days previous thereto, in one or more newspapers printed and published in the counties of Middlesex and Somerset; and at such election, each stockholder shall be entitled to as many votes as he or she shall hold shares of the capital stock of the said corporation; and the five stockholders having or receiving the greatest number of votes at such elections, shall be the directors of said corporation; which said directors shall choose one of their number as president, and may appoint such other officers, superintendents, and agents, and allow them 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 shall hold their offices for one year, respectively, and until other directors shall be legally elected to succeed them; and all vacancies, occasioned by death, resignation, or otherwise, among the directors of said corporation, 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 from among the stockholders for that purpose.

Amount of ca-
pital stock.

3. *And be it enacted*, That the capital stock of the said corporation shall not exceed three hundred thousand dollars, which shall be divided into shares of one hundred dollars each; and so soon as fifty thousand dollars of the said capital stock shall have been subscribed and paid in, in lawful money, and an affidavit thereof shall be made by a majority of the associates named in the first section of this act, and filed in the office of the secretary of state, it shall then be lawful for the said corporation to commence their said business, or any part thereof, and with that capital conduct and carry it on until they shall deem it expedient to extend the same; and it shall be lawful for the directors of the said corporation, or a majority of them, from time to time to call for and demand

from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as the said directors shall deem proper; and if such payments shall not be made within thirty days next after the day fixed for that purpose by public notice, previously published for the space of two weeks, at least once in each week, in one or more newspapers published in said counties of Middlesex and Somerset, designating the proportion of each payment per share, the time when, the place where, and the officer to whom the same shall be required to be made, then and in that case each and every stockholder so neglecting or refusing to make such payments, shall forfeit to the corporation his, her, or their share or shares in said capital stock, and all previous payments thereon.

4. *And be it enacted*, That said Horace H. Day, William Dunham, William Waldron, A. Sidney Doane, Lewis R. Stelle, Halsey Brower, and George Eldredge, or any two of them, may open books and take subscriptions for the capital stock, first giving two weeks' notice, in one or more newspapers published in the counties of Middlesex and Somerset aforesaid, of the time, place, and object of said meeting; and the stockholders, at a meeting called in like manner, after a sufficient amount of capital stock shall have been subscribed and paid in, may proceed to elect, by a plurality of the votes of the stockholders present, in person or by their legal representatives, five directors, who shall hold their office, respectively, until the first Monday in January next ensuing the time of their said election and until others shall be legally chosen.

Books of subscription to be opened.

5. *And be it enacted*, That all the stock and property of the said corporation, of what kind or nature soever, shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the said corporation.

Stock personal estate.

6. *And be it enacted*, That in case at any time it should happen that an election shall not be made upon the day designated for that purpose by this act, the said corporation shall not be deemed to be dissolved for that cause; but it shall be lawful for the stockholders to hold such election on such other day or days as shall be prescribed by the by-laws of the said corporation, of which public notice shall be given, as provided in the second section of this act.

Corporation not dissolved for failure to elect on day designated.

7. *And be it enacted*, That a majority of the directors for the time being shall constitute a board for transacting the business of the said corporation, and shall have power to make and enforce by-laws.

Powers of directors.

8. *And be it enacted*, That the directors shall at all times

Transfers to be registered.

keep, or cause to be kept, proper books, in which shall be regularly entered all the transactions and business of the said corporation; 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 for that purpose.

Limitation.

9. *And be it enacted*, That the corporation hereby created shall continue twenty years, 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.

Approved; February 27, 1846.

INCORPORATING DOCUMENTS

AN ACT to incorporate the Burlington Manufacturing Company.

Names of corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Richard B. Jones, William R. Allen, George Gaskill, James Eyre, Thomas Milnor, Ira B. Underhill, Garret D. Wall, Amor W. Archer, Thomas Dugdale, and Edmund Morris, and their associates and successors, shall be, and they are hereby made a body corporate, for the purpose of manufacturing, bleaching, dyeing, printing, and finishing all goods of which cotton or other fibrous materials form a part, as well as all machinery used for such purposes, and for the transaction of such business as may be necessarily connected therewith, by the name of "the Burlington Manufacturing Company;" and the said company may hold such lands, tenements, steam and water powers, and water privileges, in the city of Burlington, and also such personal estate, as may be necessary for their said business; and the said Richard B. Jones, William R. Allen, George Gaskill, James Eyre, Thomas Milnor, Ira B. Underhill, Garret D. Wall, Amor W. Archer, Thomas Dugdale, and Edmund Morris, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of said company.

Style and general powers.

2. *And be it enacted*, That the capital stock of said company shall not exceed three hundred and fifty thousand dollars, to be subscribed for in shares of one hundred dollars each; and as soon as one thousand shares of said stock shall be subscribed for, the persons above named may, by public notice in

Amount of capital stock.

a newspaper printed in the city of Burlington, for a period of not less than thirty days, call a meeting of the stockholders of the said company for an election of seven directors.

3. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by seven directors, being stockholders, one of whom shall be president; and they shall hold their offices for one year and until others are elected in their places; and the stockholders may vote either in person or by proxy, and shall be entitled to one vote for each share of the capital stock they may severally hold in said company; and in every election of directors the stockholders having the greatest number of votes shall be directors; and the persons above named, or any three of them, shall be inspectors and judges of the first election; and the said directors, when elected, shall choose out of their own number a president; and the said president and directors shall annually thereafter, by public notice as aforesaid, call meetings of the stockholders for electing directors of the said company, and shall appoint three of the stockholders, not being directors, as inspectors and judges of the election; and the said president and directors, or a majority of them, may make by-laws, and may appoint such officers, superintendents, agents, and workmen, with such compensation as they may think proper, and may remove the same at their pleasure.

Time and mode of annual election of directors.

4. *And be it enacted*, That as soon as twenty thousand dollars of the capital stock of said company shall have been paid, and an affidavit thereof shall be made by a majority of the associates named in this act, and filed in the clerk's office of the county of Burlington, it shall and may be lawful for the said company to commence their business; and the said president and directors, or a majority of them, shall have power to call in said stock, from time to time, in such instalments as they shall see fit, giving at least thirty days' notice as aforesaid, not exceeding ten dollars on each share for every one instalment; and if any stockholder or stockholders shall neglect or refuse, for the space of six months after the expiration of the thirty days' notice as aforesaid, to pay his or their respective instalment or instalments on his or their respective share or shares, so called as aforesaid, then the stock of such stockholder or stockholders so neglecting or refusing; and all previous payments thereon, may be forfeited to the said company, for the use and benefit of said company.

When company may commence business.

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

Stock transferable.

Semi-annual dividends to be made.

6. *And be it enacted,* That a dividend of the profits of the said company (except so much thereof as shall be set apart for a surplus fund) shall be made semi-annually, by the said president and directors, among the stockholders; and no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in a book or books, to be kept by the president and directors for that purpose.

Vacancies, how supplied.

7. *And be it enacted,* That all elections of directors of the said company shall be by ballot; and if the president and directors of said company for the time being shall at any time neglect or refuse to call annual meetings for the election of directors, as herein before prescribed, the stockholders, or a majority of them, may, within the time in such case prescribed, give notice and call meetings, and elect directors in like manner as if said directors had given notice as prescribed by this act; and if at any election of directors two or more stockholders shall receive an equal number of votes, then the directors for the time being shall determine, by ballot, which of such stockholders shall be directors; and on the death or resignation of any of the directors, the remaining directors shall choose from among the stockholders some fit person or persons to fill the vacancy, who shall hold his or their office or offices until the next annual election.

Corporation not dissolved for failure to elect on day designated.

8. *And be it enacted,* That in case it should happen that an election for directors should not be held or made on the day on which pursuant to this act it ought to have been held and made, the corporation shall not for that cause be deemed to be dissolved; but it shall be lawful to hold such election at such other time as may be prescribed by the by-laws of said corporation, after thirty days' notice.

Limitation.

9. *And be it enacted,* That the corporation hereby created shall continue twenty years, 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, one thousand eight hundred and forty-six.

Approved, February 27, 1846.

AN ACT to annex part of the township of Independence, in the county of Warren, to the township of Hardwick, in said county.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That all that part of the township of Independence, in the county of Warren, north of a line beginning at the point where the line of the townships of Hope and Independence, in said county, crosses the road leading from Shiloh to Hackettstown, and thence a north-easterly course to a point where the line of the townships of Hardwick and Independence, in said county, crosses the road leading from Shiloh to Alamuchy, in said county, be, and the same is hereby set off and annexed to the township of Hardwick, in said county.

Part of Independence annexed to Hardwick.

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

Act, when to take effect.

Approved, February 27, 1846.

A further supplement to the act entitled, "An act to authorize the owners and possessors of a certain tract of woodland, therein named, to prevent horses, cattle, and sheep from running at large therein," passed February twenty-fifth, eighteen hundred and one.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the boundaries of the tract authorized to be enclosed by the act to which this is a supplement be, and the same are hereby altered, and that the tract of land to be enclosed, and kept enclosed hereafter, by virtue of said act, be the tract bounded as follows: on the north, by a line beginning near the dwelling-house of Peter Riker Haring, where his north line meets the road leading from Sneed's Landing to Bergentown; thence easterly, along the line between said Peter Riker Haring and Jacob Riker, to land of Martin Parcels; and thence southerly, along the line between lands of Peter Riker Haring and Martin Parcels, to lands of William Ferdon; thence easterly, along the line between lands of William Ferdon, on the south, and the lands of Martin Par-

Boundaries of tract.

sels, James Oliver, and William Thompson, on the north, and in the direction of that line over lands of William Ferdon, to the line of lands of David Parsels; thence southerly, along the line between lands of William Ferdon and David Parsels, and of Jacob J. Ferdon and David Parsels, to the south line of David Parsels' land, and thence along David Parsels' south line, easterly, to the Hudson river; on the east by the Hudson river; on the south by a line beginning on the north side of the road laid out through said enclosed tract, at or near a small house of Matthew Bogert; and thence running easterly, along the north side of said road, to the line between John Vervalen and Seba Bogert; thence, along said Vervalen's line, easterly, to lands of Rachel Kearney; thence northerly, along the east line of lands of Cornelia Jochem and John Colé, to lands of John Dubois; thence westerly, along the line between lands of John Cole and John Dubois, to the line between lands of John Dubois and Henry Montanye; thence northerly, along that line, to the line between the lands of Henry Montanye and David Jordan; thence westerly, along the line between lands of David Jordan and Henry Montanye, to lands of David Doremus; thence northerly, along the line between lands of David Doremus and David Jordan, to lands of John A. Ferdon; thence easterly, along lands of John A. Ferdon, David Jordan, and Claus Thompson, to Hudson river; and on the west by the enclosed lands, as now actually fenced in and enclosed by the owners of the same, lying between said tract or enclosure and said road leading from Sneedens Landing to Bergentown; and that the owners and possessors of lands lying within this above described bounds, and each of them, and the persons by them elected by virtue of the fourth section of the act to which this is a supplement, and each of them, shall have all the rights, powers, and privileges, and shall be subject to the same duties, assessments, and burthens, as are by said act, to which this is a supplement, given to or imposed upon the owners or possessors of land lying within the bounds in the first section of said act described.

2. *And be it enacted*, That when good and lawful fences, close, strong, and sufficient to prevent, horses, neat cattle, and sheep from going through or under the same, shall be erected along the above mentioned south boundary line of said tract to the edge of the Palisadoes or steep rocks near the Hudson river, and along the above mentioned north boundary line of said tract, from the edge of the Palisadoes until it meets the fence of lands now actually fenced in by the owners thereof, at the west side of said tract, the said tract of land above mentioned shall be considered enclosed, and from thenceforth it shall not be lawful for any person or persons to drive or let in any horses,

Owners to put
up fences.

mules, cattle, or sheep, with intent to run at large in said tract, or to permit or suffer any horses, cattle, or sheep to run at large therein.

3. *And be it enacted*, That if, after the said tract is enclosed as aforesaid, any person shall turn or let in said tract any horses, mules, cattle, or sheep, with intent to run at large therein, or shall permit or suffer any of his horses, mules, cattle, or sheep, to run at large in said tract, or any part thereof, it shall and may be lawful for any owner, possessor, or claimant of any part or share of any part of any lands lying within the above bounds to sue for and recover, in an action of trespass, to be brought in any court of competent jurisdiction, from the person so turning or letting in said horses, mules, cattle, or sheep, or from the owner of such horses, mules, cattle, or sheep, so suffered or permitted to run at large in said tract, the sum of one dollar for each head of horses, mules, cattle, or sheep, so turned or let in, or suffered or permitted to run at large in said tract, with costs of suit; or it shall and may be lawful for any person, whatever, to take any horses, mules, cattle, or sheep, found running at large upon any part of said tract, and drive them to any public pound in the township of Harington, and deliver such beast or beasts to the public poundkeeper, and within twenty-four hours thereafter to deliver to such poundkeeper an affidavit that such beast or beasts were found running at large on said tract, to be taken before any person authorized by law to administer oaths; and that said affidavit, in any suit by or against said poundkeeper, shall be conclusive evidence of the facts therein contained, and in any suit by or against said person, so taking said beasts, shall be prima facie evidence thereof; and it shall be the duty of said poundkeeper to receive said beast or beasts, and to collect and receive from the owner or owners of the same, the sum of one dollar per head, to be paid by him to the managers elected by the owners of said tract, for the benefit of said owners, and also, for himself and the person so taking said beasts, the fees for conveying to pound, impounding, feeding, and letting in and out the pound, as are allowed by the twelfth section of the act entitled, "An act to regulate fences," passed January twenty-third, seventeen hundred and ninety-nine; and in case said beasts shall not be redeemed within four days after the same are impounded, by such payment of one dollar per head and fees as aforesaid, then said poundkeeper shall proceed to advertise and sell said beasts, in the same manner as is directed by the twelfth section of said "Act to regulate fences" in regard to beasts impounded by virtue of the provisions in said act; and, after paying out of the proceeds of such sale said sum of one dollar per head, and retaining all fees

Penalty for trespassing.

allowed by said act for conveying, impounding, letting in and out of pound, feeding and selling said beasts, he shall pay the surplus of said sales in the same manner as is directed by said act; *provided*, that no suit for trespass shall be brought if the beasts shall have been impounded for the same trespass, and that the remedies given by this act shall not interfere with the right of the owner of any lands in said enclosure to recover the actual damage done to his lands.

Proviso.

Committee to view fences.

4. *And be it enacted*, That it may be lawful for said owners or managers, or any one of them, after they shall have erected the fences by this act required, to call any two of the township committee of the township of Harington, not interested in lands in said tract, to view said fences, and if said township committeemen shall find fences erected along the north and south lines of said tract, in the manner required by this act, they shall so certify under their hands and seals; and said certificate, if acknowledged or proved, as conveyances are required by law to be for the purpose of being recorded, may, with the certificate of proof or acknowledgment, be recorded by the clerk of the county of Bergen in the book of records of deeds for said county; and said certificate, so acknowledged, or record thereof, or a certified copy of said record, shall, without further proof, be received in evidence in any court in this state, and shall be conclusive evidence that said fences have been erected in the manner prescribed by this act.

Part of former act repealed.

5. *And be it enacted*, That so much of the act to which this is a supplement, and of the former supplement thereto, as are contrary to the provisions of this act, be, and the same are hereby repealed; and this act shall go into effect immediately.

Approved, February 27, 1846.

AN ACT to incorporate the Newark Manufacturing Company.

Names of corporations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Porter, Paul Spofford, Thomas Tileston, John P. Nesmith, John Taylor, and their survivors, and all such persons as may hereafter be associated with them, or the said survivors and their successors, shall be, and they are hereby constituted a body corporate, by the

name and style of "the Newark Manufacturing Company," for the purpose of manufacturing cotton goods by steam, in or near Newark, in the county of Essex, in this state, and of carrying on the business incident thereto; and the said company may hold such personal and real estate, situate in or near the city of Newark aforesaid, and not exceeding fifty acres, as may be necessary or useful for their said business, 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.

Style and general powers.

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 until others are chosen; and the said directors shall be chosen on the first Monday of June, in every year, at such place and time as shall be directed by the by-laws of the said corporation; and public notice thereof shall be given, not less than ten days previous, in one or more newspapers printed in Newark, in the said county of Essex; and each stockholder shall at such election be entitled, 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 five persons having or receiving in such elections the greatest number of votes, and 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 fix 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 Charles Porter, Paul Spofford, Thomas Tileston, John P. Nesmith, and John Taylor, and the survivors of them, shall be the first directors of the said corporation, and shall hold their offices until the first Monday in June next and until others are legally chosen.

Time and mode of annual election of directors.

3. *And be it enacted*, That the capital stock of the said corporation shall be two hundred and fifty thousand dollars, and may be increased to five hundred thousand dollars, if the same shall become necessary; and the stock shall be divided into shares of one hundred dollars each; but so soon

Amount of capital stock.

as fifty thousand dollars of the said capital stock shall have been subscribed and paid, and an affidavit thereof shall be made by a majority of the associates named in this act, and filed in the clerk's office of the county of Essex, it shall be lawful for the said corporation to commence business; and it shall be lawful for the directors of the said corporation, or a majority of them, from time to time to call for and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under 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 public notice previously published for the space of ten days in one or more newspapers printed in the said county of Essex, designating the proportion of such payment per share, and the time and place when, and the officer to whom the same shall be required to be made.

Books of subscription to be opened.

4. *And be it enacted*, That the subscription for said stock shall be opened until the sum required shall be subscribed, and for any number of days, not exceeding sixty, nor less than three, under the direction of the board of directors, or such of them as shall be designated by the board for that purpose; and that they give at least ten days' notice of the same, in a newspaper published in the county of Essex, designating the time and place when and where the books of subscription are to be opened.

Stock transferable.

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

Corporation not dissolved for failure to elect on day prescribed.

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

Powers and duties of directors.

7. *And be it enacted*, That a majority of the directors for the time being shall form a board for transacting the business of said corporation, and shall have power to make and enforce by-laws.

Books of account to be kept.

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

9. *And be it enacted*, That the corporation hereby created shall continue twenty years, 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. Limitation.

Approved, February 27, 1846.

AN ACT to establish a new township in the county of Burlington, to be called the township of Pemberton.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the townships of Southampton, Northampton, and New Hanover, lying within the boundaries and descriptions following, to wit: beginning at a stake in the line between the townships of Springfield and Northampton, and corner to land of James Lippincott and land of Rebecca S. Woodward; and runs thence (first), along the line of the said Lippincott and Woodward's land, south, sixteen degrees fifteen minutes west, eighteen chains; thence (second) south, eighty-two degrees west, five chains twenty-seven links; thence (third) south, forty-three degrees west, one and a half chains; thence (fourth) south, eighty-five degrees west, seventeen chains fourteen links; thence (fifth) south, eleven degrees east, seventeen chains seventy-one links; thence (sixth) south, forty degrees west, forty-five chains, to the corner of land of the late Jacob Gaskill; thence (seventh), due south, to the middle of the north branch of the Rancocas creek; then (second), up the middle of said creek, to the land of Thomas E. Deacon; then (third) in a southwardly direction; by said Thomas E. Deacon's, John W. C. Evans's, Job H. Gaskill's, Jacob Norcross's, Stacy W. Budd's, Richard W. Earl's, Franklin W. Earl's, and Tanton Earl's lands on the east, and William Irick's, Benjamin R. Peacock's, Charles F. Lott's, Daniel Bodine's, and Thomas F. Budd's lands on the west, to a pine post, corner to Samuel K. Budd's, John F. Budd's, Tanton Earl's, and Thomas F. Budd's land, in the middle of Stop-the-Jade; then (fourth), up the middle of Stop-the-Jade, to Stockton's bridge; then (fifth) on a straight line southwardly, along the road, to the south bounds of the public road leading from Buddtown to Cedar bridge; then (sixth) by Boundaries of township.

the south bounds of said road, eastwardly, to Monmouth county line; then (seventh) northwardly, by Burlington and Monmouth county line, to the middle of the stream above Wilkins's (late Hartshorn's) mill; thence (eighth) in a straight line, westwardly, to the west bounds of the public road leading from Juliestown to Brown's mill, where the road intersects with the eastwardly line of Henry Smith's land; and from thence (ninth) along said road, northwardly, to the Springfield line; then (tenth) along the Springfield line, westwardly, to the place of beginning, shall be, and is hereby set off into a separate township, to be called and known by the name of "the township of Pemberton."

Inhabitants in-
corporated.

2. *And be it enacted*, That the inhabitants of the said township of Pemberton shall be, and they are hereby constituted a body politic and corporate, and shall be styled and known by the name of "the Inhabitants of the township of Pemberton, in the county of Burlington;" and shall, respectively, be entitled to all the rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in the said county of Burlington are or may be entitled or subject to by the existing laws of this state.

Time and place
of holding first
town meeting.

3. *And be it enacted*, That the inhabitants of the said township of Pemberton shall hold their first annual town meeting at the house of Daniel T. Bennett, in the said township of Pemberton, on the second Tuesday of March next ensuing, and all subsequent annual town meetings, on the day appointed by law for holding the annual town meetings in the other townships in the county of Burlington.

Town commit-
tees to divide
property.

4. *And be it enacted*, That the township committees of the townships of Northampton, Southampton, New Hanover, and Pemberton shall meet on the first Monday in May next, at the house of Daniel T. Bennett, in the borough of Pemberton, at ten o'clock in the forenoon, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships all properties and moneys on hand, due, or to become due, in proportion to the taxable property and ratables, as taxed by the assessors within their respective limits at the last assessment, and may adjourn the said meeting from time to time, as a majority of those present may think proper; and the inhabitants of the township of Pemberton shall be liable to pay their just proportion of the debts, if any there be; and if any of the persons composing either of the township committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the division, and the decision of a majority of those present shall be final and conclusive.

5. *And be it enacted*, That this act shall take effect on the second Tuesday in March, eighteen hundred and forty-six. Act, when to take effect.

Approved, March 2, 1846.

AN ACT to authorize David La Tourette to erect and build docks, wharves, and piers in front of the land now owned by him, known as "Good Stay," in the county of Hudson.

WHEREAS David La Tourette, of Bergen Point, in the county of Hudson, hath by his petition represented that he is the owner in fee of a certain tract of land situate at Bergen Point, in the county of Hudson, extending down to the waters of the Kill-Van-Kull, which parts Staten Island from the state of New Jersey, known as "Good Stay;" and that he has improved the same, at a large expense, for the purpose of establishing a ferry between Bergen Point and Port Richmond, on Staten Island, and hath prayed that a law may be passed authorizing him to erect and build suitable docks, wharves, and piers in front of the said tract of land, below low water mark, for the purposes of said ferry—therefore,

Preamble.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David La Tourette, of Bergen Point, in the county of Hudson, be, and he is hereby authorized and empowered to erect and build all such docks, wharves, and piers in front of the land now owned by him, situate at Bergen Point, in the county of Hudson, and known as "Good Stay," as may be necessary and suitable for the purposes of a ferry across the Kill-Van-Kull, which parts Staten Island from New Jersey, and to extend the same below low water mark in the said Kill-Van-Kull, as far as may be requisite or necessary for said purposes, and to reclaim and improve the lands under water in front of said tract of land, so far as may be necessary for the purpose of wharves or docks, and to hold and enjoy the same to him, his heirs and assigns for ever; and to lay vessels along said docks, wharves, and piers, and to charge dockage or wharfage therefor; *provided however*, that nothing herein contained shall be so construed as to impair the legal rights of any persons or corporations whatever, or to authorize the said David La Tourette to

D. La Tourette authorized to build dock.
Proviso.

corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in one of the newspapers printed in the county of Somerset, and in one printed in the city of New York; and the election shall then and there be made by such of the stockholders as shall attend for that purpose, in person or by proxy; and all elections shall be by ballot, each share having one vote; and the persons who shall have the greatest number of votes shall be the directors; and the said directors, so soon as may be after their election, shall proceed in like manner to elect, by ballot, one of their number to be their president; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; *provided always*, that the number of directors shall not exceed five persons.

Vacancies, &c.,
how supplied.

3. *And be it enacted*, That in case it should at any time happen that an election of directors should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it 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.

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

4. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of two hundred and fifty thousand dollars, and that a share in the said stock shall be one hundred dollars; but so soon as twenty-five thousand dollars of the said capital stock shall be subscribed and paid in, and an affidavit thereof shall be made by a majority of the directors, and filed in the clerk's office of the county of Somerset, it shall be lawful for the said corporation to commence business; and it shall also be lawful for the president and directors of the said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such proportion as they shall deem fit, under the penalty of the forfeiture of their shares, and all previous payments made thereon, to the said corporation, always giving at least thirty days' notice of such call and demand in the newspapers before mentioned.

Amount of capital
stock.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board or quorum for the transacting of the business of the said corporation, and shall have power to make and prescribe such by-laws, rules, and regulations, not repugnant to the constitution and laws of the United

Directors, their
powers and du-
ties.

States and of this state, as to them shall appear needful and proper touching the management and disposition of the stock, property, estate, and effects of the said corporation, the election of directors, and all such other matters as pertain to the concerns of the said corporation.

Restriction.

6. *And be it enacted*, That nothing in this act contained shall authorize said corporation to use its funds for banking operations, or the loan of moneys, or for any other purpose, except for the benefit of the mining and manufacturing operations.

Stock transferable.

7. *And be it enacted*, That the stock of the said company shall be deemed personal estate, and be transferred in such manner as shall be prescribed by the by-laws of the said company; and for all debts which shall be due and owing by the said company, the persons then composing such company, shall be individually responsible to the extent of their respective shares of stock in said company, and no further; but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate from being liable.

Transfers to be entered.

8. *And be it enacted*, That no transfer of stock of said company shall be valid or effectual unless such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose; which books shall at all times be open to the inspection of the stockholders.

Contracts made by J. Crawford to be binding.

9. *And be it enacted*, That the contracts entered into by the said James Crawford, touching and concerning leases of any part of the said tract or tracts of land, shall be, and the same are hereby made obligatory on the president and directors hereafter elected, and their successors, to fulfil the same, as if made by themselves.

Act to be a public act.

10. *And be it enacted*, That this act shall be, and hereby is declared to be a public act, and shall be judicially referred to by all judges and justices, and others, without being specially pleaded.

Limitation.

11. *And be it enacted*, That the corporation hereby created shall continue twenty years, 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.

Approved, March 4, 1846.

AN ACT regulating elections in the township of Franklin, in the county of Gloucester.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the inhabitants of the township of Franklin, in the county of Gloucester, and they are hereby authorized to hold their elections for state and county officers at the two following named places on the same day, viz: to open the election at Malaga at eight o'clock in the morning, and continue open to receive votes until twelve o'clock, noon; and then adjourn to Glassborough, where the polls shall be opened at two o'clock in the afternoon, and continue open till seven o'clock in the evening, to receive votes.

Time and places for holding elections.

2. *And be it enacted*, That it shall be the duty of the clerk of said township to set up notices of the times and places of holding said elections; and said elections shall in all other respects be conducted agreeably to the regulations provided by law.

Clerk to give notice.

3. *And be it enacted*, That so much of the act regulating elections, as is inconsistent with the provisions of this act, is hereby repealed, so far as relates to the township of Franklin aforesaid.

Part of former act repealed.

Approved, March 4, 1846.

AN ACT to incorporate the Neversink-Railway Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob Gestner, Jesse Hanford, Taber Chadwick, William Vanschoick, John I. Barkalow, Milton Barkalow, Richard Borden, and William B. Little, and others, their associates, successors, and assigns, shall be, and hereby are constituted and declared to be a body corporate, by the name of "the Neversink Railway Company," for the purpose of building, erecting, and constructing railways and other conveniences and structures, to be used to raise, repair, and build ships and boats, whether propelled by steam or any other method; and also, for the purpose of building and procuring work and machine shops necessary and convenient, where the work,

Names of corporators.

Style and general powers.

pairs, and erections can be done and made, for the useful and successful operation of the said railway; and also, to build and construct all such piers, bulk-heads, and abutments as may be necessary or desirable to aid in the accomplishment of the purpose of this act, the same to be situated in the county of Monmouth, and township of Shrewsbury, in this state; and the said company may hold lands, tenements, and hereditaments, goods, chattels, and effects, of what nature and kind soever, necessary for the purpose of this corporation, and all other real estate which shall have been bona fide mortgaged to said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of business, or purchased at sales upon judgments or decrees which shall have been obtained for such debts, and the same may grant, demise, alien, and dispose of at pleasure for the benefit of said company; and the said corporation shall have the power to lease or hire such lands, tenements, and hereditaments as may be necessary and convenient to carry into effect the objects of the said company.

Time and mode
of annual elec-
tion of directors.

2. *And be it enacted,* That the stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom shall be president, who shall hold their offices for one year; the election for said directors shall be held in the township of Shrewsbury, in said county of Monmouth, at such time and place in said township, and in such manner, as shall be directed by this act and by the by-laws of this corporation; public notice shall be given of the election, not less than twenty days previous, in a newspaper printed and published in this state nearest the place where the said election shall be held; the said election shall be made by such of the stockholders of this corporation as shall attend for that purpose, in their proper persons or by proxy; all elections for directors shall be by ballot; each stockholder shall be entitled to one vote for every share by him held, not exceeding five shares, and one vote for every additional five shares; the candidates having the greatest number of votes, being stockholders, shall be directors; the directors chosen at one election shall be capable of serving, by virtue thereof, until another election shall be held and another board of directors chosen; the directors so chosen may appoint such officers and superintendents as they may deem expedient, at such compensation as they may think proper, and remove the same at pleasure, which said appointments, removals, and compensation shall be made and ordained when not less than a majority of the whole number of directors shall be present; and if it shall at any time happen that any vacancy or vacancies occur, by death, resignation, or otherwise, among the directors, offi-

cers, or superintendents, such vacancy 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.

3. *And be it enacted*, That three directors shall form a board for the transaction of the business of the said corporation, and shall have power to ordain and establish by-laws; and the said board of directors shall from time to time declare dividends of so much of the net profits of said corporation as they may deem advisable; but no part of the capital stock shall be divided during the continuance of this charter.

Powers and duties of directors.

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

Corporation not dissolved for failure to elect on day designated.

5. *And be it enacted*, That Jacob Gestner, Jesse Hanford, Taber Chadwick, William Vanschoick, and Richard Borden shall be, and they hereby are declared to be the directors of the said corporation from the passage of this act until an election is held, as provided by this act, and, as such directors, shall have all the powers conferred upon the directors of this corporation by this act.

First directors.

6. *And be it enacted*, That the capital stock of the said corporation shall be limited to the sum of five thousand dollars, to be divided into shares of twenty-five dollars each; the said company shall have liberty to commence business as soon as eight hundred dollars shall have been paid in, and an affidavit thereof shall be made by a majority of the associates named in this act, and filed in the clerk's office of the county of Monmouth; shall be capable of taking and holding the said capital stock of eight hundred dollars, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if the board of directors of this corporation shall deem such enlargement expedient; till the said capital stock amount to the sum of five thousand dollars as aforesaid; the subscription to the capital stock shall be received by Jacob Gestner, John I. Barkalow, and Milton Barkalow, or any two of them; which said commissioners, or any two of them, shall open books of subscription at the house of Thomas Hamond, giving twenty days' notice, in a newspaper published at Freehold, in said county of Monmouth, of the time and place when and where said books shall be open, and the said books shall be kept open for the space of ten days; upon closing the said books of subscription, or within five

Amount of capital stock.

days thereafter, the said commissioners shall pay over to the said directors the whole amount of money which they, or any of them, may have received upon the said subscription; and it shall be lawful for the directors of the said company to demand from the said stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions, not exceeding the sum of ten dollars on each share at any one time, as they shall deem proper, giving at least thirty days' previous notice, under pain of forfeiting the said shares of said stockholders and all previous payments thereon, if the payments shall not be made within thirty days after such notice as aforesaid shall have been published in a newspaper published at Freehold, in the county of Monmouth; but no two instalments shall be required to be paid within thirty days of each other.

Stock transfer-
able.

7. *And be it enacted*, That the stock and property of the said corporation, of whatever nature or kind, shall be deemed personal estate, and shall be issued in such form, and be transferable in such manner, as shall be prescribed by the by-laws of said corporation.

Transfers to be
registered.

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

Restrictions and
general powers.

9. *And be it enacted*, That the corporation hereby created shall continue twenty-five years, and shall possess the general powers, and be subject to the 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.

Approved, March 4, 1846.

AN ACT to incorporate the Elizabethtown Steam Manufacturing Company.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Jacob D. Edwards, John J. Chetwood, John O. Stearns, Abel S. Hetfield, Meline W. Halsey, Cyrus Manvel, and John Stiles, junior, and their associates and successors, be, and they are hereby constituted a body corporate, by the name of "the Elizabethtown Steam Manufacturing Company," for the purpose of erecting and creating steam-power, and using and applying the same in manufacturing and mechanical operations in the township of Elizabeth, in this state; and the said company may hold such personal and real estate as may be necessary for their said business, 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.

Names of corporators.

Style and general powers.

2. And be it enacted, That the stock, property, and concerns of said corporation shall be managed and conducted by seven directors, being stockholders (a majority of whom shall be citizens and residents of this state, and one of whom shall be president), who shall hold their offices for one year; and the said directors shall be chosen on the first Monday in April of every year, at such place and time as shall be directed by the by-laws of the said corporation; and public notice thereof shall be given, not less than ten days previous, in one or more newspapers printed in the said township of Elizabeth; and each stockholder shall, at such election, be entitled, 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 election the greatest number of votes, and being stockholders, shall be directors; and the directors chosen at one election, shall hold their offices until other directors are legally elected to succeed them; and the directors so chosen may appoint 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 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 the said Jacob D. Edwards, John J. Chetwood, John O. Stearns, Abel S. Het-

Time and mode of annual election of directors.

First directors.

field, Meline W. Halsey, Cyrus Manvel, and John Stiles, junior, and the survivors of them, shall be the first directors of the said corporation, and shall hold their offices until the first Monday in April next and until others are legally chosen.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum two hundred thousand dollars, which shall be divided into shares of one hundred dollars each; but so soon as twenty thousand dollars of the said capital stock shall have been subscribed and paid in lawful money, and an affidavit thereof shall be made by a majority of the associates named in this act, and filed in the clerk's office of the county of Essex; 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 the said corporation, or a majority of them, from time to time to call for and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under 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 public notice previously published for the space of thirty days in in one or more newspapers printed in said township, designating the proportion of such payment per share, and the time and place when, and the officer to whom the same shall be required to be made.

Books of subscription to be opened.

4. *And be it enacted*, That the subscription for said stock shall be opened from time to time, until the sum required shall be subscribed, under the direction of the board of directors, or such of the directors as shall be designated by the board for that purpose, first giving two weeks' notice of the time and place of opening said subscription in a newspaper printed in said township.

Stock transferable.

5. *And be it enacted*, That the stock and property of the said corporation, of whatsoever nature or kind, shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws of said corporation.

Powers and duties of directors.

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

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

8. *And be it enacted,* That the corporation hereby created ^{Limitation.} shall continue twenty years, 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:

Approved, March 4, 1846.

AN ACT to incorporate the Miners, Manufacturers, and Farmers Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That Samuel B. Halsey, Andrew B. Cobb, Cornelius G. Garrison, Thomas Rogers, Henry C. Stimson, Elias B. D. Ogden, Philemon Dickerson, Jacob M. Ryerson, Freeman Wood, Elijah D. Scott, and Andrew I. Smith, and such other persons as may hereafter be associated with them, shall be, and they hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the Miners, Manufacturers, and Farmers Railroad Company;" and, by that name, they and their successors and assigns shall and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, goods, and chattels necessary or expedient to the objects of this corporation, and shall be clothed with all the rights, powers, and privileges pertaining to corporate bodies and requisite for the purposes aforesaid. ^{Names of incorporators.} ^{Style of incorporation.}

2. *And be it enacted,* That the capital stock of said company shall be six hundred thousand dollars, and shall be divided into shares of fifty dollars each; which shall be deemed ^{Amount of capital stock.}

personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

Books of subscription to be opened.

3. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of the said corporation, at such time or times and place or places, as they, or a majority of them, may think proper, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in one or more newspapers printed in Paterson, Morristown, and Newark, and in a newspaper printed in the city of New York; and that the said books shall be kept open for three days at least, from ten o'clock in the forenoon until three o'clock in the afternoon, and as much longer as the said commissioners, or a majority of them, shall think proper; and if more subscriptions be taken than the amount of the capital stock hereby authorized, it shall be the duty of the said commissioners, or a majority of them, to apportion the stock among the subscribers, in proportion to their subscriptions; but no apportionment shall be made of any subscription for five shares or less.

Time and mode of annual election of directors.

4. *And be it enacted*, That at the time of subscribing for said stock, five dollars shall be paid to the above named persons, or some one of them, upon each share subscribed for, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and when the said capital stock, or a majority of it, shall be subscribed for, and the apportionment made (if the same become necessary), it shall be lawful for the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose seven directors, a majority of whom shall be residents in this state; and such election shall be made by ballot, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall, in the same manner, elect the same number of directors, a majority of whom shall be residents in this state; and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at any of the elections of said corporation shall, as soon as may be after every election, choose out of their own number a president; and in case of the death, resignation, or

removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

5. *And be it enacted*, That in case an election of directors should not be made during the day when by this act it ought to have been made, the said corporation shall not be deemed to be dissolved, but such election may be afterwards held according to law, on notice as aforesaid; and the directors for the time being shall continue in office until an election shall take place.

Corporation not dissolved for failure to elect on day designated.

6. *And be it enacted*, That five directors of said corporation shall be a quorum to transact business; and they shall have power to call in the remainder of the capital stock, by such instalments, not exceeding five dollars on each share at one time, and at such times as they may direct, and in case of the non-payment of any such instalment, to forfeit the share or shares upon which such default shall arise; and shall have power to appoint a secretary, treasurer, engineers, agents, and such workmen as may be required to transact the business of the company, with such compensation to them and the president as the board shall deem proper, and to take from the treasurer sufficient security for the due performance of his trust; and further, to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper; *provided* the same be not repugnant to the laws or constitution of this state or of the United States.

Powers of directors.

7. *And be it enacted*, That the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad, from a suitable point or points in Dover, in the county of Morris, passing through or as near to, as the nature of the ground will admit, Rockaway, Denville, Powerville, Boonton, Parcippany, Troy, Pine-brook, and Little-falls, to some suitable point upon the Paterson and Hudson river railroad, in the township of Paterson, in the county of Passaic, and continue the same to Stanhope, and to locate and form said railroad, not exceeding sixty-six feet in width, with as many tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, and others in their employ, to enter upon all lands and waters, for the purpose of exploring, surveying, levelling, and laying out the route of such railroad, and of locating the same; and when the route and the location of said road shall

Route and description of road.

have been determined upon, and a survey thereof deposited in the office of the secretary of state, it shall then be lawful for said company, by its officers, engineers, agents, contractors, and workmen, to enter upon, take possession of, hold, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other necessary works thereon, and to lay rails, and do all other things which may be suitable and necessary for the completion and repairs of the said railroad, and to carry into full effect the object of this act; and may also take and use any stone, gravel, sand, clay, or other materials, wood and timber excepted, on or near the said route, which may be required for the construction of, repairing, or altering the said road, or any of the works or appendages, subject to such compensation to be made therefor as is herein after provided; *provided always*, that the payment of all damages for the occupancy of lands through which the said railroad may be laid out and located, be made by the company, either to the owner or into court, as herein after provided for, before they, or any person under their direction or in their employ, shall enter upon or break ground upon the premises, excepting for the purpose of surveying and laying out said railroad, unless the consent of the owner or owners of such lands shall be first had in writing.

Proceedings in case corporation cannot agree with owners of land, &c.

8. *And be it enacted*, That when the said company, or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or, if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners herein after named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders commissioners to examine and appraise the said land or materials and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the jus-

tice making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and to proceed to view and examine the said lands or materials, and make a just and equitable estimate or appraisal of the value of the same, and assessment of damages to be paid by the company for such land or materials and damages aforesaid, and to make a report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the land or materials and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county wherein said lands or materials may be, to remain of record therein, and shall be recorded by the said clerk; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possess, and enjoy the said land or materials, after payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after the demand made of their treasurer, and shall constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice shall tax and allow such costs, fees, and expenses to the justice, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company; *provided always*, that should the said company, or the owner or owners of any land or materials, feel himself, herself, or themselves aggrieved by the decision of the commissioners aforesaid, he, she, or they may appeal to the next circuit court in the county wherein said lands or materials shall be.

9. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section shall be made in writing, and filed with the clerk of the circuit court of the county wherein the lands or materials appraised by the said commissioners shall be; and notice in writing of such appeal shall be given to the opposite party, within ten days after the filing thereof; and thereupon, without any further proceedings, the parties shall be considered as at issue, and the like

Appeal from decision of commissioners.

proceedings shall be had, and the like process awarded for the trial thereof, by a jury, and for compelling the attendance of witnesses, as may be had or awarded for the trial of any other issue before the said court, and the like judgment shall be rendered on the verdict of the jury, with costs, if costs ought to be awarded; and such judgment shall be recorded in the same manner, and have the like force and effect, as in any action of trespass or on the case prosecuted in the said court, and execution may be thereupon issued, as in other cases; and if the verdict of the jury shall be for a greater amount than was reported by the commissioners, or, upon an appeal made by the company, shall be for the same amount which was reported by the commissioners, costs shall be awarded against the said company; and if the verdict of the jury shall be for a less amount than was reported by the commissioners, or, upon an appeal made by the owner of the land or materials, shall be for the same amount which was reported by the commissioners, then each party shall pay his, her, or their own costs, and such appeal shall be brought on and disposed of at the first term of the court after the filing thereof, unless good and sufficient cause be shown to the court for a postponement; and the judgment of the circuit court rendered in such appeal shall be sufficient to authorize the company to take possession of and use the said land or materials; *provided* the amount of the said judgment shall first be paid to the party or parties recovering the same, or upon his, her, or their refusal to receive it, on tender thereof, it first be paid into the said court, to the clerk thereof.

In certain contingencies to whom damage to be paid.

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

Company to make bridges, &c.

11. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public or other road shall cross the same, so that the pass-

age of carriages, horses, and cattle on the said road shall not be prevented thereby; and where the railroad shall intersect any farm or lands, they shall provide and keep in repair suitable wagon-ways over or under the said railroad, so that persons may conveniently pass the same.

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

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

14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of the railroad constructed under the provisions of this act, or any of their necessary works, bridges, carriages, or machines, such person or persons so offending shall forfeit and pay to the said company any sum, not exceeding two hundred dollars, at the discretion of the court or jury, to be by them recovered in an action of debt, with costs of suit, in any court having competent jurisdiction, and also shall be liable to pay to said company the amount of damages sustained thereby, with costs of suit, to be sued for in an action of trespass. Penalty for injuring works.

15. *And be it enacted*, That the said company may have and hold real estate, at the commencement and termination of said road, not exceeding four acres at each place, and may erect and build thereon houses, warehouses, stables, machine-shops, and such other buildings and improvements, as they may deem expedient for the safety of the property and construction of carriages and other necessary uses, and take and receive the rents, profits, and emoluments thereof; and shall have the privilege and authority to erect, build, and maintain, on the river Passaic and such other streams as the road may cross, such piers, bridges, and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act, subject to the aforesaid restrictions. What real estate company may hold:

16. *And be it enacted*, That the road authorized by this act be, and the same is hereby declared free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the said carriages so used thereon shall be so constructed. Road free for passage of any railroad carriage, on payment of toll.

and so regulated, as to the time of starting, speed of travelling, and amount of tonnage, as not to interfere with the carriages of the company nor injure the said road.

Time of commencement and completion of road.

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

Restrictions.

18. *And be it enacted*, That no part of the capital stock or moneys of the company incorporated by this act shall be used or employed by said company for banking purposes, under the penalty of forfeiting this charter.

State to have the privilege of taking road, &c. on payment of valuation.

19. *And be it enacted*, That at any time after the expiration of fifty years from the completion of the said road, the legislature of this state may cause an appraisement of said road, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature within one year from the time of their appointment; or if they cannot agree, they shall choose a seventh, who, with the aforesaid six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part for two months after the said appointment by the said chief justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree upon the seventh man, then, upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man as aforesaid, to make such appraisement as aforesaid, and thereupon the state shall have the privilege for three years of taking the said road, upon the payment to the company of the amount of the said report within one year after electing to take said road, which report shall be filed in the office of the secretary of this state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment of the amount so reported to the said company; and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of the said road, and the appendages thereof; *provided always*, that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company or advance of the stock; and the said valuation shall in no case exceed the first cost of the said railroad, with the lands and appendages thereof.

20. *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 kind of goods, produce, merchandise, freight, or passengers between the northern termination of this road and the Hudson river opposite to the city of New York, or between any intermediate point or points on the line thereof, and to enforce the fulfilment of such contracts.

Company authorized to contract with other corporations for transportation, &c.

21. *And be it enacted*, That it shall be lawful for the said company to construct, or to permit to be constructed under this charter, a branch railroad to Pompton from a suitable point on the main road, to be of the same or less width with the main road; and the like privileges and immunities, provisions and restrictions, shall be extended for the construction and use of such branch, as apply to the main line.

Branch road authorized.

22. *And be it enacted*, That it shall be lawful for the said company to demand and receive, for carrying each passenger over said main road, at the rate of four cents per mile, and for the transportation thereon, of every species of property and freight, at the rate of six cents per ton per mile; and where passengers or freight are carried upon said road in vehicles, and by means not belonging to the company, they may demand and collect, as tolls therefor, at the rate of two cents per mile per passenger, and at the rate of four cents per ton per mile.

Rates of toll.

23. *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, in the office of the secretary of state; and annually thereafter, the president and treasurer of the said company shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road; and as soon as the net proceeds of said road shall amount to seven per centum upon its cost, the said corporation shall pay to the treasurer of this state a tax of one half of one per centum on the cost of said road, to be paid, annually thereafter, on the first Monday of January of each year; *provided*, that no other tax or impost shall be levied or assessed upon the said company.

Annual statement of costs to be made.

24. *And be it enacted*, That it shall be lawful for the legislature, at any time hereafter, to alter, modify, or amend this act, whenever in their opinion the public good shall require it.

Act may be amended.

Approved, March 4, 1846.

A supplement to an act entitled, "An act to incorporate the Passaic Navigation and Manufacturing Company," passed March seventh, eighteen hundred and thirty-six.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the twentieth section of the act to which this is a supplement be, and the same is hereby so amended as to extend the time of ten years, therein mentioned, to twenty years, anything in the said act to which this is a supplement to the contrary notwithstanding.

Part of former
act amended.

Approved, March 5, 1846.

AN ACT to establish a new township in the county of Salem, to be called the township of Upper Pittsgrove.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Pittsgrove, in the county of Salem, contained within the following bounds, that is to say: beginning at the north-westerly corner of the county of Cumberland, at a place known by the name of Newkirk's Corner, and runs thence along the line between the counties of Salem and Cumberland south, forty-seven degrees east, one hundred and two chains and thirty links, to a stake in said line and on lands of John Stull; thence north, forty degrees and forty minutes east, five hundred and forty-five chains, to the Gloucester and Salem county line; thence, along the said line, to the head of Oldmans creek; thence down the said creek, the several courses thereof, to the corner of Pilesgrove township; thence, along the line of said Pilesgrove township, to the corner of Pilesgrove and Upper Alloways Creek townships; thence, along the line of Upper Alloways Creek, to the place of beginning, shall be, and hereby is set off from the township of Pittsgrove, in the county of Salem, to be called and known by the name of "the township of Upper Pittsgrove."

Boundaries of
township.

2. *And be it enacted*, That the inhabitants of the township of Pittsgrove are constituted a body politic and corporate in law, and shall be styled and known by the name of "the Inhabitants of the township of Upper Pittsgrove, in the county of Salem," and shall be entitled to all the rights, powers, au-

Inhabitants in-
corporated.

thorities, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in said county of Salem are or may be entitled or subject to by existing laws of this state.

3. *And be it enacted*, That the inhabitants of the township of Upper Pittsgrove shall hold their first annual town meeting at the Pole tavern, in said township of Upper Pittsgrove, on the second Tuesday in March, one thousand eight hundred and forty-six.

Time and place
of holding first
town meeting.

4. *And be it enacted*, That the town committees of the townships of Upper Pittsgrove and Pittsgrove shall meet, on the Monday next after the annual town meeting in the said townships of Upper Pittsgrove and Pittsgrove, at the inn of John Stevenson, at Pittstown, at ten o'clock in the forenoon, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships all properties and moneys on hand or due, in proportion to the taxable property and ratables, as taxed by the assessor within their respective limits at the last assessment; and the inhabitants of the township of Upper Pittsgrove shall be liable to pay their just proportion of the debts, if any there be; and if any of the persons comprising either of the township committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and the decision of a majority of those present shall be final and conclusive.

Town committees
to divide
property.

5. *And be it enacted*, That this act shall go into effect on the second Tuesday in March, eighteen hundred and forty-six.

Act, when to
take effect.

Approved, March 6, 1846.

A further supplement to an act entitled, "An act authorizing the banking and improving of certain marsh, meadows, and swamps, in the township of Fairfield, in the county of Cumberland," passed the first day of February, eighteen hundred and sixteen.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the board of chosen freeholders

Payment for
dam authorized

of the county of Cumberland are hereby authorized and required to pay unto James B. Parvin, William Moore, and Benjamin Rush Bateman the sum of thirty dollars; which sum they expended in cutting the dam, as required of them by the supplement to the before mentioned act, approved April first, eighteen hundred and forty-five.

Approved, March 6, 1846.

AN ACT to extend the southern boundary line of the township of Millstone, in the county of Monmouth.

Boundaries of township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the southern boundary line of the township of Millstone, in the county of Monmouth, shall commence in the public road one rod west of Britton's tavern, and shall run thence south, six degrees and thirty minutes east, as the needle pointed in February, eighteen hundred and forty-four, over Sugar-loaf Hill to the Ivanhoe, and thence continue the same course to the middle of the Mount Holly road; thence north-easterly, along the middle of the same, to the point in said road where the line of Millstone, at its formation, struck the said road; and all that part of the township of Jackson, in the county of Monmouth, lying northward of the aforesaid bounds, shall be, and the same is hereby set off from the said township of Jackson, and annexed to the township of Millstone, in said county.

Act, when to take effect.

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

Approved, March 6, 1846.

AN ACT to provide for the assessment and collection of taxes in the township of Acquackanonk, in the county of Passaic.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the assessors of the several townships in the county of Passaic, to take an account of the ratable property in the said several townships, between the twentieth day of April and the twentieth day of June, in each year hereafter.

Time for taking account of ratables.

2. *And be it enacted*, That the said assessors shall meet annually, on the second Monday in July, at the court-house in the said county, and perform the duties required to be done in and by the third, fourth, fifth, and sixth sections of the act entitled, "An act concerning taxes," passed the tenth of June, seventeen hundred and ninety-nine.

Annual meeting of assessors.

3. *And be it enacted*, That the commissioners of appeal in cases of taxation in and for the township of Acquackanonk, in the county of Passaic, shall convene annually, on the second Tuesday of September, for the purpose of discharging the duties of their office, instead of the second Tuesday of November, as heretofore.

Annual meeting of commissioners of appeal.

4. *And be it enacted*, That the collector or collectors of the township of Acquackanonk shall annually give the notice, and perform the duties required by the tenth section of the "Act concerning taxes," on the first day of August, instead of the first day of October, as heretofore.

Collectors to give notice.

5. *And be it enacted*, That the collector or collectors of the township of Acquackanonk, in the county of Passaic, within thirty days after the receipt of the transcript or duplicate of the assessment of taxes for the township of Acquackanonk, 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 also, give notice of the time and place of the meeting of the commissioners of appeal; and the said collector or collectors shall pay the taxes by him or them collected, and the fines and forfeitures by him or them received by virtue of any law of this state, to the county collector of the county, by the twenty-second day of October in every year.

Duties of collectors.

6. *And be it enacted*, That in case of the non-payment of taxes at the time appointed, the township collector or collectors of the township of Acquackanonk shall make out a list of the names of the delinquents, with the sums due from them, respectively, thereto annexed, and deliver the same to some justice of the peace of the county, on the twentieth day of

List of delinquents to be made out.

October in every year, except when the said day shall happen on a Sunday, and then on the next day following; whereupon it shall be the duty of said justice to perform the duties required of him by the thirteenth section of the act concerning taxes.

Former act to remain in force.

7. *And be it enacted*, That all the provisions of the act entitled, "An act ascertaining the duties of commissioners of appeal in cases of taxation," passed the fourth day of November, seventeen hundred and ninety-seven, and of the act entitled, "An act concerning taxes," passed the tenth of June, seventeen hundred and ninety-nine, and the several supplements thereto, shall remain in full force and effect in the county of Passaic, and in the township of Acquackanonk, except so far as they are inconsistent with the provisions of this act.

Act, when to take effect.

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

Approved, March 6, 1846.

A supplement to the act entitled, "An act to incorporate the city of New Brunswick," approved April the fourth, eighteen hundred and forty-five.

Firemen exempted from taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the members of the fire companies of said city, called companies number one, two, three, four, and five, and of the hook and ladder company, shall be exempted from the payment of taxes assessed by the common council of said city; *provided*, that such exemption shall not be made in any case in which said tax shall exceed the sum of three dollars.

Number of members, how regulated.

2. *And be it enacted*, That the number of members of such company or companies shall be fixed and regulated by said common council.

Chief engineer, how appointed.

3. *And be it enacted*, That the common council shall appoint the chief engineer of said fire department, upon the nomination made and certified by a majority of the whole number of said fire companies.

4. *And be it enacted*, That the provisions of this act shall extend to such fire and hook and ladder companies as may be hereafter duly organized under the provisions of the charter of said city. Provisions of act to extend to companies hereafter formed.

Approved, March 13, 1846.

A further supplement to the act entitled, "An act to establish a uniform standard of weights and measures in this state," passed March thirteenth, eighteen hundred and forty-four.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time mentioned in the act to which this is a further supplement, passed March thirteenth, eighteen hundred and forty-four, shall be, and is hereby further extended to the term of one year from the passage of this act. Time of former act extended.

Approved, March 12, 1846.

AN ACT for the relief of Catharine Vantyle, of the county of Morris,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state shall and is hereby authorized and required to pay to Catharine Vantyle, widow of Abraham Vantyle, deceased, a soldier of the Revolutionary war, or her order, the sum of thirty dollars per annum, during her natural life, in semi-annual payments, of fifteen dollars each, the first payment to be made the first day of March, eighteen hundred and forty-six; and the receipt of the said Catharine Vantyle, or her order, shall be a sufficient voucher to the treasurer, in the settlement of his accounts. Pension of \$30 per annum to C. Vantyle.

Approved, March 12, 1846.

AN ACT to vest in the United States of America jurisdiction
over Sandy Hook.

Jurisdiction
over Sandy
Hook ceded to
U. S.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the jurisdiction in and over all that portion of Sandy Hook, in the county of Monmouth, owned by the United States, lying north of an east and west line through the mouth of Youngs creek at low water, and extending across the island or cape of Sandy Hook from shore to shore, and bounded on all other sides by the sea and Sandy Hook bay, be, and the same is hereby ceded to the said United States, for military purposes; and the said United States shall retain such jurisdiction so long as the said tract shall be applied to the military or public purposes of said United States, and no longer.

Cession not to
prevent the op-
eration of the
public laws.

2. *And be it enacted*, That the jurisdiction ceded in the first section of this act, shall not prevent the execution on the said tract of land of any process, civil or criminal, under the authority of this state, except so far forth as such process may affect any of the real or personal property of the United States of America within the said tract; nor shall it prevent the operation of the public laws of this state within the bounds of the said tract, so far as the same may not be incompatible with the free use and enjoyment of the said premises by the United States for the purposes above specified.

Lands exempt-
ed from taxes.

3. *And be it enacted*, That all the lands and tenements within the aforesaid boundaries, so long as the same shall continue the property of the United States, and be used for the purposes expressed in this act, shall be and remain exempted from all taxes, assessments, and other charges which may be imposed under the authority of this state.

Act, when to,
take effect.

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

Approved, March 12, 1846.

A further supplement to an act entitled, "An act to incorporate the New Jersey Hudson and Delaware Railroad Company," passed the eighth day of March, one thousand eight hundred and thirty-two.

WHEREAS the limitation of the route of the New Jersey Hudson and Delaware Railroad to Snufftown, in the county of Sussex, is a great impediment to the construction of said road, and the parties interested in the same are desirous it should be repealed; and whereas several of the commissioners named in the act of incorporation are deceased, and it is desired that additional commissioners be appointed in their place—now therefore,

Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the seventh section of the act to which this is a supplement, as limits the route of the New Jersey Hudson and Delaware Railroad to Snufftown, in the county of Sussex, or as near thereto as the situation of the ground will admit, be, and the same is hereby repealed.

Part of former act repealed.

2. *And be it enacted*, That Robert Hamilton, Martin Ryerson, Samuel Fowler, and Jacob Hornbeck, junior, all of the county of Sussex, in this state, be, and the same are hereby appointed commissioners to open books to receive subscriptions to the capital stock of the New Jersey Hudson and Delaware Railroad Company, in addition to the persons named in the first section of the act incorporating said company; and that the commissioners hereby appointed shall be governed by the same rules and regulations as are prescribed in the aforesaid act, relative to the commissioners thereby appointed, and that a majority of the whole number of commissioners living and residing in New Jersey shall unite in the opening of the books to receive the subscription as aforesaid.

Commissioners to receive subscriptions.

3. *And be it enacted*, That when the capital stock, or a majority of it, shall be subscribed, and the apportionment be made, if the same becomes necessary, it shall be lawful for the commissioners, or a majority of them, to call a meeting of the stockholders for the choice of directors, as is provided for in the fourth section of the original act, anything therein contained to the contrary notwithstanding.

Directors, when to be elected.

Approved, March 17, 1846.

AN ACT for the relief of Thomas Erickson, of the county of Cumberland.

Pension of \$40 granted to T. Erickson.

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 authorized and required to pay unto Thomas Erickson, of the county of Cumberland, a soldier of the Revolutionary war, or his order, the sum of forty dollars per annum, during his natural life, in semi-annual payments of twenty dollars each, the first payment to be made the tenth day of March, instant; and the receipt of the said Thomas Erickson, or his order, shall be a sufficient voucher to the treasurer, in the settlement of his accounts.

Approved, March 17, 1846.

Supplement to an act entitled, "An act to authorize the establishment of the New Jersey Lunatic Asylum."

Treasurer authorized to pay certain moneys.

I. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state is hereby directed to pay to the commissioners for building the State Lunatic Asylum, on warrant of the governor, out of any moneys in the treasury not otherwise appropriated, such further sum or sums of money as they may require for the building of said Asylum, not exceeding fifty thousand dollars; and it shall be the duty of the secretary of state to audit the accounts of said commissioners.

Farm to be in the care of commissioners.

2. And be it enacted, That the farm attached to said Asylum shall be for the time being under the management and control of the commissioners, until otherwise ordered.

Act, when to take effect.

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

Approved, March 18, 1846.

AN ACT to authorize the printing of the revised laws.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That two thousand copies of the revised public laws of this state be printed, under the superintendence of the revisors. 2000 copies of revised laws to be printed.

2. *And be it enacted*, That the work be published in one volume, large octavo, on new long primer type, thinly leaded, and paper of superior quality, to be approved by the said revisors, and be substantially bound in sheep, with spring-backs, and lettered, by Phillips and Boswell, of the city of Trenton, on the terms contained in their written proposals submitted to the legislature; *provided*, that if the work shall not embrace one thousand pages, a proportional reduction shall be made in the price. By whom to be printed.

3. *And be it enacted*, That the said revisors be authorized, and they are hereby directed to cause the said printers, before they enter upon the business, to enter into bond to the governor of the state, under such penalty and with such surety as they may reasonably require, for the faithful execution of the work, on the terms to be therein specified, and for the delivery thereof as early in the next session of the legislature as practicable. Printers to give bond.

4. *And be it enacted*, That in order that the said revised laws may be correctly printed and published, according to the original acts, it shall be the duty of the secretary of state to deliver to the said revisors such of the original laws as they may require, to be safely returned, after they shall have used the same for the purpose aforesaid. Secretary of state to furnish laws to revisors.

5. *And be it enacted*, That it shall and may be lawful for the governor, upon the recommendation of the revisors, to draw upon the treasury, in favour of the printers, for such sum or sums of money from time to time, not exceeding two thousand dollars, as may be necessary to facilitate the progress of the work; and the treasurer is authorized to pay the same out of any money in the treasury not otherwise appropriated. Governor authorized to draw money from treasury for the printing.

6. *And be it enacted*; That the said revisors shall embrace in the said revised edition such laws as are general and permanent in their nature, and none others. What laws to be embraced in the revision.

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

Approved, March 18, 1846.

AN ACT for the relief of Clara R. Cobb, of the county of Hudson.

Pension of \$30
granted to C.
R. Cobb.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby authorized and directed to pay to Clara R. Cobb, widow of Thomas Cobb, deceased, a soldier of the Revolutionary war, or her order, the sum of thirty dollars per annum, during her natural life, in semi-annual payments of fifteen dollars each, the first payment to be made the tenth day of March, eighteen hundred and forty-six; and the receipt of the said Clara R. Cobb, or her order, shall be a sufficient voucher to the treasurer, in the settlement of his accounts.

Approved, March 18, 1846.

AN ACT to authorize the inhabitants of the township of Plumsted, in the county of Monmouth, to vote by ballot at their town meetings.

Inhabitants of
township of
Plumsted au-
thorized to vote
by ballot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Plumsted, in the county of Monmouth, are hereby authorized and required to elect by ballot, and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are or may be fixed by law, that is: a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highways, three commissioners of appeal, one or two overseers of the poor, as many overseers of the highways as there are road districts, a town committee consisting of five persons, a school committee consisting of three persons, as many justices of the peace as the township may be constitutionally entitled to elect, and one or two constables; and shall also, upon the same ballot, vote for the amount of money to be raised for the support of the poor, for school purposes, for the repair of roads, the amount of dog tax, and for the place of holding the next annual town meeting and the election of state and county officers.

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

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

Elections, how conducted.

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

Vacancies, &c., how supplied.

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

Clerk of township to be clerk of town committee.

6. *And be it enacted,* That the reports of the town committee, the overseers of the poor, and the school committee, shall be filed and preserved by the town committee: in posting up

First elections, where held.

the list of officers elected, as required by law, the clerk shall add thereto the results of the election in other particulars; the first elections under this act shall be held at the place appointed at the last town meeting, and all special town meetings at the place of holding the last preceding annual town meeting; the same ballot-box shall be used at the town meetings, and provided by the clerk, which is used at the state and county elections; the judge of election and clerk shall receive the same compensation for attending any town meeting as for attending a state or county election, and the town committee shall allow the clerk such compensation, for the additional duties required by this act, as they may deem reasonable.

Approved, March 20, 1846.

AN ACT to incorporate the Raritan Manufacturing Company.

Names of corporators.

Style.

Time and mode of annual election of directors.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Charles Porter, Thomas Tiletton, Paul Spofford, John P. Nesmith, Robert J. Dillon, James Hutchins, Charles Dunham, Lewis G. Stout, Charles D. Deshler, and Isaac Voorhees, and their survivors, and all such persons as may hereafter be associated with them, or the said survivors and their successors, shall be, and they are hereby constituted a body corporate, by the name and style of "the Raritan Manufacturing Company," for the purpose of manufacturing cotton goods, in or near New Brunswick, in the county of Middlesex, or county of Somerset, in this state, and of carrying on the business incident thereto; and the said company may hold such personal and real estate, situate in or near the city of New Brunswick aforesaid, and not exceeding one hundred acres, as may be necessary or useful 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 or decrees which shall have been obtained for such debts or liabilities.

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 until others are chosen; and the said directors shall be chosen on the first Monday of June, in every year, at such place, and time as shall be directed by the by-laws of the said corporation; and public notice thereof shall be given, not less than ten days previous, in one or more newspapers printed in New Brunswick aforesaid; and each stockholder shall, at such election, be entitled, 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 election the greatest number of votes, and being stockholders, shall be directors; and the directors chosen at one election, shall be capable of serving by virtue thereof until another elections shall have been had; and the directors so chosen may appoint such officers and superintendents, and fix 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 Charles Porter, Thomas Tileston, Paul Spofford, John P. Nesmith, Robert J. Dillon, James Hutchins, Charles Dunham, Lewis G. Stout, Charles D. Deshler, and Isaac Voorhees, and the survivors of them, shall be the first directors of the said corporation, and shall hold their offices until the first Monday in June next and until others are legally chosen.

3. *And be it enacted*, That the capital stock of the said corporation shall be two hundred and fifty thousand dollars, and may be increased to five hundred thousand dollars, if the same shall become necessary; and the stock shall be divided into shares of one hundred dollars each, but so soon as fifty thousand dollars of the said capital stock shall have been subscribed and paid, and an affidavit thereof shall be made by a majority of the associates named in this act, and filed in the clerk's office of the counties in which the said company shall be located, it shall be lawful for the said corporation to commence business; and it shall be lawful for the directors of the said corporation, or a majority of them, from time to time to call for and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under 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 public

Amount of capital stock.

notice, previously published for the space of ten days in one or more newspapers printed in New Brunswick aforesaid, designating the proportion of such payments per share, and the time and place when, and the officer to whom, the same shall be required to be made.

Books of subscription to be opened.

4. *And be it enacted*, That the subscription for said stock shall be opened until the sum required shall be subscribed, and for any number of days not exceeding sixty, nor less than three, under the direction of the board of directors, or such of them as shall be designated by the board for that purpose; and that they give at least ten days' notice of the same, in a newspaper in New Brunswick aforesaid, designating the time and place when and where the books of subscription are to be opened.

Stock personal estate.

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

Corporation not dissolved for failure to elect on day prescribed.

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

Directors, their powers and duties.

7. *And be it enacted*, That a majority of directors for the time being shall form a board for transacting the business of said corporation, and shall have power to make and enforce by-laws.

Books of account to be kept.

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

Limitation.

9. *And be it enacted*, That this act shall continue in force for the term of twenty years, and shall possess the general powers, and be subject to the general restrictions and liabilities, set forth in an act entitled, "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six.

Approved, March 31, 1846.

AN ACT to prevent horse racing.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all racing, by running, pacing, or trotting of horses, mares, or geldings, for money or other valuable thing, or where twenty or more persons are assembled together, shall be, and hereby are declared to be offences against the state, and the authors, parties, contrivers, and abettors thereof, and all and every other person or persons concerned therein, either directly or indirectly, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court. Penalty for racing.

2. *And be it enacted*, That if any person shall bet or wager upon the running, pacing, or trotting of any horses, mares, or geldings, or shall be concerned in making up any purse for any such running, pacing, or trotting, such person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court. Penalty for betting, &c.

3. *And be it enacted*, That if any person shall be a stakeholder of any sum of money or other thing betted, staked, or wagered upon any such running, pacing, or trotting, or shall cause to be printed or set up any paper or other thing notifying or advertising any such running, pacing, or trotting, or shall be the rider of any horse, mare, or gelding in any race, of either running, pacing, or trotting, such person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court. Stakeholders punished.

4. *And be it enacted*, That if any person shall contribute or collect, or shall ask any other person to contribute or collect any money, goods, or chattels, to make up a purse, plate, or other thing to be run, paced, or trotted for by any horse, mare, or gelding at any place in this state, such person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court. Contributors to purse, &c., how punished.

5. *And be it enacted*, That if any person or persons shall let or rent his, her, or their land for the purpose of a racecourse for the running, pacing, or trotting any horses, mares, or geldings, or shall knowingly suffer any such running, pacing, or trotting upon lands belonging to him, her, or them, or of which Penalty for letting land for a racecourse.

he, she, or they may be in possession, such person or persons shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, at the discretion of the court.

Wagers on races to be null and void.

6. *And be it enacted*, That all wagers or bets which shall be laid, betted, or made on the running, pacing, or trotting of any horses, mares, or geldings, and all promises, agreements, notes, bills, bonds, contracts, judgments, mortgages, or other securities or conveyances which shall be made, given, granted, drawn, entered into, or executed by any person or persons, when the whole or any part of the consideration thereof shall be for money, goods, chattels, or other thing won, laid, or betted on the running, pacing, or trotting of any horses, mares, or geldings, shall be utterly void and of no effect.

Former acts repealed.

7. *And be it enacted*, That the act entitled, "An act to prevent horse racing," passed the fifteenth day of February, eighteen hundred and eleven, and the supplement thereto, passed the fifth day of March, eighteen hundred and thirty-five, and all other acts and parts of acts coming within the purview of this act, shall be, and hereby are repealed.

Approved, March 19, 1846.

AN ACT to punish and prevent frauds in the use of false stamps and labels.

Penalty for counterfeiting labels.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That every person who shall knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, upon any goods, wares, or merchandise, the private stamps or labels of any mechanic or manufacturer, with intent to defraud the purchasers or manufacturers of any goods, wares, or merchandise, whatsoever, upon conviction thereof, shall be punished by imprisonment in a county jail for a term not exceeding six months.

Penalty for vending goods with forged labels.

2. *And be it enacted*, That every person who shall vend any goods, wares, or merchandise, having thereon any forged or counterfeited stamps or labels, purporting to be the stamps or labels of any mechanic or manufacturer, knowing the same to be forged or counterfeited, without disclosing the fact to the

purchaser, shall upon conviction be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not exceeding six months, or by fine not exceeding one hundred dollars.

3. *And be it enacted*, That this act shall take effect on the first day of April next ensuing. Act, when to take effect.

Approved, March 24, 1846.

A further supplement to "An act to set off the township of Van Vorst, in the county of Hudson."

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 township committee of said township, or a majority of them, in committee convened, to pass, by not less than three concurring votes, and enforce all such ordinances as they shall judge proper for regulating, cleaning, and keeping in repair the side-walks, and for preventing the encumbering or obstructing the same; and for preventing persons from riding, driving, or passing over or upon the said side-walks with horses or oxen, or with wagons, carts, or carriages of any description; for abating or removing any nuisance in any street, and for protecting the trees and lamps in said township; *provided always*, that every and each ordinance so passed as aforesaid, shall be published for the space of twenty days, in at least one newspaper published or circulated in said township, before said ordinance shall go into effect. Township committee to pass ordinances for regulation of township.

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

Approved, March 26, 1846.

A supplement to "An act concerning sheriffs."

Preamble.

WHEREAS doubts have arisen concerning the duration of the official term of the sheriffs elected in the several counties of this state, at the annual election in the year eighteen hundred and forty-four—for the removal thereof,

Constructive term of office of sheriffs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, and it is hereby declared, that the term of office of the sheriffs elected in the several counties of this state at the annual election in the year eighteen hundred and forty-four, continued to and terminated with the Monday following the annual election in the year eighteen hundred and forty-five, to wit, Monday, the tenth day of November, eighteen hundred and forty-five, and that whether any such sheriff had been elected at the annual elections in the years eighteen hundred and forty-two and eighteen hundred and forty-three, or not, and the same shall be so construed and adjudged in all courts and places whatsoever.

Preamble.

And whereas, in the month of October, eighteen hundred and forty-five, commissions were granted by the governor to several persons, to wit, William Winter, of the county of Warren, James H. Newell, of the county of Middlesex, Cornelius Lupton, of the county of Cumberland, and Abraham Gaskill, of the county of Burlington; which commissions were designed to authorize them to act as sheriffs until the persons to be elected sheriffs at the annual election on the Tuesday following the first Monday of November of that year should be duly commissioned; and whereas official acts have been performed by the persons in this section before named, under and by virtue of the commissions so granted to them—for the confirmation thereof,

Acts of sheriffs ratified.

2. *Be it enacted*, That all acts and proceedings of the persons before named, performed and had under and by virtue of such commissions, be, and the same are hereby ratified, and shall have the same force and effect as if such acts had been done by the respective sheriffs of such counties, and shall be deemed valid; *provided* the same were in other respects agreeable to law.

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

Approved, March 26, 1846.

A further supplement to the act entitled, "An act to erect a part of the county of Gloucester into a new county, to be called the county of Camden."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the public property which belonged to the county of Gloucester at the time of the passage of the act to which this is a supplement, except the court-house, jail, clerk's and surrogate's offices, and the lots of land appertaining thereto, situate at Woodbury, in the county of Gloucester, and except also the fixtures and furniture of the said court-house, jail, clerk's and surrogate's offices, shall be equitably divided between the counties of Gloucester and Camden, in the proportions herein after mentioned; and that Joseph Saunders and John B. Harrison, of the county of Gloucester, and John R. Cowperthwait and Edward Turner, of the county of Camden, and Jonathan J. Spencer, of the county of Burlington, or any three of them, shall be commissioners to divide said property, except as above excepted and as herein divided; and that any three of said commissioners, when assembled as herein after provided, shall be a quorum for the transaction of business; but any one or more shall have power to adjourn.

Commissioners
to divide pro-
perty.

2. *And be it enacted*, That the said commissioners shall meet at the court-house at Woodbury, in the county of Gloucester, at ten o'clock in the forenoon of the second Tuesday of April next, and at such other times and places as may be appointed by adjournment; and after they, or any three of them, shall have severally taken an oath or affirmation before some person authorized to administer oaths, faithfully, honestly, and impartially to perform the trusts reposed in them by this act, they shall proceed to make division of said public property, except as above excepted and as herein divided; and for that purpose they shall have access to all the public records, files, and papers of the county of Gloucester; and it shall be the duty of the collector of the county of Gloucester, and of James W. Caldwell, former collector of that county, and also of the collector of the county of Camden, to attend before the said commissioners at the above time and place designated for their meeting, and at such other times and places as may be appointed by adjournment; and the said collector and former collector of the county of Gloucester shall furnish said commissioners with a true statement or statements of all the personal property, moneys, and effects which were in their or either of their hands, or in the hands of any other person, and belonging to the county of Gloucester, except the aforesaid fixtures and furniture, and of all the surplus reveauue of the United

Time of meet-
ing of commis-
sioners.

States apportioned to and remaining with the county of Gloucester, and of all debts owing by the county of Gloucester at the time of the passage of the act to which this is a supplement; and the said commissioners, or a majority of them, shall make a just and true appraisal of all the said personal property, moneys, and effects, except as above excepted and the surplus revenue and interest on said revenue, and, after deducting therefrom the amount of bona fide debts against the county of Gloucester at the time of the passage of the act to which this is a supplement, they shall apportion the balance of the said personal property, moneys, and effects to the counties of Gloucester and Camden, in the ratio of the county tax paid by the several townships which comprise the counties of Gloucester and Camden, in the year eighteen hundred and forty-three, and the said surplus revenue, and interest thereon, shall be apportioned to the said counties in the ratio of the state tax paid by the said townships in the year eighteen hundred and thirty-six; whereupon the collector and former collector of the said county of Gloucester shall pay over to the collector of the county of Camden, the amount of moneys so apportioned to the county of Camden, or, in lieu of all or any part of said moneys, the director of the board of chosen freeholders of the county of Gloucester, under his hand and seal, shall and may assign to the board of chosen freeholders of the county of Camden such bonds and mortgages, or other securities, given to the said the board of chosen freeholders of the county of Gloucester to secure the payment of any portion of the said surplus revenue loaned by them, as the said commissioners, or a majority of them, shall designate for that purpose, and deliver the said bonds and mortgages, or other securities, so assigned to the collector of the county of Camden, whose receipt shall be a sufficient discharge therefor; and such assignment or assignments shall be good and effectual in the law, and vest the same title and right of action in said assignee as the assignment of similar securities by individuals.

Safe-keeping of
surplus reve-
nue, &c.

3. *And be it enacted*, That for the amount of the surplus revenue so apportioned to the said county of Camden, and also for a ratable proportion, according to the ratio last mentioned, of so much of the surplus revenue apportioned to the county of Gloucester, and expended by said county before the passage of the act to which this is a supplement, the faith of the county of Camden shall be pledged for the safe-keeping and repayment to the state, to the same extent in law and equity as the faith of the county of Gloucester was or is pledged for the safe-keeping and repayment thereof; and the county of Gloucester shall be relieved from all liability for the safe-keeping and repayment of the same; and, at the time of the delivery of the

said assignment or assignments, the board of chosen freeholders of the county of Camden shall pledge the faith of the county of Camden for the safe-keeping and repayment of the same, according to the provisions of the act entitled, "An act making provision for the deposit and distribution of so much of the surplus revenue of the United States as now is or may hereafter be apportioned to and received by this state."

4. *And be it enacted*, That the poor-house and farm, and tract or tracts of land appertaining thereto, situate in the township of Washington, in the county of Camden, with all and singular the appurtenances, shall, without any further act for that purpose, from henceforth be vested, as an absolute and indefeasible estate of inheritance in fee-simple, in the board of chosen freeholders of the county of Gloucester and in the board of chosen freeholders of the county of Camden, in equal moieties, as tenants in common.

Poor-house farm, &c.

5. *And be it enacted*, That the court-house, jail, clerk's and surrogate's offices, and the lots of land appertaining thereto, situate at Woodbury, in the county of Gloucester, and the fixtures and furniture of the said court-house, jail, clerk's and surrogate's offices, shall henceforth be and remain the absolute property and estate of the board of chosen freeholders of the county of Gloucester, for the use of the county of Gloucester.

Court-house to be the property of the county of Gloucester.

6. *And be it enacted*, That an election for the seat of justice of the county of Camden, where the court-house, jail, and other public buildings shall be erected, shall be held in the said county on the fourth Tuesday of April next; and it shall be the duty of the clerk of said county to give timely notice of such election in writing to the clerks of the several townships, whose duty it shall be to give public notice thereof, by setting up in three or more of the most public places in their respective townships copies of said notice, at least ten days prior to the above appointed time for holding said election; and the polls shall be opened in each of the townships in said county at the places appointed by them, respectively, at their then last annual town meetings for holding elections during the ensuing year; and the election shall be held by the same officers, under the same qualifications, opened and closed at the same hours, the same qualifications of voters shall be required, and shall be conducted, continued, and concluded, in all respects, as nearly as may be according to the same rules and regulations, and under the same restrictions and penalties, as are prescribed by the laws regulating the elections of members of the Senate and General Assembly of this state.

Election to be held for seat of justice.

7. *And be it enacted*, That each voter shall give his vote by a single ballot, which shall be a paper ticket, on which shall be written or printed the name of the city, village, or

Mode of voting.

cross-roads for which the person voting intends to vote; and no ballot shall contain more than one such name; and in case any person shall give his vote by more than one ballot, or any ballot voted shall contain more than one such name, such vote shall not be counted.

Judges to count
votes and make
return.

§. *And be it enacted*, That the judges and inspectors of the said election in the several townships of said county, at the close of the polls, shall carefully count the votes received at said election, and make a certificate, under their hands and seals, containing the whole number of votes taken in their respective townships, and the number taken for each city, village, or cross-roads voted for as the seat of justice of said county; and shall, on or before the hour of three o'clock in the afternoon of the Saturday next after the day of said election, transmit and deliver to the clerk of the inferior court of common pleas of said county of Camden their respective certificates, together with the lists of voters whose votes were taken at the said election, which certificates and lists shall be filed by said clerk in his office; and the said clerk shall faithfully count the said votes, and the city, village, or cross-roads having a majority of all the votes so taken shall be the place chosen for the seat of justice of said county; and if any such city, village, or cross-roads shall receive a majority of all of said votes, it shall be the duty of the said clerk to transmit a certificate, under his hand and seal, of the place so chosen to the board of chosen freeholders of said county, at their then next meeting, which certificate shall be entered in words at length on the minutes of the said board, who shall thereupon select and determine the particular site or sites, at said place, where the court-house, jail, and other public buildings shall be erected; but if no such city, village, or cross-roads shall receive a majority of all of said votes, it shall be the duty of said clerk to transmit a certificate, under his hand and seal, of that fact to the director of the board of chosen freeholders of said county, who shall thereupon, as soon as practicable, call a special meeting of said board; and the said board, at their said special meeting, shall appoint a day, not exceeding sixty days from the day of said election, for holding another election for said seat of justice, and shall give such notice thereof as they may think proper, and on the day so appointed another election for said seat of justice shall be had; and this second election shall be held, opened, conducted, continued, and concluded, and the results in the several townships of said county ascertained and transmitted to the said clerk thereof, and by him counted in the same manner, in all respects as nearly as may be, as is herein before prescribed in reference to the first election; and the city, village, or cross-roads having the great-

est number of votes taken at this second election, shall be the place chosen for the seat of justice of said county; and it shall be the duty of the said clerk to transmit a certificate, under his hand and seal, of the place so chosen to the board of chosen freeholders of said county, at their then next meeting; which certificate shall be entered in words at length on the minutes of the said board, who shall thereupon select and determine the particular site or sites, at said place, where the court-house, jail, and other public buildings shall be erected.

9. *And be it enacted*, That the clerk of the said county of Camden, judges, inspectors, and other officers of the said election or elections, shall be entitled to the same fees as they are entitled to for like services by the laws of this state regulating elections; and the clerk of the said county of Camden, for any extra services required by this act, shall be allowed such further compensation as the board of chosen freeholders of said county shall deem just, to be paid by the collector of said county; and the commissioners authorized by this act to divide the aforesaid public property, and the persons required to attend before them, shall receive two dollars per day for their services while engaged in making said division, to be paid, one half by the collector of the county of Gloucester, and the other half by the collector of the county of Camden.

Compensation
of officers.

10. *And be it enacted*, That the board of chosen freeholders of said county of Camden shall, upon the call of their director or upon their own adjournment from time to time, as often as occasion may require, meet together at such place or places as they may appoint for that purpose; and they shall contract for and take a deed or deeds for land on which to erect said court-house, jail, and other public buildings, and shall erect the same thereon; and they shall be authorized and empowered to borrow from time to time any sum or sums of money, not exceeding in all the sum of twenty-five thousand dollars, and to pledge the faith of the county for the repayment of the same.

Chosen free-
holders to erect
buildings, &c.

11. *And be it enacted*, That when the court-house and clerk's and surrogate's offices shall be so far completed as to be suitable for their respective purposes, it shall be the duty of the director of the board of chosen freeholders of said county of Camden to send a certificate thereof to the clerk of the inferior court of common pleas of said county, who shall file the said certificate in his office, and enter it at length in the minutes of said court, with the time of his receiving the same, and give notice thereof, by advertisements published in at least two of the newspapers printed in said county of Camden; and it shall be the duty of said clerk and surrogate, as soon thereafter as

Notice to be
given when offi-
ces are com-
pleted.

conveniently may be, to remove all the records, files, vouchers, and public books and papers in their custody into the said offices so erected for them, respectively; and any circuit court, court of oyer and terminer and general jail delivery, inferior court of common pleas, general quarter-sessions of the peace, and orphans' court, which may be held in said county after the said certificate shall be filed and entered by said clerk, as aforesaid, shall be held in the said court-house; and all writs and other process which may be issued out of either of the said courts, after the entering and filing of said certificate, shall be returnable to the place chosen as aforesaid for the seat of justice of said county; and all such writs and process, and all other writs and process previously issued and then in the hands of the sheriff of said county or other officer, and returnable to either of said courts, shall be returned to the said place chosen for said seat of justice; and all persons who may be under recognizance, bond, or other obligation, or may be summoned to appear before either of said courts at any time subsequent to the entering and filing of said certificate, shall appear before the court before which he shall have been so recognized, bound, or summoned to appear at the said place chosen for said seat of justice.

Notice to be given when jail is completed.

12. *And be it enacted*, That when the common jail of said county shall be so far completed as to be suitable for the safe-keeping of prisoners, it shall be the duty of the said director of the board of chosen freeholders to send a certificate thereof to the clerk of the inferior court of common pleas of said county, who shall file the same in his office, and enter it at length in the minutes of said court, with the time of his receiving it, and he shall deliver a copy thereof to the sheriff of said county, whereupon it shall be the duty of said sheriff to remove all the prisoners of said county that may be in his custody into the said common jail, there to be confined according to law; and such removal shall not be deemed an escape or in any wise chargeable to said sheriff.

Part of former act repealed.

13. *And be it enacted*, That the seventh, eighteenth, nineteenth, and twentieth sections of the act to which this is a supplement, and all the provisions of the said act, and of any other act repugnant to the provisions of this act, shall be, and the same are hereby repealed; and this act shall take effect immediately after the passage thereof.

Approved, April 1, 1846.

AN ACT for the relief of John Gregory, of the county of Monmouth.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state shall, and is hereby authorized and required to pay to John Gregory, a soldier of the Revolutionary war, or his order, the sum of sixty dollars per annum, during his natural life, in semi-annual payments of thirty dollars each, the first payment to be made the first day of April next; and the receipt of the said John Gregory, or his order, shall be a sufficient voucher to the treasurer, in the settlement of his accounts.

Pension of \$60
per annum to
J. Gregory.

Approved, March 26, 1846.

AN ACT for the relief of Hannah Hoff, of the county of Morris.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state shall, and is hereby authorized and required to pay to Hannah Hoff, the widow of Charles Hoff, or her order, the sum of forty dollars per annum, during her natural life, in semi-annual payments of twenty dollars each, the first payment to be made the first day of April next; and the receipt of the said Hannah Hoff, or her order, shall be a sufficient voucher to the treasurer, in the settlement of his accounts.

Pension of \$40
granted to H.
Hoff.

Approved, March 26, 1846.

AN ACT to incorporate the Hamilton Manufacturing Company of the county of Atlantic.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John L. McKnight, Stephen Colwell, Walter D. Bell, Jeremiah Stull, John C. Briggs, Nicholas Rape, Joseph Thompson, Edmund Taylor, Abraham L. Iszard,

Names of incor-
porators:

and Francis J. Brognard, and their associates and successors, be, and they are hereby incorporated and made a body politic and corporate, in fact and in law, for the purpose of manufacturing, dyeing, bleaching, and printing wool and cotton, and all goods of which wool or cotton or other fibrous materials form a part, and all the machinery incident thereto, and for the transaction of all business connected therewith, by the name of "the Hamilton Manufacturing Company of the county of Atlantic;" and may erect such mills and other works as may be required to carry on such branches of manufacture; and they shall have power to raise by subscription a capital not exceeding one hundred and fifty thousand dollars.

Style of incorporation.

2. *And be it enacted*, That the said corporation may purchase and hold such real estate in the said county of Atlantic as may be required for the purposes of the said corporation, and may dispose of the same; and may sue and be sued in all courts of law and equity; and may have and use a common seal, and make such by-laws for their regulation and government as they may see proper; *provided* the same are not inconsistent with the constitution and laws of the United States or of this state.

General powers.

3. *And be it enacted*, That the capital stock of the said corporation shall be divided into shares of fifty dollars each; but as soon as thirty thousand dollars of the said capital stock shall have been subscribed and paid in, in lawful money or current bank notes, and an affidavit thereof made by a majority of the directors to be chosen in pursuance of this act, and filed in the office of the secretary of state, then it shall and may be lawful for the said corporation to commence their business, and with that capital to conduct and carry it on, until they shall find it expedient to extend their capital, which they are authorized to do from time to time to the amount herein before mentioned.

Amount of capital stock.

4. *And be it enacted*, That the capital stock shall be deemed personal estate, and transferable upon the books of the said corporation; and no part of the said capital stock shall at any time, nor under any pretence whatever, be divided among the stockholders for dividends; and no dividend shall be made or paid, except from the actual profits; and each stockholder shall, in the election of directors, have one vote for each share of stock he holds in said company.

Stock transferable.

5. *And be it enacted*, That John L. McKnight, Stephen Colwell, Walter D. Bell, Jeremiah Stull, John C. Briggs, Nicholas Rape, Joseph Thompson, Edmund Taylor, Abraham L. Iszard, and Francis J. Brognard, or a majority of them, shall be commissioners, whose duty it shall be to open books to re-

Commissioners to receive subscriptions.

ceive subscriptions to the capital stock of the said corporation, first giving two weeks' notice, in a newspaper circulating in the county of Atlantic, of the time and place of the opening of such books, and also of the amount of the first instalment to be then paid, and, as soon as the same shall be subscribed, to give a like notice for the meeting of stockholders to choose such directors, officers, and agents as may be deemed necessary for conducting the affairs of the company.

6. *And be it enacted*, That the directors shall at all times keep, or cause to be kept at their manufactory, proper books of account, in which shall be regularly entered all the dealings and transactions of said corporation, which books shall at all times be subject to the inspection of the stockholders of the company. Books of account to be kept.

7. *And be it enacted*, That in the month of May, in each year, the directors shall submit to the stockholders a written statement of the amount of capital stock paid in and the amount of all existing debts against the company; and no dividend shall be declared or paid to the stockholders, when such payment would render the company insolvent; and the debts of the said corporation shall at no time be suffered to exceed the capital stock actually paid in. Directors to make annual statement.

8. *And be it enacted*, That no part of the capital stock, or any of the funds of the said corporation, shall at any time during the continuance of this charter be used or employed, directly or indirectly, in banking operations or for any purpose whatever inconsistent with the provisions of this act. Capital stock not to be employed in banking.

9. *And be it enacted*, That the corporation hereby created shall continue twenty years, and shall possess the general powers, and be subject to the general restrictions and liabilities, set forth in an act entitled, "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six. Limitation.

Approved, March 31, 1846.

AN ACT to incorporate the Atlantic Manufacturing Company.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That John Campbell, Henry V. Butler, and Robert L. Taylor, and the survivors of them, and all Names of corporations.

Style and general powers.

such persons as may hereafter be associated with them, or the said survivors, their successors, and assigns, shall be, and they are hereby constituted a body corporate, by the name and style of "the Atlantic Manufacturing Company," for the purpose of manufacturing paper in the counties of Passaic or Bergen, in this state, and of carrying on the business incident thereto; and the said company may hold such water power and water privileges, personal and real estate, as may be necessary or useful for 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.

Time and mode of annual election of directors.

2. *And be it enacted*, That the stock, property, and concerns of the 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 the said directors shall be chosen on the first Monday in June, of every year, at such place and time as shall be directed by the by-laws of the said corporation, and public notice thereof shall be given, not less than ten days previous, in one or more newspapers printed in the county of Passaic; and each stockholder shall, at such election, be entitled, 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, and 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 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 John Campbell, Henry V. Butler, Robert L. Taylor, Thomas Rogers, Aaron S. Pennington, and the survivors of them, shall be the first directors of the said corporation, and shall hold their offices until the first Monday in June next and until others are legally chosen.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of the said corporation shall be two hundred thousand dollars, which shall be

divided into shares of one hundred dollars each; but so soon as fifty thousand dollars of the said capital stock shall have been subscribed and paid, and an affidavit thereof shall be made by a majority of the directors, and filed in the clerk's office of the county in which the manufactory of the said corporation shall be located, it shall be lawful for the 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 the said corporation, or a majority of them, from time to time to call for and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payment shall not be made within thirty days after the day fixed for that purpose by public notice, previously published for the space of thirty days in one or more newspapers printed in said county, designating the proportion of such payment per share, and the time and place when, and the officer to whom the same shall be required to be made.

4. *And be it enacted*, That the subscription for said stock shall be opened until the sum required shall be subscribed, or for any number of days not exceeding thirty, under the direction of the board of directors, or such of them as shall be designated by the board for that purpose.

Books of subscription to be opened.

5. *And be it enacted*, That the stock and property of the said corporation, of whatsoever nature or kind, shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws of said corporation.

Stock transferable.

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

Corporation not dissolved for failure to elect on day prescribed.

7. *And be it enacted*, That a majority of directors for the time being shall form a board for transacting the business of the said corporation, and shall have power to make and enforce by-laws.

Directors, their powers and duties.

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

Transfers to be registered.

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

How corpora-
tion may be dis-
solved.

9. *And be it enacted*, That the said corporation may be dissolved at and by a general meeting of the stockholders, specially summoned for that purpose; *provided*, that at least three-fourths in value of the stockholders shall be present or represented therein; and upon such dissolution the directors for the time being, and the survivors and survivor of them, shall be trustees for settling all the affairs of the said corporation, disposing of its effects, recovering its claims, 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, and the survivors and survivor of them, shall be trustees for the purpose aforesaid.

Limitation.

10. *And be it enacted*, That the corporation hereby created shall continue twenty years, 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.

Approved, April 4, 1846.

AN ACT to repeal part of an act therein named.

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 fourth section of the act entitled, "A further supplement to the act entitled, an act to facilitate the administration of justice," passed the fourteenth of February, eighteen hundred and thirty-eight, approved March twenty-fourth, eighteen hundred and forty-five, as requires the rules, judgments, and decisions therein mentioned to be entered in a separate book of minutes, to be kept for that purpose, be, and the same is hereby repealed.

Act, when to
take effect.

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

Approved, April 7, 1846.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act, passed on the seventh day of March, eighteen hundred and forty-four, entitled, "A further supplement to the act entitled, an act to incorporate the city of Trenton," be, and the same is hereby repealed.

Part of former act repealed.

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

Approved, April 8, 1846.

AN ACT to prevent the collision of vessels navigating the river Delaware.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every master or other officer having charge of any vessel lying at anchor in the river Delaware; shall hoist or show from sundown, and continue to sunrise, a light at some conspicuous part of said vessel, at least ten feet above the deck; and for each and every neglect such master or other officer having charge of such vessel shall forfeit and pay the sum of ten dollars, to any person who shall sue for the same.

Vessels at anchor to show light.

2. *And be it enacted*, That when any vessel navigating the river Delaware shall come in collision with any vessel lying at anchor, having a light on board as aforesaid, the master or other officer having charge of such vessel so navigating the river Delaware, shall forfeit and pay to the master, owner, or owners of such vessel so lying at anchor, the amount of all damages sustained by means of such collision, the same to be sued for by the officer, owner, or owners of such vessel having such light on board as aforesaid, and shall be debarred from recovering any damage he may have sustained from such collision; and it shall and may be lawful for the officer serving the summons or other process to seize and keep in custody the vessel so coming in collision as aforesaid, to abide the judgment of the court before which the suit under this act may be

Penalty for coming in collision with vessels showing light.

brought, at the costs and charges of the party offending; *provided* this act shall not be so construed as to prevent the party so offending from having said vessel released, upon giving satisfactory security to the court before whom the said action may be brought.

Steamboats to
show a light.

3. *And be it enacted*, That every master or other officer having charge of any steamboat navigating the river Delaware, shall show from sundown, and continue to sunrise, a light suspended by a staff or pole, in the extreme forward part of said steamboat, at least ten feet above the deck, and also, a light suspended as aforesaid at the extreme after part of said steamboat, at least twenty feet above the deck; and for each and every neglect, such master or other officer having charge of such steamboat, shall forfeit and pay the sum of twenty dollars, to any person who shall sue for the same.

Act, when to
take effect.

4. *And be it enacted*, That this act shall go into full effect and operation, so soon as the legislature of the state of Pennsylvania shall pass a concurrent law.

Approved, April 8, 1846.

AN ACT for the relief of Elizabeth Coward, widow of Samuel Coward, deceased, late of the county of Monmouth.

Pension of \$40
granted to E.
Coward.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state be, and he is hereby authorized and directed to pay to Elizabeth Coward, widow of Samuel Coward, late of the county of Monmouth, deceased, a soldier of the Revolutionary war, or to her order, the sum of forty dollars per annum, during her natural life, in half-yearly payments of twenty dollars each, the first payment to be made on the fifteenth day of April, instant.

Approved, April 9, 1846.

AN ACT to incorporate the New Jersey Mining Company.

WHEREAS John Lamb and others have, in behalf of themselves Preamble. and their future associates, by their petition set forth that they are proprietors, by lease and in fee, of certain tracts of land in the county of Hudson, and state of New Jersey, containing mines of copper and other minerals and metals, and have full right, by virtue thereof, to work the said mines, and have requested the legislature to pass an act incorporating the said petitioners and their future associates, for the purpose of enabling them to work the said mines and any other mines they may hereafter possess in said state, and also to manufacture the ores thereof, in such manner as they may think proper—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Lamb and such others as Corporate name. may hereafter be associated with him for the purposes aforesaid, shall be, and hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of “the President and Directors of the New Jersey Mining Company;” and the said company shall be capable of purchasing, holding, and conveying any lands, tenements, hereditaments, goods, and chattels, wares and merchandise, whatsoever, necessary to the object of the incorporation.

2. *And be it enacted*, That the stock, property, concerns, and affairs of the said corporation shall be managed and conducted by seven directors, who shall be annually elected on the first Monday of January, at such time of the day, and at such place in the county of Hudson, and state of New Jersey, as the by-laws of the said corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in one of the newspapers printed in the city of Newark, and in one printed in the city of New York, and the election shall then and there be made by such of the stockholders as shall attend for that purpose, in person or by proxy; and all elections shall be by ballot, each share having one vote, and the persons who shall have the greatest number of votes shall be the directors; and the said directors, so soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be their president; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by such person or persons as the remainder of the directors for the time being, or a ma-

Time and mode of annual election of directors.

majority of them, shall appoint; *provided always*, that the number of directors shall not exceed seven persons.

Corporation not dissolved for failure to elect on day designated.

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

Amount of capital stock.

4. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of seven hundred and fifty thousand dollars, and that a share in the said stock shall be twenty-five dollars; and the said company may commence operations when the sum of fifty thousand dollars shall have been paid in, and an affidavit thereof shall have been made by a majority of the directors, and filed in the clerk's office of the county of Hudson; and it shall be lawful for the president and directors of the said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such proportion as they shall deem fit, under the pain of the forfeiture of their shares, and all previous payments made thereon, to the said corporation, always giving at least thirty days' previous notice of such call and demand in the newspapers before mentioned.

Duties and powers of directors.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board or quorum for the transacting of the business of the said corporation, and shall have power to make and prescribe by-laws, regulate the duties and conduct of the officers, clerks, artificers, servants, and labourers employed by them, the election of directors, and all such other matters as pertain to the concerns of the said corporation, and shall also have power to appoint and employ so many officers, clerks, and servants for carrying on said business, and with such salaries and allowances as to them shall seem meet.

Objects of incorporation.

6. *And be it enacted*, That the said corporation shall be empowered to reduce ores to metal by smelting, and to manufacture generally the produce of such ores to merchantable articles of trade, such as sheathing, bolts, bars, &c., &c.; *provided* such establishments necessary for such manufacture be located within the state of New Jersey.

Stock personal estate.

7. *And be it enacted*, That the stock of the said company shall be deemed and considered personal estate, and be transferred in such manner as shall be prescribed by the by-laws of the said company; and that for all debts which shall be due

and owing by the said company, the persons then composing such company shall be individually responsible to the extent of their respective shares of stock in said company, and no farther; but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate from being liable.

8. *And be it enacted*, That no transfer of stock of said company shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

Transfers to be registered.

9. *And be it enacted*, That the contracts entered into by the said John Lamb, touching and concerning leases of any part of the said tract of land, shall be, and the same are hereby made obligatory on the president and directors hereafter elected, and their successors, to fulfil the same as if made by themselves.

Former contracts to be binding.

10. *And be it enacted*, That this act shall be, and hereby is declared to be a public act, and shall be judicially referred to by all judges and justices and others, without being specially pleaded.

Act to be a public act.

11. *And be it enacted*, That the corporation hereby created shall continue twenty years, and shall possess the general powers, and be subject to the general restrictions and liabilities, set forth in the "Act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same is applicable to mining corporations.

Limitation.

Approved, April 9, 1846.

AN ACT to incorporate the Somerset, Essex, and Middlesex Mining and Manufacturing Company.

WHEREAS Jedediah H. Lathrope has, in behalf of himself and his future associates, by his petition set forth that he is proprietor, by lease and in fee, of certain tracts of land, in the county of Somerset and state of New Jersey, containing mines, of copper, and other minerals and metals, and has full right, by virtue thereof, to work the said mines, and has requested the legislature to pass an act incorporating the said petitioner and his future associates, for the purpose of

Preamble.

enabling them to work the said mines, and any other mines they may hereafter possess in said county and in the counties of Somerset, Essex, and Middlesex, also to manufacture the ores thereof, in such manner as they may think proper—therefore,

Style of incorporation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jedediah H. Lathrope and such others as may be hereafter associated with him for the purposes aforesaid, shall be, and hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of “the Somerset, Essex, and Middlesex Mining and Manufacturing Company;” and the said company shall be capable of purchasing, holding, and conveying any lands, tenements, and hereditaments, in the counties of Somerset, Essex, and Middlesex, and any goods and chattels, wares and merchandise, whatsoever, necessary to the object of the incorporation.

Time and mode of annual election of directors.

2. *And be it enacted*, That the stock, property, concerns, and affairs of the said corporation shall be managed and conducted by five directors, who shall be annually elected on the first Tuesday of January, at such time of the day, and at such place in the state of New Jersey, as the by-laws of the said corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in a newspaper printed in each of the counties of Somerset, Essex, and Middlesex, and in one printed in the city of New York; and the election shall then and there be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and all elections shall be by ballot, each share having one vote, and the persons who shall have the greatest number of votes shall be the directors; and the said directors, so soon as may be after their election, shall proceed in like manner to elect, by ballot, one of their number to be their president; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; *provided always*, that the number of directors shall not exceed five persons.

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

3. *And be it enacted*, That in case it should at any time happen that an election of directors should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such

other day, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation.

4. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of two hundred and fifty thousand dollars, and that a share in the said stock shall be one hundred dollars; but so soon as twenty-five thousand dollars shall be subscribed and paid in, and an affidavit thereof shall be made by a majority of the directors, and filed in the clerk's office of the counties of Somerset, Essex, and Middlesex, it shall be lawful for the said corporation to commence business; and it shall also be lawful for the president and directors of the said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such proportion as they shall deem fit, under the penalty of the forfeiture of their shares, and all previous payments made thereon, to the said corporation, always giving at least thirty days' notice of such call and demand in the newspapers before mentioned.

Amount of capital stock.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board or quorum for the transacting of the business of the said corporation, and shall have power to make and prescribe by-laws.

Powers of directors.

6. *And be it enacted*, That the stock of the said company shall be deemed personal estate, and be transferred in such manner as shall be prescribed by the by-laws of the said company; and that for all debts which shall be due and owing by the said company, the persons then composing such company shall be individually responsible to the extent of their respective shares of stock in said company, and no farther; but this act shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate from being liable.

Stock transferable.

7. *And be it enacted*, That no transfer of stock of said company shall be valid or effectual unless such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose, which books shall at all times be open to the inspection of the stockholders.

Transfers to be entered.

8. *And be it enacted*, That the contracts entered into by the said Jedediah H. Lathrope, touching and concerning leases of any part of the said tract or tracts of land, shall be, and the same are hereby made obligatory on the president and directors hereafter elected, and their successors, to fulfil the same, as if made by themselves.

Contracts made by J. H. Lathrope to be binding.

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

Act to be a public act.

by all judges and justices, and others, without being specially pleaded.

Limitation.

10. *And be it enacted*, That the corporation hereby created shall continue twenty years, 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, so far as the same are applicable.

Approved, April 14, 1846.

AN ACT to authorize Peter Cooper, to construct a railroad in the township of Nottingham, in the county of Mercer.

P. Cooper authorized to construct railroad.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Peter Cooper, his heirs or assigns, be, and they are hereby authorized and empowered to construct, keep up, and maintain a railroad from his basin on the Delaware and Raritan canal, in the township of Nottingham, in the county of Mercer, upon any public road or other land over which he has or may have the right of way, by the best and most eligible route to his rolling mill, on the raceway of the Trenton Water-power Company; *provided always*, that the same shall not interfere with the ordinary travel upon any road, and that the assent of the owners of the land over which the said railroad may pass, be had before the construction thereof shall be commenced.

Act may be repealed, &c.

2. *And be it enacted*, That the legislature may at any time hereafter modify, alter, or repeal this act.

Approved, April 15, 1846.

AN ACT prescribing the duties of the directors on behalf of the state of the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person shall be eligible to be appointed a director, on behalf of the state, of the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies, who shall be a stockholder in either of them; and if any such director shall, either directly or indirectly, become a stockholder during the time for which he was appointed, his office shall immediately be considered vacant.

Directors not to be stockholders.

2. *And be it enacted*, That it shall be the duty of said directors, annually, on or before the thirty-first day of December, to report to the governor, in writing, a complete statement of the affairs of the said companies during the past year, and all such matters concerning their management, transactions, and business, as may be supposed to affect the interests of the state; and also, a statement of the number of passengers transported on said road or roads, over which line of said road or roads transported; the amount of passage money paid to the company by such passengers, and the amount of the transit duty accruing to the state therefor; also, the number of tons of goods, wares, and merchandise transported thereon, on what line or branch of said road transported, the amount of freight paid the company therefor, and the amount of the transit duties accruing to the state on said goods, wares, and merchandise; and also, a similar statement respecting the transportation of passengers, coal, goods, wares, and merchandise, and the transit duty thereon, on the Delaware and Raritan canal; all of which statements shall be, by the governor, laid before the legislature, at the next meeting thereof.

Directors to make annual report.

3. *And be it enacted*, That it shall not be lawful for any such director to receive from said companies, or either of them, any office or employment of any kind.

Directors not to receive office from companies.

4. *And be it enacted*, That before any person so appointed a director shall enter on the duties of his office, he shall file in the office of the secretary of state an oath or affirmation, which he shall have taken and subscribed before some person duly authorized to administer the same, in which oath or affirmation he shall declare that he will not (during the time for which he was appointed such director), either directly or indirectly, own stock in either of said companies; will faithfully and diligently perform the duties imposed by this act, without

Directors to take oath.

fear or favour; and that he will not receive from said companies, or either of them, any office or employment of any kind.

Approved, April 16, 1846.

AN ACT to raise by tax the sum of forty thousand dollars.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That there shall be assessed, levied, and collected, on the inhabitants of this state, their personal estate, and on the lands and tenements within the same, the sum of forty thousand dollars, money of the United States; which sum shall be paid into the treasury of this state on or before the twentieth day of January, one thousand eight hundred and forty-seven.

\$40,000 to be raised by tax.

Proportions to be raised by the several counties.

2. And be it enacted, That the said sum of forty thousand dollars shall be paid by the several counties of this state in the proportion following, that is to say:

The county of Bergen shall pay the sum of thirteen hundred and thirty-four dollars.

The county of Hudson shall pay the sum of eight hundred and twenty dollars.

The county of Essex shall pay the sum of thirty-five hundred and fifty-two dollars.

The county of Passaic shall pay the sum of ten hundred and twenty-four dollars.

The county of Morris shall pay the sum of thirty-one hundred and thirty-six dollars.

The county of Sussex shall pay the sum of twenty hundred and twenty-five dollars.

The county of Warren shall pay the sum of twenty-one hundred and eighty-five dollars.

The county of Hunterdon shall pay the sum of thirty-one hundred and two dollars.

The county of Somerset shall pay the sum of twenty-five hundred and ten dollars.

The county of Middlesex shall pay the sum of twenty-seven hundred and thirty-two dollars.

The county of Monmouth shall pay the sum of thirty-seven hundred and twenty-four dollars.

The county of Burlington shall pay the sum of thirty-eight hundred and ten dollars.

The county of Gloucester shall pay the sum of thirteen hundred and sixty-two dollars.

The county of Camden shall pay the sum of fifteen hundred and fifty dollars.

The county of Cumberland shall pay the sum of fifteen hundred and eighty-six dollars.

The county of Salem shall pay the sum of twenty-one hundred and fifty-six dollars.

The county of Cape May shall pay the sum of six hundred and forty-six dollars.

The county of Atlantic shall pay the sum of four hundred and sixty-six dollars.

The county of Mercer shall pay the sum of twenty-two hundred and eighty dollars.

3. *And be it enacted*, That the assessors of the several townships, cities, or boroughs of this state, to raise the aforesaid sum of forty thousand dollars, shall assess and rate the several articles and things herein after enumerated at the following sums:

Enumeration of articles taxed at specific sums.

Every covering horse or jack, above three years old, any sum not exceeding ten dollars, to be paid by the person upon whose premises the horse or jack is kept; all other horses or mules, three years old and upward, any sum not exceeding eight cents.

All neat cattle, three years old and upwards, any sum not exceeding four cents.

Every coach or chariot, any sum not exceeding five dollars.

Every phaeton, coachee, or four-wheeled chaise, with steel or iron springs, any sum not exceeding four dollars.

Every four-horse stage wagon, any sum not exceeding five dollars.

Every two-horse wagon, any sum not exceeding two dollars and fifty cents.

Every covered riding wagon, any sum not exceeding seventy-five cents.

Every two-horse chair or curricule, with steel or iron springs, any sum not exceeding one dollar and fifty cents.

Every riding chair, gig, sulky, or pleasure wagon, any sum not exceeding seventy-five cents.

Every dearborn wagon, with steel, iron, or wooden springs, any sum not exceeding seventy-five cents.

4. *And be it enacted*, That in assessing the aforesaid sum of forty thousand dollars, the following articles, persons, and things shall be valued and rated at the discretion of the assessor, to wit:

Articles to be valued and rated at the discretion of the assessor.

All tracts of land of more than twenty acres shall be valued by the assessors at its real value, as near as may be, and all houses and lots of land of twenty acres and under, connected therewith, and all lots of land of twenty acres and under, not connected with houses, shall be valued by the respective assessors at their discretion, valuing and rating the same, however, in proportion to the actual yearly rent or value of the same, as near as may be, according to the scale by which they shall rate lands, in regard to the actual yearly rent or value thereof.

All householders (under which description shall be included all married men), any sum not exceeding three dollars over and above their certainties and other estate made ratable by this act.

All merchants, shopkeepers, and traders, any sum not exceeding ten dollars.

All fisheries where fish are caught for sale, any sum not exceeding twenty dollars.

All chemical works used for the manufacture of any of the chemical salts or fluids for sale, any sum not exceeding ten dollars.

All paint mills, any sum not exceeding fifteen dollars, to be valued according to the extent of the manufacture.

All grist mills, for each run of stones, any sum not exceeding six dollars.

All clover mills, any sum not exceeding ten dollars.

All cotton manufactories, any sum not exceeding thirty dollars.

All sail duck manufactories, any sum not exceeding ten dollars.

All woollen manufactories, any sum not exceeding ten dollars.

All carding machines propelled by water or steam, and not connected with any cotton or woollen manufactory, any sum not exceeding three dollars.

All cupola furnaces, any sum not exceeding fifteen dollars.

All blast furnaces, other than cupola furnaces, any sum not exceeding thirty dollars.

All saw mills, for each saw, any sum not exceeding eight dollars.

All forges that work pig-iron, and forges and bloomeries that work bar-iron immediately from ore or cinders, for each fire, any sum not exceeding six dollars.

All rolling and slitting mills, any sum not exceeding thirty dollars.

All paper mills, any sum not exceeding ten dollars.

All snuff mills, any sum not exceeding nine dollars.

All powder mills, any sum not exceeding fifteen dollars.

All oil mills or oil presses, any sum not exceeding nine dollars.

All bark mills propelled by water or steam, for grinding bark for sale, any sum not exceeding ten dollars.

All fulling mills not connected with any woollen manufactory, any sum not exceeding four dollars.

Every ferry or toll bridge, any sum not exceeding twenty dollars.

All tan yards where leather is tanned for sale or hire, each vat, any sum not exceeding thirty cents.

All distilleries used for distilling spirits from rye or other grain, or molasses or other foreign materials, any sum not exceeding one hundred dollars.

All other distilleries used for distilling, any sum not exceeding thirty dollars, having due regard to the size, capacity, and use of said stills.

Every printing, bleaching, and dyeing manufactory, any sum not exceeding ten dollars.

Every earthen or stone ware manufactory, any sum not exceeding seven dollars.

Every glass or porcelain manufactory, where glass or porcelain ware is manufactured for sale, any sum not exceeding ten dollars.

Every tobacco manufactory, other than snuff mills, conducted by steam, horse, or water power, having due regard to the extent and capacity of the same, any sum not exceeding ten dollars.

Every single man, whether he lives with his parents or not, any sum not exceeding one dollar and fifty cents, over and above the certainties made ratable by this act: if any single man be a householder, he may, at the discretion of the assessor, be taxed as other householders are liable by law to be taxed; *provided*, that nothing in this section shall be so construed, or subject any species of property to be taxed more than once, and that no property herein specifically mentioned as taxable shall be subject to a tax as real estate.

Tax of single men.

Proviso.

5. *And be it enacted*, That it shall be the duty of every assessor to make and carry out in his tax book, and the duplicate thereof, a just and true valuation of all the real estate made liable by law; and the amount of tax assessed in each township, city, or borough, above what is raised from the certainties, shall be levied by a percentage upon such valuation.

Duties of assessor.

6. *And be it enacted*, That the sum of forty thousand dollars shall be assessed, levied, and collected in the manner prescribed in the act entitled, "An act concerning taxes," passed the tenth day of June, one thousand seven hundred and ninety-nine, and the several supplements thereto; and the several officers therein

Manner of assessing, levying and collecting.

mentioned are hereby required to perform the several duties on them enjoined thereby, under the pains and penalties for neglect of duties imposed by said acts; and the assessors, collectors, and other officers concerned in the assessment and collection of said tax shall be entitled to the fees and compensation allowed by law.

Secretary of state to transmit blank abstracts of ratables to clerks of counties.

7. *And be it enacted*, That, in order to have a uniformity in the return of the abstracts of the ratables of the several counties, the secretary of state be authorized to furnish the county clerks in each of the several counties of this state with blanks, to be used and filled up by the several boards of assessors.

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

Approved, April 16, 1846.

A further supplement to the act entitled, "An act to erect a part of the county of Gloucester into a new county, to be called the county of Camden."

Construction of certain parts of supplement of April 1, 1846.

1: *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the month of April, mentioned and referred to in the second and sixth sections of the act of the legislature of this state, approved the first day of April, in the year of our Lord one thousand eight hundred and forty-six, and entitled "A further supplement to the act entitled, an act to erect a part of the county of Gloucester into a new county, to be called the county of Camden," shall be taken and construed to mean the month of April, in the year of our Lord one thousand eight hundred and forty-six; and any notice that has been, or shall be given in conformity with the said sixth section of the said supplement, of the day of an election for the seat of justice of the said county of Camden, shall be considered and intended as referring to the fourth Tuesday of April, eighteen hundred and forty-six.

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

Approved, April 16, 1846.

AN ACT for the relief of Mary Ann Lot, of the county of Sussex.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be, and he is hereby authorized and directed to pay to Mary Ann Lot, widow of Bartholomew Lot, deceased, a soldier of the Revolutionary war, or to her order, thirty dollars per annum, during her natural life, in semi-annual payments of fifteen dollars each, the first payment to be made the tenth day of April, instant.

Pension of \$30⁰⁰ granted to M. A. Lot.

Approved, April 17, 1846.

AN ACT relative to fishing in the Rancocas creek, in the county of Burlington.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person who shall affix, fasten, or set any net or nets, or use any device or devices, whatsoever, that may tend to obstruct or hinder shad from going up or down the Rancocas creek, in the county of Burlington, shall for each and every offence be liable to a penalty of twenty dollars, to be recovered by action of debt, with costs of suit, in any court of record having cognizance thereof, one half to be paid to the person prosecuting for the same, and the other half to the overseer of the poor, for the use of the poor of the township in which the offence shall have been committed; and the boat or boats, net or nets, used by any person or persons in violating the provisions of this act, shall be liable for the penalty herein set forth; *provided always*, that such prosecution shall be commenced within six months after the said offence shall have been committed; *and provided also*, that nothing in this act contained shall extend to prevent any person or persons from drawing or sweeping with seines or nets, or fishing with hoop-nets in said creek, as heretofore.

Penalty for obstructing passage of fish.

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

Approved, April 17, 1846.

AN ACT to establish public schools.

\$30,000 to be appropriated annually.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That it shall be the duty of the trustees of the school fund of this state for the time being, on or before the first Monday of April next, and on or before the first Monday of April in every year thereafter, to appropriate out of the annual income of said fund for the support of public schools the sum of thirty thousand dollars; and if the annual income of said fund shall not have been received in full, or shall be insufficient for that purpose, then the said trustees are hereby authorized and empowered to draw for any sum necessary to make up the deficiency, by warrant signed by the governor, upon the treasurer of the state, who is directed to pay the same; which sum so drawn from the treasury as aforesaid, shall be replaced by the annual income of said school fund, so soon as the same shall be received.

Trustees to make apportionment.

2. And be it enacted, That as soon as the said appropriation shall be made, it shall be the duty of the said trustees to apportion the same among the several counties of this state, in the ratio of the last taxes paid for the support of the government of this state by the said counties, respectively, a true list of which apportionment shall be made out and filed with the treasurer, whose duty it shall be forthwith to give notice in writing to the collectors of the several counties, of the sum apportioned to each county, and the said collectors shall thereupon have power to draw for the same; and it shall also be the duty of the trustees of the school fund to prepare and submit to the legislature an annual report, containing estimates and accounts of expenditures of all moneys appropriated by them, together with such other matters connected with the school fund as they shall deem advisable.

Board of chosen freeholders to make apportionment to townships.

3. And be it enacted, That the boards of chosen freeholders in the several counties of this state shall, at their annual meetings in each year, apportion among the several townships in their respective counties the money so as aforesaid received from the treasurer, in the ratio of the county tax paid by the several townships, a true list of which apportionment shall be filed by the clerk of the said board, and a duplicate copy thereof filed with the county collector; and it shall be the duty of the clerks of the said boards of chosen freeholders, respectively, as soon as such apportionment shall be made and filed as aforesaid, to give notice in writing to the collectors of the several townships in their respective counties of the amount so apportioned to the respective townships; and it shall be the duty of the said township collectors, on the receipt of such notice, to draw upon the county collector for the same.

4. *And be it enacted*, That the inhabitants of the several townships in this state are hereby authorized, empowered, and required, at their annual town meetings, to raise, by tax or otherwise, in addition to the amount so apportioned to their use, such further sum or sums of money as they may deem proper for the support of public schools, at least equal to and not more than double the amount of such apportionment.

Amount to be raised by town meeting.

5. *And be it enacted*, That the inhabitants of the several townships in this state are hereby authorized and empowered, at their annual town meetings, to elect and choose, in the same manner as other township officers are elected, one suitable person, who shall be denominated a town superintendent of public schools for the respective townships, whose duty it shall be, on or before the second Monday in May next succeeding, to set off and divide their respective townships into convenient school districts, with power to alter and change them, as circumstances may require; and in case a district can be more conveniently formed of parts of two or more adjacent townships or counties, it shall be lawful for the town superintendents of such adjacent townships to make such division.

Town superintendent to be elected.

6. *And be it enacted*, That it shall be the duty of the town superintendent in each township, within twenty days after the school districts shall have been set off and divided as aforesaid, to prepare a notice in writing describing such districts, and appointing a time and place for the first district meetings, a copy of which notice shall be set up in three of the most public places within each of the said districts, at least ten days previous to the time of such meeting; and that district meetings shall be held annually, on the first Monday of April thereafter, of the time and place of which annual meeting ten days' notice in writing shall be given by the town superintendent.

Notice to be given of district meetings.

7. *And be it enacted*, That it shall be lawful for the taxable inhabitants of the several school districts in this state, when assembled in pursuance of the notice given as aforesaid, to elect, by a plurality of votes, three or more discreet persons, who shall constitute the trustees for the respective districts, and who shall hold and exercise their offices for one year and until others are duly elected; and the said trustees may resolve and determine how many months in the year a school shall be kept and maintained within their respective districts, and may also designate a site for the district school-house.

District trustees to be elected.

8. *And be it enacted*, That it shall be the duty of the board of chosen freeholders in each of the several counties of this state, at their annual meetings, to elect and choose two persons, citizens of said county, who shall constitute a board of examiners and visitors in and for said county, whose duty

Chosen freeholders to elect examiners.

it shall be to meet at such times and places as the said board of examiners shall determine and appoint, and, in common with the town superintendents of the respective townships, to examine and license, by certificate under their hands and seals, suitable persons as teachers of public schools within said county, having regard always to their scholarship and moral character; which license shall be restricted to the county where the same may be given, but may be revoked and renewed at the pleasure of the board of examiners; and that the members of the said board of examiners shall receive, as a compensation for their services, the sum of one dollar for each and every day by them actually employed in the duties of their office, to be paid to them by the county collector; and in case the board of chosen freeholders of any county shall neglect to appoint examiners as aforesaid, then it shall be the duty of the town superintendent of each and every township in such county to examine such teachers, and give such license as aforesaid; and no teacher shall be entitled to receive any amount of public money, unless possessed of a license.

Duties of district trustees.

9. *And be it enacted*, That it shall be the duty of the trustees of the several school districts in the state, as soon as may be after their election as aforesaid, to provide a suitable house or room, where a school shall be taught, and to contract with and employ a competent teacher, having a certificate of license for such county, and to pay the wages of such teacher, as far as the same shall be paid out of the public money or money appropriated by the township, by an order in writing, signed by them, or a majority of them, stating the purpose for which it is given, and in favour of the one entitled to receive it; and it shall also be the duty of the said trustees, within twenty days after their election, to make out a list of the children capable of attending school between the ages of five and sixteen years, within their said districts, together with the names of the parents or guardians of such children, and to transmit the same to the town superintendent of the township of which such district forms a part; and in case the trustees shall neglect or refuse to render such report, they shall be subject, respectively, to a penalty of ten dollars for each and every neglect.

Duties of town superintendent.

10. *And be it enacted*, That it shall be the duty of the town superintendents in the several townships of this state, upon the receipt of the lists of children within the respective districts, transmitted to him as aforesaid, to apportion the money received by their respective township collectors as herein before provided for, and also, all other moneys which may be raised by their respective townships for the support of public schools, among the several school districts so as aforesaid formed, in

the ratio of the number of children capable of attending school, between the ages of five and sixteen years, in each district, a true list of which apportionment shall be made out, and a copy thereof filed with the trustees of the respective townships; it shall also be the duty of the town superintendent in each and every township, within ten days after his appointment, to receive from the town collector all moneys appropriated to school purposes, and who shall also enter into a bond to the inhabitants of said township, in their corporate name, with two good and sufficient securities, being freeholders and resident in said township, to be approved by the township committee; and the said town superintendent to pay over no money so appropriated as aforesaid, except upon the written order of the trustees, or a majority of them, which order shall state the purpose for which it is given, and be made payable to the order of the person entitled to receive the money, and endorsed by him; and the township collector is hereby authorized to pay over to the person so appointed town superintendent, all the money which he may receive, either from the county collector or collected by himself, and take a receipt therefor, which shall be sufficient evidence of such payment.

11. *And be it enacted*, That it shall and may be lawful for the trustees of two or more of the school districts in any township, city, or borough of this state, to unite and consolidate the respective quotas of the school money apportioned to them, for the purpose of establishing one or more free schools in said township, city, or borough; which school or schools, so determined upon, shall be under the supervision of the town superintendent, whose duty it shall be to determine what pupils shall be admitted, and upon what terms, and in general to discharge the office of trustees of such school or schools.

Free schools
may be estab-
lished.

12. *And be it enacted*, That where the patrons or proprietors of any school already organized and established under the care of any religious society or denomination of christians, whose church discipline provides for the establishment of schools and the appointment of trustees, are unwilling to relinquish such school, and become subject to all the provisions of this act, it shall be the duty of the trustees of said school to transmit to the town superintendent of their respective townships a certificate of their organization, together with a list of the children of such patrons and proprietors, between the ages of five and sixteen years, who are capable of attending school; whereupon every such school shall be entitled to receive its just and ratable proportion of the money assigned to said township out of the income of the school fund, and of such additional sum as may be raised or appropriated by said township for the support of public schools; which apportionment shall

Patrons, &c.,
of organized
schools to re-
ceive ratable
proportion of
money assigned
to township.

be made by the town superintendent of the respective townships, and a copy thereof filed with the township collector, whose duty it shall be to pay to the trustees of said school their just proportion of such moneys, for the use and benefit of said school.

Town superintendent to make annual report.

13. *And be it enacted,* That it shall be the duty of the town superintendent in each and every township in this state to visit every school in said township, at least once in every quarter, to examine into the condition of the same, to advise and consult with the trustees and teachers, and cause the result of such visit to be entered upon a book to be kept for that purpose in each and every school, and to make out a report in writing, and to transmit the same to the state superintendent of common schools on or before the fifteenth day of December, in each and every year, of the state and condition of the schools within their respective townships, the number of scholars taught therein, the terms of tuition, the length of time the school has been kept open therein, the amount of money received by him, and the manner in which it has been appropriated and expended, together with such other information as he may think necessary or may be required by the state superintendent, a copy of which report shall be read at the next annual town meeting; and in case the said town superintendent shall neglect or refuse to make such report, he shall incur the penalty of ten dollars; the town superintendent of each and every township shall, within ten days after the expiration of his office, render to his successor in office a just and true account in writing of all school moneys received by him before the time of rendering such account, and of the manner in which the same has been appropriated and expended by him; and the account so rendered shall be delivered by such successor to the town clerk, to be filed in his office, and recorded by him in a book to be kept for that purpose; and if, on rendering such account, any balance shall be found remaining in the hands of the town superintendent, the same shall immediately be paid over by him to his successor in office; every town superintendent who shall refuse or neglect to render such an account as is above required, or neglect or refuse to pay over any balance in his hands, shall forfeit for each offence the sum of fifty dollars.

Penalty for neglect or refusal.

State superintendent, his powers and duties.

14. *And be it enacted,* That there shall be a state superintendent of public schools, whose duty it shall be to see that the laws respecting public schools are faithfully executed, and the moneys appropriated for their support fairly applied, to ascertain from examination, and suggest from experience, such amendments or alterations in the school law as may be required, to visit the different counties, and as far as practicable the different towns, and consult and advise with the county exa-

miners, visitors, and town superintendents thereof, and, on or before the fifteenth day of January, in each and every year, to make a written report to the legislature, containing a statement of the condition of the public schools throughout the state, and such other matters as he may deem expedient; *provided*, that the provisions of this section shall not extend to any county in this state until the board of chosen freeholders of such county, desirous to come under the provisions of the same, shall first give notice to the trustees of the school fund of such desire; and upon and after the receipt of such signification by the secretary of state, the provisions of this section shall apply to and extend to such county.

15. *And be it enacted*, That it shall be the duty of the state superintendent of common schools to prepare suitable forms and regulations for making all reports and conducting all proceedings prescribed by law in relation to public schools, together with a copy of all the acts in relation thereto, and to transmit the same, with such suggestions as he shall deem necessary and proper for their better organization and government, to the town superintendents of the several townships throughout the state; and the trustees of the school fund are hereby authorized to allow such sum as they may deem just and reasonable, as a compensation for the labour and expense attending the same, which sum shall be paid by the treasurer, on the order of the governor, out of any money in the treasury not otherwise appropriated.

State superintendent to town superintendents to prepare forms, &c.

16. *And be it enacted*, That the said town superintendents shall receive, as a compensation for the services required of them by this act, the sum of one dollar per day, to be paid to them by the township collector, out of the funds of the township; *provided*, that no compensation shall be paid by the said township collector, until the said town superintendents shall produce an acknowledgment of the state superintendent that he received from them a copy of the report required to be made by the preceding section of this act.

Compensation to town superintendents.

17. *And be it enacted*, That in the erection or alteration of a school district, the trustees of any district to be affected thereby, may apply to the township committee to be associated with the town superintendent, and their action shall be final.

18. *And be it enacted*, That it shall be the duty of the trustees, together with the town superintendent, to select such books as they shall deem proper to be introduced into the several schools of said township or district.

Trustees and superintendent to select books.

19. *And be it enacted*, That it shall be the duty of the clerk of the several boards of chosen freeholders in this state, to report to the state superintendent the names and residences of

Names of examiners and town superintendent to be reported to state superintendent.

the persons appointed visitors and examiners in the different counties; and it shall also be the duty of the town clerk in each township in this state, to report to the state superintendent the name and residence of the person elected as town superintendent, within ten days after such election.

Moneys, how applied.

20. *And be it enacted*, That all moneys received by the town superintendent shall be applied exclusively to the purposes of education.

Compensation to state superintendent.

21. *And be it enacted*, That the state superintendent of common schools shall be appointed by the trustees of the school fund, and shall hold his office for two years.

Penalties, how collected and applied.

22. *And be it enacted*, That all the penalties imposed by the provisions of this act, shall be enforced and collected by the township committee of the several townships in this state, and applied for the benefit of public schools in said townships.

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

Approved, April 17, 1846.

AN ACT to provide for compensation to the revisors of the public statutes.

Compensation to revisors.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state be, and he is hereby authorized to pay out of any moneys in the treasury not otherwise appropriated, the sum of five hundred dollars, each, to the revisors, appointed by an act entitled, "An act to provide for revising the statute laws of this state," approved April second, eighteen hundred and forty-five; and that when the remaining duties required of them by law shall have been completed, and the said revised statutes shall have been printed, with an appropriate index, to be prepared by them, with tabular statements to the titles and chapters, and delivered to the treasurer, the said treasurer be, and he is hereby authorized to pay to the said revisors the further sum of two hundred and fifty dollars, each, as a full compensation for their services.

To be in full.

2. *And be it enacted*, That the above specified compensation shall be lieu and in full of the compensation provided or intended by the fourth section of the act entitled, "An act to provide for revising the statute laws of this state," approved April the second, eighteen hundred and forty-five.

Approved, April 17, 1846.

A further supplement to an act entitled, "An act securing to mechanics and others payment for their labour and materials, in erecting any house or other building within the limits therein mentioned," passed February twenty-fifth, eighteen hundred and twenty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever hereafter any building shall be erected within the territorial limits and bounds of the city of Camden, by contract in writing, such contract shall be duly filed and recorded in the clerk's office of the quarter-sessions of the peace of said city of Camden; and payment to the contractor or contractors, according to the terms and conditions of such contract, shall discharge such building, and the owner thereof, from all liens filed under the act to which this is a further supplement, or under any of the supplements thereto; and the fourth section of the act to which this is a supplement be, and the same is hereby repealed.

Contracts for buildings in Camden to be filed, &c.

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

Approved, April 17, 1846.

AN ACT supplemental to "An act to establish public schools," and to repeal certain acts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the school committees of the several townships, cities, boroughs, and wards in this state, elected during the present year, shall perform the duties enjoined upon the town superintendents by the act entitled, "An act to establish public schools," approved April seventeenth, eighteen hundred and forty-six.

Town committees to perform duties of town superintendents

2. *And be it enacted*, That the act entitled, "An act to establish public schools," passed the first day of March, in the year of our Lord one thousand eight hundred and thirty-eight, and the several supplements thereto, be, and the same are hereby repealed; *provided however*, that such repeal shall not affect any act done, or right accrued or established, or any

Former acts repealed.

election had or appointment made under or by virtue of the said act, or the supplements thereto, but the same shall remain as valid and effectual as if the same had not been repealed.

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

Approved, April 17, 1846.

AN ACT to defray incidental expenses.

Certain incidental charges to be paid.

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

1. To Stacy A. Paxson, treasurer, for travelling expenses to Philadelphia and Paterson to receive dividends on stock, attending sales of Paterson lands, and for packing and delivering pamphlet laws of the sixty-ninth legislature, office rent for one year, charcoal for Senate and Assembly, and sundries, as per bill, one hundred and eighty-nine dollars and fifty-one cents.
2. To John C. Miller, for stoves, fireboards, tin, &c., and for labour in setting up stoves, &c., in state house, as per bills rendered, one hundred and ninety dollars and sixty-two cents.
3. To George S. Hutchinson, for services rendered in repairing state house, sixteen dollars.
4. To Obadiah Howell, for candles, ink, tape, &c., for the use of Senate, seventy-eight dollars and seventy-two cents.
5. To George H. Tindall, for work done to fence on government lot and putting on lock in senate chamber, two dollars.
6. To Andrew Thompson, for repairing press for office of secretary of state and sundry services, as per bill, thirteen dollars and fifty cents.
7. To president and directors of Trenton Water-works, for water twelve months, ten dollars.
8. To B. W. Titus, for oil cloth, carpet, &c., for state house, twenty-five dollars and ten cents.

9. To Charles Brearley, for oil, turpentine, paint, &c., for state arsenal, six dollars and seventy-seven cents.

10. To Jos. G. Brearley, for stove for office court of chancery and sundries, per bill, seventeen dollars and fifty cents.

11. To Stryker & Steward, for candles, muslin, &c., for supreme court room, eleven dollars and seventy-two cents.

12. To Hutchinson & Clark, for candles and sundries for court of errors, thirty-one dollars and twenty-eight cents.

13. To David Milledge, for two mats, two dollars and eighteen cents.

14. To Anthony Rowley, for six umbrella tubs, and painting the same, thirteen dollars and fifty cents.

15. To Henry K. How, for two chamois skins, one dollar.

16. To Asher Temple, for taking up carpets, taking down and moving stoves, &c., in state house, three dollars and fifty cents.

17. To Elias Phillips, for wash-bowls, tumblers, pitchers, and sundries for senate and assembly rooms, eleven dollars and twenty-five cents.

18. To Orin Pharo, for advertising relative to special election to fill vacancy occasioned by the decease of Samuel G. Wright, six dollars and fifty cents.

19. To Charles Parker, George S. Green, and Samuel S. Stryker, for appraising stock at state prison, seventy-three dollars and fifty cents.

20. To Jones & Corlies, for a box of candles, April 4th, 1845, ten dollars and seventy-one cents.

21. To William Ryno, sergeant-at-arms, for taking charge of assembly room from adjournment of last session of the legislature to the commencement of present session, thirty dollars.

22. To Samuel G. Arnold, for advertising governor's proclamation, two dollars.

23. To John C. Cook, for two high stools for office of court of chancery, six dollars and fifty cents.

24. To Richard Thomas, for sundry hardware for state house, eighteen dollars and seventy-three cents.

25. To Thomas Macpherson, for stationery for Senate and Assembly, ninety-two dollars and fifty-five cents.

26. To Sylvester Vansickell, for sofa for governor's room and sundry services at state house, sixty dollars and fifty-seven cents.

27. To George S. Hutchinson, for taking charge of senate chamber during the recess of the legislature, per resolution of Senate, thirty dollars.

28. To Howell & Page, for desks, tables, stove-box, &c., for library room, twenty-three dollars and twenty-five cents.

29. To William DeHart, librarian, for cash paid several persons for services rendered in moving library, &c., sixteen dollars, as per receipts.

30. To W. A. & A. B. Green, for fifteen and a half tons coal and a half cord hickory wood, seventy-six dollars and thirty-eight cents.

31. To Jonathan S. Fish, for thirty-one tons coal, one hundred and forty-seven dollars and twenty-five cents, for state house, and nine dollars, for two tons coal for arsenal.

32. To S. H. Lake, for carting for state arsenal, one dollar and sixty-two cents.

33. To Samuel R. Hamilton, for cartage for arsenal, seventy-five cents.

34. To Charles G. McChesney, for services digesting election laws, making marginal notes, comparing proof sheets, &c., agreeably to joint resolution of the legislature of April 4th, 1845, and for expenses paid circulating the same, as per receipts, seventy-four dollars and twenty-two cents.

35. To John C. Cook, for two high stools for office of the supreme court, six dollars and fifty cents.

36. To Fish, Green & Co., for lumber, four dollars and forty-one cents.

37. To the city of Trenton, for fuel and use of city hall for court of errors, five dollars.

38. To William Grant, for carpenter work on fence at state house yard, two dollars and seventy-five cents.

39. To Joseph G. Brearley, for bill for hardware, as per bill, thirty-nine dollars and thirty-eight cents.

40. To A. G. Cattell, for bill of stationery, one hundred and thirty-three dollars and sixty-two cents; and also, for indexing and preparing a copy for printing the journal index of the session of 1845, fifty dollars.

41. To Cornelius Boice, one of the commissioners to examine the affairs of the Plainfield Bank, ten dollars.

42. To William B. Kinney, for sundry advertising, as per bill, fifteen dollars and twenty cents.

43. To Enoch Burroughs, for sundry labour, as per bill, eight dollars and twenty-five cents.

44. To William C. Howell, for surveying at the asylum farm, &c., thirteen dollars.

45. To William Pearson, for locks, keys, and services for state house, sixteen dollars and twenty-five cents.

46. To Joseph W. Andrews, for painting and varnishing chairs and mending settees for state house, forty-two dollars and eighty cents.

47. To O. Howell, for bill of candles, ten dollars and twenty-eight cents.

48. To Stryker & Steward, for bill of candles, ten dollars and seventy-one cents.

49. To Daniel Dodd, for bill of stationery, one hundred and two dollars and twenty-one cents, and for indexing journal of Senate, joint-meeting, &c., fifty dollars.

50. To Charles Scott, for stationery for governor, court of errors and appeals, and office of secretary of state, one hundred and ten dollars ninety-three cents.

51. To Charles Scott, for stationery for office secretary of state, twelve dollars and twenty-five cents.

52. To Charles Scott, for stationery for office of the clerk of court of chancery, one hundred and thirty-one dollars and thirty-eight cents.

53. To Charles Scott, for stationery for House of Assembly, sixty-seven dollars and seven cents.

54. To Charles Scott, for stationery for use of Senate and engrossing clerk of Senate, one hundred and twenty-eight dollars and forty-one cents.

55. To Charles Scott, for stationery for state library, six dollars.

56. To Charles Scott, for stationery for the office of supreme court, sixty-six dollars and seventy-four cents.

57. To John C. Miller, for stoves and sundries for court of chancery room, and putting up the same, &c., sixty-one dollars and fifty cents.

58. To Richard R. Wright, for going to the state of Delaware, on requisition of the governor, to demand William M. Porter, a fugitive from justice, twelve dollars and seventy-five cents.

59. To Hutchinson & Clark, for candles and brooms for Senate, eleven dollars and four cents.

60. To S. & E. Roberts, for cleaning two clocks, three dollars.

61. To Benjamin S. Disbrow, for tables and desks, books, &c., for the chancery office and office of the supreme court, fifty-two dollars and sixty-two cents.

62. To Phillips & Boswell, for printing, paper, and folding five hundred copies of laws for holding courts in this state, &c., eleven dollars and fifty cents.

63. To Phillips & Boswell, for printing commissions, rules of court of errors, &c., as per bill, seventy-three dollars and fifty cents.

64. To Sherman & Harron, for printing pamphlets and bills of the Assembly and Senate, including the revision bills, three thousand sixty-six dollars and sixty-eight cents.

65. To each of the members of the Senate and General Assembly, any sum not exceeding ten dollars, for their incidental expenses during the present session of the legislature.

66. To John Galager, for ninety-five days' attendance, making fires, stowing away coal, and general attendance during the session of the legislature, ninety-five dollars.

67. To William Taylor, for carting weights and measures, one dollar and fifty cents.

68. To Howell & Page, for fitting south library, agreeably to joint resolution, thirty-three dollars.

69. To George H. White, as coroner of Monmouth county for extra expenses accruing relative to the John Minturn and other wrecked vessels on the Monmouth shore, and burying dead bodies of passengers of said vessels, drowned, &c., as per bill, one hundred and ten dollars.

70. To Amos Hogeland, for bill of candles, ten dollars and forty-five cents.

71. To Jonathan Cook, for horse and carriage hire for state prison and asylum committees, thirteen dollars.

72. To Robert E. Hornor, for preparing the index to the old and new election law, printing said index, &c., seventeen dollars and fifty cents.

73. To David Clark, for five dozen ink and sand stands, twelve dollars and fifty cents.

74. To Isaac Fowler, for cleaning city hall for terms of court of errors, court of chancery, court of appeals, and supreme court, twenty-six dollars.

75. To A. C. Davis, clerk, for stationery for Assembly, four hundred and thirty dollars and thirty-three cents.

76. To Thomas Macpherson, for paper for Assembly, two dollars.

77. To Charles G. McChesney, for engraving executive seal, five dollars.

78. To A. R. Titus, for carpeting, &c., for state house, three dollars and thirty-six cents.

Approved, April 18, 1846.

AN ACT to regulate the state library.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be elected triennially, by the Senate and General Assembly, in joint meeting, a state librarian, who shall hold his office for the term of three years and until a successor is chosen and qualified to serve; and said librarian shall, before he enters upon the duties of his said office, enter into bond to the state of New Jersey, with two good and sufficient sureties, being freeholders in the said state, in the penal sum of one thousand dollars, to be approved by one of the justices of the supreme court, conditioned that if he shall well and truly execute the office of state librarian, and in all things touching and concerning said office, shall well and truly, faithfully and impartially, perform the same, as well with respect to all persons whatsoever concerned as to the said state of New Jersey, and at the expiration of his said office shall deliver all the books, pamphlets, records and papers remaining in the said library, or appertaining thereto, to his successor in office, then the said obligation to be void, otherwise to be and remain in full force and virtue; and shall also take an oath or affirmation, before one of the said justices, that he will well, truly, faithfully, and impartially execute all the duties of state librarian agreeably to law, according to the best of his skill and understanding; which said bond and affidavit shall be filed in the office of secretary of state, there to remain of record.

Librarian to give bond.

2. *And be it enacted*, That the library shall be kept open, in the state house, at all times during the session of the legislature and of the courts of this state, and of the United States,

Persons entitled to use of library.

which sit at Trenton (Sundays excepted), in each day, from nine o'clock in the morning until six o'clock in the evening, and shall be for the use of the members of the legislature, the secretary and clerks of the respective houses, the officers of the executive department of the state government, judges of the district and circuit courts of the United States, district attorney, chancellor, judges of the supreme court and of the court of errors and appeals of this state, adjutant and quartermaster generals, attorneys of the supreme court, and all other persons who have been, or may be at any time entitled by law to the use of books from such library, when any of them shall be at the seat of government.

Librarian to
make rules, &c.

3. *And be it enacted*, That it is further made the duty of the librarian, with the advice and consent of the governor, treasurer, and secretary of state, or any two of them, to prescribe, from time to time, such rules and regulations for the government of the library as they shall think proper, and a copy of such rules shall at all times be set up in a conspicuous place in the library for inspection; and all fines and forfeitures accruing under and by virtue of such by-laws, shall be recoverable by action of debt, to be brought by the treasurer, before any court having jurisdiction of the amount, in the name of the state of New Jersey, for the use of the state library; and in all such trials, the librarian shall be a competent witness, and his entries, to be made as herein after directed, shall be prima facie evidence of the delivery of the book or books, and the date of such delivery.

Librarian to
make entry of
books loaned.

4. *And be it enacted*, That the librarian shall arrange the books in proper order, and preserve them from being injured by moths, moulding, or otherwise, as far as practicable; he shall keep proper books, in which he shall make an entry of all books taken out, designating the name of the person taking the same, and also of the books returned; he shall also keep an accurate catalogue of books belonging to the library, alphabetically arranged, and shall, in the month of January, annually, report to the legislature a full and complete statement of the condition of the library, naming the books lost and destroyed, if any there be, and the cost of such works, and the name or names of the individuals to whom they were charged, together with the fines assessed and collected under the rules and regulations to be prescribed as aforesaid; he shall also keep an account of the manner in which moneys appropriated for the improvement of the library shall be expended.

Annual expend-
iture for in-
crease of libra-
ry.

5. *And be it enacted*, That there shall be expended annually, by the librarian, under the direction of the governor, secretary of state, and treasurer, or any two of them, the sum of two hundred and fifty dollars for the increase of the state li-

brary; out of this fund he shall procure the binding of one copy of each volume of the laws and reports of other states and territories sent to this state, and also of ten copies of the laws and joint resolutions passed at each session of the legislature, ten copies of each of the journals of the Senate and General Assembly, five copies of the Chancery Reports, five copies of the Supreme Court Reports, one copy of the bills of each house, and such other books as may require binding or rebinding.

6. *And be it enacted*, That it shall be the duty of the secretary of the Senate and clerk of the General Assembly to deliver to the librarian, immediately after the final action of both houses, each and every bill and joint resolution lost upon its final passage; and at the close of each session, they shall also deliver to the librarian all bills laid on the table and unacted upon, together with those indefinitely postponed or postponed to the next sitting of the legislature.

Bills not passed to be deposited in library.

7. *And be it enacted*, That the librarian shall be allowed for his services the sum of two dollars for every day he shall be employed during the session of the legislature and the sitting of the above mentioned courts (while in session as held in the state house), and for all other duties he shall receive one dollar for each and every day necessarily employed; his account shall be audited by the secretary of state, and paid out of the treasury, upon warrants drawn by the president of the Senate or governor of this state for the time being.

Compensation to librarian.

8. *And be it enacted*, That there shall be appointed annually, a joint committee of the legislature, whose duty it shall be to examine into the condition of the library, order any repairs that may be necessary, and recommend additions and improvements to the same, by exchange, purchase, or otherwise; they shall also report to the legislature the manner in which the money appropriated for the enlargement of the library has been expended, and whatever else they think proper to make the same useful.

Committee to examine library.

Approved, April 10, 1846.

AN ACT for the preservation of clams and oysters.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That from and after the first day of

Bills not to be raked at certain times.

May until the first day of September, yearly and every year, no person, under pretence of taking clams or shell-fish, or under any other pretence whatsoever, shall rake on any oyster bed in this state, or gather any oysters or shells on any banks or beds within the same; and in case any person shall so do, whether oysters be taken or not, he shall for every offence forfeit and pay ten dollars, to be recovered, with costs, by action of debt, by any person who shall prosecute for the same in any court of record in this state having cognizance of that sum, one moiety thereof to the use of the prosecutor, and the other moiety to the county collector, for the use of the county in which the offence was committed; *provided*, that nothing in this section shall be so construed as to prohibit any person or persons from taking oysters from beds planted out by him or them pursuant to this law.

Penalty for using dredges.

2. *And be it enacted*, That in case any person residing in or without this state, shall at any time hereafter rake for or gather oysters in any of the rivers, bays, or waters of this state with a dredge, or instrument so called, or shall be on board of any canoe, boat, or vessel employed in raking with such implement, such person so offending shall forfeit and pay the sum of fifty dollars, to be recovered in the manner and for the use mentioned in the next preceding section; *provided*, that this and the sixth sections shall not extend, so far as regards persons residing in this state, to the Delaware bay.

Proviso.

Justices of the peace to issue warrant, &c.

3. *And be it enacted*, That it shall be the duty of every justice of the peace, upon his own view or the information of any person on oath or affirmation, to issue his warrant to one or more of the constables in his county, commanding him or them to require such and so many persons as he or they deem necessary, to aid and assist him or them in apprehending every person offending against either of the preceding sections, in any of the bays, rivers, or waters of this state, and forthwith to bring such offender, when apprehended, before the said justice, or any other justice of the peace of said county, to be proceeded against in the manner herein before directed.

Penalty for offering oysters for sale at certain seasons.

4. *And be it enacted*, That if any person shall hereafter sell, or offer for sale, oysters in any part of this state, between the first day of May and the first day of September, such person shall, for every such offence, forfeit and pay five dollars, to be recovered and applied in manner directed in and by the first section of this act.

Penalty for gathering oysters for lime.

5. *And be it enacted*, That if any person shall at any time hereafter rake or gather oysters in any of the rivers, bays, or waters of this state, for the purpose of burning or converting them into lime, or for the purpose of conveying them to any

of the landings to be used in the manufactory of iron in any of the furnaces in this state, or shall land them on any bank or landing for either of the purposes aforesaid, every person so offending shall forfeit and pay fifty dollars for each and every offence, to be recovered and applied in manner directed by the first section of this act.

6. *And be it enacted*, That no canoe, scow, boat, or vessel, employed in navigating any of the waters, bays, or rivers of this state, shall have on board of the same any instrument called a dredge, for catching or raking oysters or shell-fish; and the master or owner or owners of every such canoe, scow, boat, or vessel, that shall have on board of the same any such instrument, shall forfeit the sum of fifty dollars, to be recovered in the manner and for the use mentioned in the first section of this act.

Vessels not to carry dredge.

7. *And be it enacted*, That it shall not be lawful for any person who is not at the time an actual inhabitant and resident of this state, and who has not been for six months next preceding an actual inhabitant or resident as aforesaid, to rake or gather clams, oysters, or shell-fish, either on his own account and benefit or on account and benefit of his employer, in any of the rivers, bays, or waters of this state, on board of any canoe, flat, scow, boat, or other vessel; and every person who shall offend herein shall forfeit and pay twenty dollars, to be recovered and applied in the manner directed by the first section of this act; and the said canoe, flat, scow, boat, or other vessel, used and employed in the commission of such offence, with all the clams, oysters, clam-rakes, tongs, tackle, furniture, and apparel, shall be forfeited, and the same seized, secured, and disposed of, in the manner prescribed in the ninth and tenth sections of this act.

Non-residents not to gather oysters, clams, &c.

8. *And be it enacted*, That any action under the first, sixth, or seventh sections of this act, may be commenced by warrant in the court for the trial of small causes, and be proceeded in as in other cases when the same are commenced by warrant, any law, usage, or custom to the contrary notwithstanding.

Actions under this act, how commenced.

9. *And be it enacted*, That it shall be the duty of all sheriffs and constables, and may be lawful for any other person or persons, to seize and secure any such canoe, flat, scow, boat, or other vessel as aforesaid, and immediately thereupon give information thereof to two justices of the peace of the county where such seizure shall have been made, who are hereby empowered and required to meet at such time and place as they shall appoint for the trial thereof, and hear and determine the same; and in case the same shall be condemned, it

Offenders, how proceeded against.

shall be sold by the order and under the direction of the said justices, who, after deducting all legal costs and charges, shall pay one half of the proceeds of said sale to the collector of the county in which such offence shall have been committed, and the other half to the person who shall have seized and prosecuted the same.

Penalty for resisting officers.

10. *And be it enacted*, That if any person or persons, on board of any such canoe, flat, scow, boat, or other vessel aforesaid, shall refuse and not suffer to enter the same, or resist before or after entering, any of the said officers or other person or persons seizing the same, or otherwise resist them, or any of them, in the lawful seizing of the same, then every person so offending shall forfeit and pay the sum of thirty dollars, to be recovered and applied in manner directed by the first section of this act.

Owners of marsh &c., may plant clams, oysters, &c.

11. *And be it enacted*, That it shall be lawful for any person or persons owning marsh or meadow in this state, within the boundaries of which there shall be creeks, ditches, or ponds wherein oysters do or will grow, and where such creeks or ditches do not lead to any public landing, to lay or plant clams or oysters therein, for the use and benefit of such owners, and for the preservation of which to erect a fence, hang or affix gates or locks across said creeks or ditches, to prevent any person or persons from entering the same.

Penalty for breaking down fences, &c.

12. *And be it enacted*, That if any person be found with any craft, boat, or raft, above or within the aforesaid fences, gates, or locks, without leave from the owner or occupant of any creek, ditch, or pond, fenced, gated, or locked as aforesaid, wherein clams or oysters may be laid or planted, or shall in any way break or destroy such fence, gate, or lock, he, she, or they so offending shall severally forfeit and pay, for each and every offence, the sum of fifty dollars, to be recovered by action of debt, with costs, in any court having cognizance thereof, by any person who shall prosecute for the same, one half to the use of, the owner or occupant of such creek, ditch, or pond, and the other half to the person who shall sue for the same; *provided*, that nothing herein contained shall be so construed or understood as to obstruct or prevent the free navigation of any thoroughfare, creek, or channel leading from or out of any of the bays or principal waters to any other bay or principal water, or to any accustomed landing-place in this state, anything herein before contained to the contrary notwithstanding.

Oysters, how taken in Navesink river.

13. *And be it enacted*, That it shall not be lawful for any person or persons to rake or take with tongs, or otherwise gather or carry away, any oysters, other than by wading in

and picking up by hand the same, within the following bounds in the river commonly called or known by the name of the North or Navesink river, lying within the county of Monmouth, and dividing the township of Shrewsbury from the township of Middletown, above a direct line from the store-house of Eseck White, on the Shrewsbury side of the river, to the dwelling-house of Thomas Layton, on the Middletown side of the river aforesaid; and in case any person or persons shall be found offending against this prohibition, he, she, or they so offending shall forfeit and pay for every such offence the sum of ten dollars, to be recovered in an action of debt, with costs, before any justice of the peace in the county of Monmouth, by any person who shall sue for the same, the one half to the use of the prosecutor, and the other half to be paid to the county collector, to and for the use of the county.

14. *And be it enacted*, That it shall and may be lawful for any person or persons owning flats or coves along the shores of the tide-waters in the county of Atlantic, between the Great Eggharbour and Little Eggharbour rivers, inclusive of the shores of so much of the said rivers as lie within the said county of Atlantic, to mark out, by fixing stakes across or around the same, at the distance of two rods from each other, and of such length as to be at least two feet above the ordinary high water, and plant or lay clams, oysters, or other shell-fish within or above the same; *provided* said stakes shall not include any natural oyster beds always covered with water beyond low water mark; *and provided also*, it shall not be lawful to stake out beyond the ordinary low water mark, nor injure any navigation publicly used.

Owners of flats between G. and L. Eggharbour rivers may plant oysters.

15. *And be it enacted*, That if any person or persons shall gather or take away any oysters or clams, above or within the line of stakes aforesaid, without permission first had or obtained from the owner or owners, occupant or occupants, of the flats or coves so staked in, he, she, or they so offending shall forfeit and pay, for each offence, the sum of twenty dollars, to be recovered and applied in manner directed by the twelfth section of this act, and shall moreover be liable to an action at the suit of the owner or owners, occupant or occupants, for his, her, or their damages.

Penalty for taking oysters without permission.

16. *And be it enacted*, That it shall and may be lawful for the owner or owners, or any person or persons having a license in writing from the owner or owners of meadow or other lands, which are opposite or contiguous to flats which are at any time bare, or coves, upon or within which flats or coves there have not been heretofore any natural oyster beds, along the shores of such parts of the Newark bay and Staten

Owners of lands along Newark bay, &c., may plant clams, oysters, &c.

Proviso.

Island sound as lie within the township of Elizabeth, to plant and lay clams, oysters, or other shell-fish upon, within, or above such flats and coves, and one chain beyond the same; *provided* the clams and oysters thus planted shall be enclosed and designated by stakes placed beyond them within the prescribed limits, not less than six rods apart, and of such length as to be at least two feet above ordinary high water; *and provided also*, that this section shall not be so construed as to take away or in any wise impair the common rights of citizens to any natural oyster beds which may be embraced by the boundary herein specified.

Penalty for taking oysters within certain limits without permission.

17. *And be it enacted*, That any person or persons who shall gather or take away any oysters or clams upon, above, or within the limits aforesaid, without permission first had and obtained from such owner or owners, person or persons occupying under such owner or owners as aforesaid, shall be liable to the same forfeitures and the like suits for damages, to be recovered and sued for in manner as is directed and provided in the fifteenth section of this act; *provided*, that nothing in this act shall prevent the legislature from the repeal or modification of this and the last foregoing section, at their pleasure.

Setting up stakes may be omitted in certain cases.

18. *And be it enacted*, That in coves and places where notorious and plain rangers or landmarks can be erected and established on contiguous shores, whereby the boundaries of planted beds of oysters may be clearly known and distinguished without danger of mistake, and where in such coves or places such notorious or plain ranges or marks on contiguous meadows or shores shall have been erected and established by stakes or other plain monuments, so that they may be plainly known and distinguished without danger of mistake, and due notice thereof being given, that then and in such cases the provisions of the two last foregoing sections in regard to the planting and setting up of stakes, may be dispensed with, in respect to such places as above described.

Time for taking oysters in certain counties.

19. *And be it enacted*, That the time within which the taking and vending of oysters is prohibited by the first and fourth sections of this act, is hereby extended to the first day of October, yearly and every year, in the counties of Burlington, Monmouth, and Atlantic only, under the same penalties and regulations as are therein contained; *provided*, that planted oysters may be taken up at any time by the person owning the same.

Old shells not to be removed from natural beds.

20. *And be it enacted*, That no person or persons, under any pretence of taking oysters, or under any other pretence whatever, shall take, remove, or carry off from any natural oyster banks or beds, in this state, any old shells, other than

such as cannot be removed or separated from the oysters, without injuring the same; and all such shells shall be culled and separated from the oysters, and thrown back again upon the said natural banks or beds; and in case any person or persons shall so take, remove, or carry off from said natural banks or beds, whether oysters be taken or not, without first so separating the old shells from the oysters, he or they shall for every offence forfeit and pay ten dollars, to be recovered, with costs, by action of debt, by any person who shall prosecute for the same, in any court of record in this state having cognizance of that sum, one half thereof to the use of the prosecutor, and the other to the overseer of the poor, for the use of the poor of the township in which the offence was committed, and the canoe, flat, scow, boat, and other vessel, used and employed in the commission of the offence in this section mentioned, shall be liable to seizure, and be applied to the payment of such penalty; *provided however*, that nothing in this act contained shall be so construed as to prohibit any person or persons from taking, removing, or carrying any shells from beds planted out by him or them pursuant to law.

21. *And be it enacted*, That it shall not be lawful for any person or persons to sell, or offer for sale, by the bushel or otherwise, any small clams which may have been taken in the waters of the county of Atlantic, unless the said clams shall be of such a size that a bushel will not contain more than four hundred; and if any person or persons shall so sell, or offer for sale, any such clams, four hundred of which will not make a bushel, such person or persons shall for every such offence forfeit and pay ten dollars, to be recovered, with costs, by action of debt, by any person who shall prosecute for the same, in any court of record in this state having cognizance of that sum, one half to the overseer of the poor, for the use of the poor of the township in which the offence shall have been committed, and the other half to the person who shall sue for the same.

Penalty for selling clams under certain size taken in Atlantic county.

Approved, April 14, 1846.

AN ACT to provide for auditing the public accounts.

Duties of auditor.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the secretary of state, in performance of the duties required of him by the constitution as auditor of the accounts of the treasurer, shall make and enter in a book to be kept for that purpose a specification of the nature and amount of the ordinary sources of revenue, whence derived, and, from year to year, the amount of the last annual proceeds from each source, and also from all extra sources whatever, which book shall be produced and examined at the annual settlement of the treasurer's accounts; the secretary of state shall also audit and adjust all accounts for printing and for binding books done by authority of any public law or the legislature, and all other accounts and claims against the state which shall be by law directed to be paid out of the treasury, and not otherwise provided for.

Accounts against state to be endorsed by auditor.

2. *And be it enacted,* That all persons having accounts against the state, which by law are payable out of the treasury, unless otherwise provided, shall present the same to the secretary of state, as auditor, to be audited, who shall carefully examine the same, and, having ascertained the true amount due thereon, shall endorse in his own hand, at the foot of such account, the words "there is due on this account the sum of — (stating the amount in words), as audited and allowed by me," and shall date and sign the same as auditor, and make a record of the name of the person to whom such account is due, the amount allowed, and the date when audited, in a book to be by him kept for that purpose in his office, before he shall deliver the said account to the person presenting the same; and in the annual settlement of the treasurer's accounts, such accounts only shall be allowed as are so endorsed by said auditor, unless otherwise provided for by law.

Auditor may examine persons under oath.

3. *And be it enacted,* That the said auditor shall have full power and authority to examine, under oath or affirmation, any person or persons, whether party or witnesses, in relation to the truth and fairness of any such account so to be presented to him for examination and allowance as aforesaid.

To advertise proposals for fuel, &c.

4. *And be it enacted,* That it shall be the duty of the said auditor, on or before the first day of October in each year, to advertise, for at least three weeks in one or more of the newspapers published in the city of Trenton, for proposals to supply the necessary fuel for the use of the legislature for the ensuing year, and to contract for the same upon the most advantageous terms that may be offered, which proposals shall be filed in his office, there to remain of record; and all accounts for

articles so contracted for and furnished shall be by him, when presented, audited and allowed in the same manner as other accounts against the state are herein before directed to be audited and allowed.

5. *And be it enacted*, That the said auditor shall keep a regular account with the treasurer, in a suitable book to be by him provided, in which he shall charge the treasurer with all moneys by him received, and credit him with all accounts paid, after having been authenticated according to law.

Account to be kept with treasurer.

6. *And be it enacted*, That the said auditor, before he enters upon the duties required by this act, shall take an oath or affirmation before one of the justices of the supreme court, that he will well, faithfully, and impartially discharge all the duties required of him by law, and that he will not allow any claim, charge, or account against this state, unless satisfied that the same is justly due; which oath or affirmation shall be filed in the office of the treasurer, to be there preserved among the public papers of his office.

Auditor to take oath.

7. *And be it enacted*, That all the books and papers belonging to the auditor's office shall hereafter be kept in the office of the secretary of state; and the said auditor shall be entitled to demand and receive from persons making searches and obtaining extracts from any of the public books and papers in the auditor's office, the same fees as by law he is entitled to receive for like services in the office of secretary of state.

Auditor's books to be kept in office of secretary of state.

8. *And be it enacted*, That the said auditor of accounts shall be entitled to receive for his services as such auditor, the sum of two hundred dollars, annually, to be paid by the treasurer, on the warrant of the governor or person administering the government.

Compensation.

9. *And be it enacted*, That nothing in this act contained shall be construed to authorize the treasurer to pay any account, if he shall believe the same to be contrary to law, although the account may be audited and endorsed by the auditor.

Proviso.

Approved, April 16, 1846.

AN ACT to prescribe and declare the mode of appointing certain officers.

Appointments
in joint meeting.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That all officers which, before and at the time when the present constitution of the state went into effect, were directed to be appointed by the Council and General Assembly, in joint meeting, and whose appointment is not otherwise specifically provided for by the present constitution, may be appointed by the Senate and General Assembly, in joint meeting.

Masters in chancery.

2. *And be it enacted,* That the power of appointing masters in chancery shall continue in the chancellor, and be exercised by him as heretofore.

Directors of
Delaware and
Raritan Canal
and Camden
and Amboy
Railroad Co's.

3. *And be it enacted,* That the directors on behalf of the state of the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies shall be appointed annually, by the Senate and General Assembly, in joint meeting, and commissioned by the governor, or person administering the government; and the term of office of every such director shall commence on the first day of April next after his appointment.

By whom vacancies to be filled.

4. *And be it enacted,* That if a vacancy, from any cause, should occur when the legislature is not in session, in the office of director so appointed, it shall be the duty of the governor, or person administering the government, to appoint a person to fill such vacancy until the next joint meeting of the legislature.

Approved, April 16, 1846.

AN ACT respecting the office of treasurer.

Treasurer to give bond.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the treasurer of this state shall, prior to entering upon the duties of his office, take and subscribe an oath of office, and give bond, with sufficient sureties, to be approved of by the legislature, in the sum of fifty thousand dollars, payable to the state of New Jersey, with condition for the faithful performance of the duties of his office, and

for the fidelity of the person or persons to be by him employed; which oath and bond shall be deposited in the office of the secretary of this state.

2. *And be it enacted*, That the said oath of office shall be in the following words, to wit:

I, ———, appointed treasurer of the state of New Jersey, do solemnly promise and swear, that I will, to the utmost of my knowledge and ability, well, honestly, and faithfully perform the duties of the office of treasurer of the said state; and that I will not, on any pretence or occasion, apply any money, securities, or stock, which shall come to my hands as belonging to the said state, to any private use or purpose. So help me God.

Oath of office.

Which oath the president of the Senate or any of the justices of the supreme court is hereby empowered and required to administer.

3. *And be it enacted*, That the condition of the afore mentioned bond shall be in the words, or to the effect following, that is to say:

Condition of bond.

The condition of this obligation is such, that if the above bounden ——— shall, from time to time and at all times, render a just and true account to the legislature of the state of New Jersey, when by them thereunto required, of all the moneys, securities, stock, and other property of the said state which shall come to his hands or be committed to his charge, and deliver the moneys, securities, stock, and other property of the said state in his hands, together with all documents, instruments of writing, papers, and books belonging to or for the use of the said state, to his successor in office, and shall well, honestly, and faithfully perform all the duties of the office of treasurer of the said state, and shall answer for all improper appropriations, waste, embezzlements, or destruction of the said moneys, securities, stock, property, documents, instruments of writing, papers, or books which shall be done or committed by any person or persons to be by him employed in the said office, then this obligation to be void, otherwise to be and remain in full force and virtue; which bond shall be executed before the president of the Senate or one of the justices of the supreme court of this state.

4. *And be it enacted*, That the legislature, or either branch thereof, may, when they suspect the obligors in the said bond to be insufficient, require the treasurer to give another bond, with sureties, to be approved of as aforesaid.

Legislature may require further bond.

5. *And be it enacted*, That if the said treasurer die, resign, be displaced, or cease to hold his office, then such treasurer, or, if he be dead, his heirs, executors, or administrators, shall

Proceedings in case of death, &c., of treasurer.

fairly and regularly state the account, and deliver the moneys, securities, stock, property, instruments of writing, and books of the state, in his or their possession, to the succeeding treasurer, who shall make report thereon to the legislature; and the said report, if confirmed by the legislature, shall be a discharge of the said bond, which in such case shall be delivered to the said treasurer, or his heirs, executors, or administrators.

Duties of treasurer.

6. *And be it enacted*, That it shall be the duty of the said treasurer to receive and keep the moneys of this state, to disburse the same agreeably to law, and to take receipts for all moneys which he shall pay; to keep accounts of the receipts and expenditures of the public money, and of all debts due to or from this state; to superintend the collection of the revenue; to direct prosecutions for delinquencies of officers of the revenue, and for debts that are or shall be due to this state; to make reports and give information to either branch of the legislature, in person or in writing, as he may be required, respecting all matters referred to him by the Senate or House of Assembly, or which shall appertain to his office, and generally to perform all such services relative to the finances as he shall be directed to perform.

Report to be made to the legislature.

7. *And be it enacted*, That it shall be the duty of the treasurer to state in books the account of moneys which he shall receive for taxes, impositions, debts, fines, penalties, forfeited estates, or on any other account for or in behalf of this state, and which he shall pay in pursuance of acts and resolutions of the legislature, in such a manner as that the net produce of the whole revenue, as well as of every branch thereof, and the amount of disbursements in payment of the several demands may distinctly appear, and lay from time to time the same accounts, and all other his proceedings relative to his office, before the legislature.

Time for closing accounts.

8. *And be it enacted*, That it shall be the duty of the treasurer of the state for the time being, and he is hereby required to have his accounts ready for examination and settlement on the second Tuesday of January in every year, and that to this end he be, and is hereby authorized to close his accounts for the year on the first day of January in every year hereafter.

Vacancies, how supplied.

9. *And be it enacted*, That in case any treasurer of this state shall, during the recess of the legislature, die, resign, or remove out of the state, or become disqualified to execute the duties of his office, it shall be the duty of the governor, or person administering the government, to appoint some fit person to execute the duties of treasurer, who shall continue in office until the next joint meeting of the legislature after the

said appointment, and the person administering the government shall, by proclamation, give public notice of such appointment; and in such cases the treasurer so appointed shall, prior to entering upon the duties of his office, give bond, with sufficient sureties, to be approved of by the governor, or person administering the government and a privy council, in the sum of fifty thousand dollars, in the manner and as prescribed by this act, and shall also take the oath of office, as in this act prescribed.

10. *And be it enacted*, That the official bond of every person appointed to the office of treasurer of this state shall remain and continue in full force and effect against such treasurer and his sureties, until such person or his sureties shall procure and file in the office of the secretary of state a certificate, duly executed by the committee to be appointed to settle and audit the accounts of such person as treasurer, approved of, by the legislature, expressing that the accounts of such person as treasurer, are regularly stated and balanced, and also that the balance of moneys, evidences of public stock, securities, and other effects, if any there be, are actually in the treasury or deposited in some bank as directed by law; which certificate, so procured and filed, shall be a discharge of the sureties in the said bond, but shall in no way affect or impair the legal liability of the treasurer.

Bond to be in force until certificate of committee is filed.

11. *And be it enacted*, That the treasurer is hereby directed and required to deposit all moneys which shall from time to time come into his hands as treasurer, in one or more of the chartered banks of this state, within three days after receiving the same, and the moneys so deposited shall be placed to his account as treasurer; and the treasurer shall always keep a bank book or books, in which shall only be entered his account of moneys deposited by him, or to his credit as treasurer, and moneys drawn from the banks in which he shall so make deposits, in which book or books shall be truly entered and stated every year, all his credits and debits up to the first day of the annual meeting of the legislature, and the balance struck and certified by the cashier of the bank; and shall exhibit such book or books, properly balanced and settled, on every settlement of his accounts, for examination and inspection; and that the treasurer shall not be authorized to draw any moneys so deposited by him, or to his credit, unless by check subscribed by him as treasurer, and countersigned by the secretary of state; and it shall be the duty of the secretary of state to keep an accurate account of all and every check or checks countersigned by him as secretary in a book for that purpose, and every year to lay the said book before such committee as shall be appointed to settle and audit the accounts of the treasurer.

Treasurer to deposit all moneys received in bank.

Checks to be countersigned by secretary of state.

Secretary of state to notify banks of election of treasurer.

12. *And be it enacted*, That after striking the balance, and certifying the same as aforesaid, it shall not be lawful for any bank to pay any checks or drafts of the treasurer, until they shall have been duly notified by the secretary of state of the election of a treasurer for the ensuing year, and that he hath given bond according to law; which notice it is hereby made the duty of the said secretary to give to all the chartered banks within this state immediately after such election as aforesaid.

Moneys deposited by treasurer, to be carried to account of his successor.

13. *And be it enacted*, That all moneys deposited as aforesaid by the treasurer, or to his credit, in any bank of this state, and standing to his credit at the expiration of his office, shall be carried to the account of his successor in office; and the banks shall transfer such accounts accordingly, upon producing to them a certificate from the secretary of state of the appointment of such successor in office.

Treasurer authorized to make loans.

14. *And be it enacted*, That it shall and may be lawful for the treasurer of this state, and it is hereby made his duty, to loan at the best rate of interest he can procure, not exceeding lawful interest, on the pledge of United States' stock, at a rate not above its par value, as collateral security, any surplus money in the treasury of this state not otherwise appropriated, nor already authorized to be invested by the trustees of the school fund, as the same shall from time to time accrue; and it shall be the duty of the treasurer to loan the same on such terms of credit as will enable him to receive the said moneys again, so as to meet the demands on the treasury.

May change investments.

15. *And be it enacted*, That the treasurer of this state, under and by the direction of the trustees of the school fund, be, and he is hereby authorized to change the investment of the school fund, or any part thereof, by selling any of the stocks, the interest whereof is applied to the said fund, and investing the same in any of the public stocks of the United States.

Annual statement to be made.

16. *And be it enacted*, That, in addition to the duties already prescribed by law, it shall be the duty of the treasurer of this state, as soon as his accounts shall be audited by the committee appointed for that purpose, to submit annually to the legislature a balance sheet, exhibiting the general items of expenditure; the amount of receipts, and the sources whence they have been received; the indebtedness of the state, if any, and how and where, and the interest paid for moneys borrowed; the amount of school fund, how invested, what part is available, and what unavailable, the interest receivable on the same; the amount of bank tax, and the sum applicable to common schools, and how disposed of, so as to give a correct and connected statement of the condition of the finances of the state; which statement shall be countersigned by the auditing committee.

Approved, April 17, 1846.

AN ACT to regulate elections.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on the Tuesday next after the first Monday in November, in each year hereafter, an election shall be held in each county, to elect for such county such a number of persons to be members of the General Assembly as such county shall be entitled to elect, and also one person to be sheriff, and three persons to be coroners for such county, each of whom shall have the qualifications prescribed by law.

Time of annual election for Assembly, &c.

2. *And be it enacted*, That at every annual meeting in each township, the persons who shall be qualified to vote therein, shall appoint the place within such township at which all such elections shall be held during the year next following such annual meeting; and if they shall omit to appoint a place, then such elections shall be held at the place at which such annual meeting was last held.

Town meeting to fix place for holding elections.

3. *And be it enacted*, That all such elections shall be opened at the hour of eight o'clock in the morning, and close at the hour of seven o'clock in the evening, and shall continue one day only.

Time of opening and closing polls.

4. *And be it enacted*, That the secretary of state shall, between the first day of August and the first day of September, immediately preceding the expiration of the term of service of any member or members of the Senate of this state, direct and cause to be delivered to the clerk of every county, whose senator's term of service will expire with the current legislative year, a notice stating such fact, and that a senator for said county is to be elected at the ensuing annual election; and the clerk of such county shall, within fifteen days after the receipt of the said notice, cause a copy of the same, certified under his hand to be true and correct, to be delivered to the clerk of each township in said county; and the clerk of each township shall, in every year in which the term of service of the senator for said county will expire as aforesaid, include in the advertisement, required to be given by the twenty-fourth section of this act, a notice that a senator for said county is to be chosen at the ensuing election.

Secretary of state to give notice of expiration of term of service of senators.

5. *And be it enacted*, That the clerks and surrogates of counties shall be elected by the qualified voters of each county, at the time of electing members of the General Assembly; they shall be elected once in every five years and as often as vacancies occur; and every such vacancy shall be supplied at the general election next succeeding the happening thereof; it shall be the duty of the clerk of every county, between the

Time and mode of election of clerks and surrogates.

first day of August and the first day of September, immediately preceding the expiration of the term of office of the clerk or surrogate of such county, to direct and cause to be delivered to the clerk of each township in said county, a notice that a clerk or surrogate of said county, or both, as the case may be, is to be chosen at the ensuing annual election; in every such year in which an election for clerk or surrogate of a county is required to be made, the clerk of each township in said county shall include in the advertisement, required to be given by the twenty-fourth section of this act, a notice that a clerk or surrogate of said county, or both, as the case may be, is to be chosen at the ensuing election.

Time and mode
of election of
governor.

6. *And be it enacted*, That when a governor is to be elected by the people, such election shall be held at the time when and the places where the people shall respectively vote for members of the General Assembly; and each voter shall put the name of the person voted for as governor, designating him as such, on the same ticket with the names of the persons voted for as members of the legislature and county officers.

Secretary of
state to give no-
tice of election
of governor.

7. *And be it enacted*, That the secretary of state shall, between the first day of August and the first day of September, immediately preceding the expiration of the term of office of the governor, direct and cause to be delivered to the clerk of every county a notice stating such fact, and that a governor is to be elected at the ensuing annual election; and the clerk of such county shall, within fifteen days after the receipt of said notice, cause a copy of the same, certified under his hand to be true and correct, to be delivered to the clerk of each township in said county; in every year in which an election for governor is required to be made, the clerk of each township shall include in the advertisement, required to be made by the twenty-fourth section of this act, a notice that a governor is to be chosen at the ensuing election.

Time of election
of representa-
tives in Con-
gress.

8. *And be it enacted*, That, on the Tuesday next after the first Monday in the month of November, in the year of our Lord one thousand eight hundred and forty-six, and in each second year thereafter, an election shall be held to elect, for this state, five persons to be members of the House of Representatives of the United States, and this state shall for that purpose be divided into five districts: the counties of Cape May, Cumberland, Salem, Gloucester, Atlantic, and Camden shall compose one district, to be called "the first district;" the counties of Burlington, Monmouth, and Mercer shall compose one district, to be called "the second district;" the counties of Hunterdon, Warren, and Sussex shall compose one district, to be called "the third district;" the counties of Middle-

Districts.

sex, Somerset, and Morris shall compose one district, to be called "the fourth district;" and the counties of Essex, Hudson, Bergen, and Passaic shall compose one district, to be called "the fifth district," each of which districts shall elect one person to represent this state in the House of Representatives of the United States.

9. *And be it enacted*, That on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and forty-eight, and in each fourth year thereafter, an election shall be held in this state, to elect, for this state, such a number of persons to be electors of president and vice president of the United States as this state shall be entitled to elect or appoint, each of whom shall be a free white male citizen of the United States, of the age of twenty-five years or upwards, and an inhabitant of this state, and have been a citizen of the United States seven years next preceding such election.

Time of election of president and vice president.

10. *And be it enacted*, That the stated election of members of the House of Representatives, and also the election of electors of president and vice president of the United States, in every year in which the same are respectively required to be made, shall be held at the same time with the election of members of the General Assembly; and the voters shall put the name of the person voted for as a member of the House of Representatives, designating him as such, and also the names of the persons voted for as electors of president and vice president, designating them as such, on the same ticket with the names of the persons voted for as members of the state legislature and county officers.

Election for representatives and electors to be held at same time with election for members of Assembly, in certain cases.

11. *And be it enacted*, That whenever any vacancy shall happen in the representation of any county in the Senate or General Assembly, the house in which such vacancy happens shall direct a writ of election for supplying the same, unless such house shall be of opinion that the services of a person in the office then vacant will not be required during the unexpired period of the legislative year; but if such vacancy happens during the recess of the legislature, or after the annual election, and not less than fifteen days before the commencement of the legislative year, (or a shorter time before such commencement, if the board of chosen freeholders make the requirement herein after mentioned,) it shall be the duty of the governor forthwith to issue a writ of election to fill the said vacancy, unless he shall be of opinion that the services of a person in the office then vacant will not be required during the legislative year, or the residue thereof; but the neglect of the governor to issue a writ for filling such vacancy shall not

Vacancies in legislature, how supplied.

preclude the house in which such vacancy may have happened from causing the same to be filled, if they judge it advisable; *provided also*, that if the board of chosen freeholders of such county shall signify in writing to the governor, in case such vacancy occurs during the recess of the legislature, or after the annual election, and before the commencement of the legislative year, or to such house, when in session, the desire of such board that the vacancy shall be filled, then such house, or the governor, as the case may be, shall forthwith, after such signification, issue such writ.

Special elections.

12. *And be it enacted*, That every special election shall be held on one day only, which shall be Tuesday.

Seat declared to be vacated in certain cases.

13. *And be it enacted*, That if any person who shall be elected a member of the Senate or General Assembly of this state shall neglect or refuse, for ten days next after the commencement of the session of such house, to take his seat therein, or to send to such house a satisfactory excuse, or shall, during any session of such house, be absent unremittingly for ten days (unless expressly excused by such house from attendance thereon), or shall remove from and cease to be a resident of this state, his office shall be deemed vacant.

Vacancies in college of electors, how supplied.

14. *And be it enacted*, That when any vacancy shall happen in the college of electors of this state, or when any elector shall fail to attend, by the hour of three o'clock in the afternoon of the day fixed by the Congress of the United States for the meeting of the college of electors, at the place of holding such meeting, those of the said electors who shall be assembled at the said hour and place, shall immediately after that hour proceed to fill, by ballot and by a majority of votes, all such vacancies in the electoral college.

Vacancies in representation in Congress, how supplied.

15. *And be it enacted*, That whenever any vacancy or vacancies shall happen in the representation of this state in the House of Representatives, it shall be the duty of the governor forthwith to issue a writ of election to fill such vacancy or vacancies, unless the term of service for which the person or persons whose office or offices shall have become vacant will expire within two months next after the happening of such vacancy or vacancies.

Vacancies in office of sheriff, how supplied.

16. *And be it enacted*, That if any person who shall at any such election have been elected to the office of sheriff, shall neglect, refuse, or be unable to give bond with sufficient sureties, or shall neglect or refuse to take the oath or affirmation of office, as is required by law, at the time appointed for giving such bond and taking such oath or affirmation, then such office shall be deemed and taken to be vacant; and it shall be the duty of the judges of the court of common pleas

of the county, or any three of them, in which such vacancy shall have happened, forthwith after such vacancy, to direct the clerk of such court to certify the fact of such vacancy to the governor; and the clerk of such court shall forthwith certify the same, under his hand and the seal of such county, to the governor, who shall forthwith, on the receipt of such certificate, issue a writ of election to fill such vacancy.

17. *And be it enacted*, That every writ of election which shall be issued under the provisions of this act shall be of the nature of a proclamation, and be signed by the governor or by the president of the Senate or the speaker of the House of Assembly, as the case may be, and shall specify the cause and purpose of such election, the name of the officer in whose office the vacancy has occurred, and the day on which such election shall be held, which shall not be less than fifteen days, nor more than forty days, from the date of such writ.

Writs of election.

18. *And be it enacted*, That every such writ shall, by the officer issuing the same, be delivered forthwith after the date thereof to the secretary of state, who shall forthwith, after receiving the same, affix thereto the seal of this state, and file the same in his office, as an official paper; and in case such vacancy or vacancies shall have happened in the representation of any county in the Senate or Assembly, he shall make, or cause to be made, a copy of such writ, certify the same to be true and correct under his hand, and cause such copy thus certified to be delivered to the clerk of such county; and in case such vacancy or vacancies shall have happened in the representation of this state in the House of Representatives, he shall cause as many copies of such writ to be made as there shall be counties, certify each of the same to be true and correct under his hand, and cause one of such copies to be delivered to the clerk of each county.

Secretary of state to make and deliver copies of writ to clerks of counties.

19. *And be it enacted*, That the clerk of each county shall, forthwith after the receipt of any such copy, cause the same to be published, at least once a week, until the time of such election, in each of the newspapers which shall be printed or published in such county, or if no newspaper shall be printed or published in such county, then in at least two newspapers circulating most generally therein; and if such election shall be held to fill a vacancy or vacancies in the representation of such county in the Senate or Assembly, such publication shall be made at the expense of such county; and if such election shall be held to fill a vacancy or vacancies in the House of Representatives, such publication shall be made at the expense of this state.

Clerks to give notice of election to fill vacancy.

20. *And be it enacted*, That no person shall be elected a member of the House of Representatives, or an elector of

Persons ineligible to office of electors.

president and vice president, who shall hold any office of trust or profit under the United States; and no person shall be elected to the office of such elector who shall hold the office of senator or member of the House of Representatives of the United States.

Persons incapable of holding more than one of certain offices.

21. *And be it enacted*, That no person shall hold at the same time more than one of the following offices: elector of president and vice president of the United States, member of the House of Representatives of the United States, members of the Senate or of the General Assembly of this state, clerk or surrogate of a county, sheriff, or coroner; and if any person who shall have been elected or appointed to any such office shall, during the term for which he shall have been elected or appointed, be elected or appointed to another of such offices, and shall accept the same, such acceptance shall be deemed to make vacant the office to which he shall have been previously elected or appointed; and if any person shall, at any election, be elected to two or more of such offices, he shall accept but one of the same, and the other or others shall be deemed vacant.

Judges of election.

22. *And be it enacted*, That at the next and every subsequent annual meeting in each township, the persons who shall be qualified to vote therein shall choose one of their number, who shall be a respectable freeholder, to be a judge of election; and the person so chosen shall be the chairman of the board of election in such township, and shall, together with the persons who shall be chosen assessor and collector, constitute such board; and such board shall preside at and conduct all such elections to be held during the year next following such annual meeting in such township; and the persons who shall be chosen as such assessor and collector shall, for the purposes of this act, be styled judges of election, and have equal powers in presiding at and conducting such elections with the person chosen as such judge; and the decision of a majority of such board, on any question, shall be deemed and taken to be the decision of such board, and final.

Clerk to provide ballot-box.

23. *And be it enacted*, That the clerk of each township shall from time to time, as occasion shall require, provide and keep in good repair, at the expense of the county in which such township shall be situated, a ballot-box for the use of such township, which box shall be made one foot in depth, width, and length, as near as may be, measuring the same on the exterior thereof, and strapped and secured on each corner thereof with iron or brass, so as to prevent it from being easily broken, and shall have a lid thereto, which shall be fastened with brass or iron hinges; and there shall be on the lid thereof three locks of different construction, so that neither of them can be opened with the key belonging to another of them; and there shall be

in the lid thereof an aperture, not larger than shall be sufficient to admit a single closed ballot therein at one time; and the interior of the lid thereof shall be so provided with a bar or bolt that the aperture in the same can be covered thereby, in such manner that when the ballot-box shall be locked no ballot or other thing can be inserted in the same.

24. *And be it enacted,* That the clerk of each township shall, at least eight days prior to, and within thirty days next preceding the day of election, put up, or cause to be put up, an advertisement in at least five of the most public places within such township, which advertisement shall make known the time, place, and purpose of holding such election, and be signed by such clerk.

To give notice of election.

25. *And be it enacted,* That the judges of election of each township shall meet at the time and place when and where any such election shall be appointed to be held therein, and shall, at the hour of eight o'clock in the morning of the day thereof, organize themselves as a board of election, for the purpose of presiding at and conducting such election; and the clerk of such township shall meet with such board, and be the clerk thereof.

Organization of board of election.

26. *And be it enacted,* That no such judge or clerk shall be elected to any office to be filled at the election in which he shall serve; and if any such judge or clerk shall be voted for in any such election, the person or persons, to the number to be elected therein, who shall by law be qualified for the office or offices to be filled at such election, for whom the greatest number of votes shall have been given therein, other than such judge or clerk, shall be deemed and taken to be elected, and the votes which shall be given to such judge or clerk shall be deemed and taken to be null and void.

Judges and clerk of elections not to be chosen to office.

27. *And be it enacted,* That if, at the hour of eight o'clock on the morning of the day of any such election, any one or more of the judges of election of any township shall be absent from the place where such election shall be appointed to be held, or shall be disqualified, or, being present, shall neglect or refuse to serve as one of the board of election, it shall be lawful for the persons then and there present, who shall be entitled to vote in such election in such township, by a majority of voices, or, on a division, by a majority of polls, forthwith to choose one more of the persons then and there present, who shall be entitled to vote in such election in such township, and shall be a respectable freeholder, to fill the place or places in such board of the person or persons so absent, disqualified, neglecting, or refusing; and, for the purpose of making such choice, it shall be the duty of the person who shall have been elected as judge of election at the annual meeting in such township next preceding such election, or in case of his absence or dis-

Time and mode of supplying vacancies in cases of disqualification of judges.

qualification, neglect or refusal to serve in such board, then of the person who shall at such annual meeting have been chosen as assessor, or in case of the absence or disqualification, neglect or refusal, of such judge and assessor to serve in such board, then of the person who shall at such annual meeting have been chosen as collector; or in case of the absence or disqualification, neglect or refusal, of such judge, assessor, and collector to serve in such board, then of the person who shall at such annual meeting have been chosen as clerk, forthwith to organize a meeting of the persons then and there present, who shall be entitled to vote in such election in such township, for the purpose of choosing one or more of such persons, who shall be qualified as above mentioned, to fill the place or places of the person or persons so absent, disqualified, neglecting, or refusing; and the person who shall organize such meeting, shall preside thereat, and announce the choice which shall be made as aforesaid; and if all the persons who shall have been chosen at such annual meeting, as such judge, assessor, collector, and clerk, shall be absent or disqualified, or shall neglect or refuse as aforesaid, then it shall be lawful for the persons then and there present, who shall be entitled to vote in such election in such township, to organize themselves into such meeting, by the appointment of one of their number to preside therein, who shall preside therein, and announce the choice which shall be made as aforesaid; and every person so chosen shall be deemed and taken to be, in all respects, a judge of election; and a certificate of such choice shall be made in writing, and signed by the person who shall preside at such choice, and two other respectable freeholders present thereat, and transmitted to the clerk of the court of common pleas of the county, within four days thereafter, and be by him filed in his office as a public record.

Time and mode of supplying vacancies on disqualification of clerk.

28. *And be it enacted*, That if, at the hour of eight o'clock on the morning of the day of such election, or at any other time during such election, the clerk of such township shall be absent from the place where such election shall be appointed to be held, or shall be disqualified, or, being present, shall neglect or refuse to serve as clerk of the board of election, it shall be the duty of such board to appoint some other person, qualified to vote in such election in such township, who shall be then and there present, to be such clerk; and the person so appointed shall be deemed and taken to be, in all respects, the clerk of such board.

Persons appointed to fill vacancy, to be members of board.

29. *And be it enacted*, That any person who may be appointed to fill the place of any one of the judges of election, in consequence of the absence, disqualification, neglect, or refusal to serve of such judge, and any person who may, in like manner, be appointed clerk of the board, in place of the clerk of the township, under the twenty-seventh or twenty-

eighth sections of this act, shall be deemed to be, in all respects, a member or clerk of such board, with respect to all matters appertaining to that election; but his powers under such appointment shall not extend to any subsequent election.

30. *And be it enacted*, That when such board of election shall have been organized, and before they shall receive any vote, it shall be the duty of each of the judges of election to take an oath or affirmation, to be administered by the clerk of the board, in the following form :

Oath of judges
of election.

“You do swear, (or affirm, as the case may be,) that you will faithfully and impartially execute the duties required of you by law, as one of the judges of this election; that you will not knowingly receive, or assent to receive, the vote of any person who is not in all respects qualified and entitled to vote according to law; and that if any person shall offer his vote, whom you shall suspect or believe not to be qualified or entitled to vote in this election, you will challenge his vote, and will refuse to receive the same, unless you shall be made fully satisfied that he is legally entitled to vote therein.”

31. *And be it enacted*, That when the judges of election shall have been sworn or affirmed, as provided in the preceding section of this act, it shall be the duty of the chairman of the board of election, in an open and public manner, to administer to the clerk of such board, and of such clerk to take, an oath or affirmation in the following form :

Oath of clerk.

“You do swear, (or affirm, as the case may be,) that you will faithfully and impartially execute the duties required of you by law, as clerk of this board;” and the like oath or affirmation shall be administered to, and taken by any person who may be appointed clerk of such board at any time during such election.

32. *And be it enacted*, That no person who shall have a right to vote at any such election, shall be arrested by virtue of any civil process on the day on which such election shall be held.

Voters privileged from arrest.

33. *And be it enacted*, That no such election shall be appointed to be held on any day on which the militia of this state shall be required to do military duty, nor shall the militia of this state be required to do military duty on any day on which any such election shall be appointed to be held.

Military duty not to be performed on day of election.

34. *And be it enacted*, That in all such elections, the persons entitled to vote therein shall vote by ballot; and each voter shall give his vote by a single ballot, which shall be a paper ticket, on which shall be written or printed, or partly written and partly printed, the name or names of the person or persons

Voting to be by ballot.

for whom the person voting intends to vote, and shall designate the office to which each person so named is intended by him to be elected; and no ballot shall contain a greater number of names of persons, as designated to any office, than there are persons to be chosen to fill such office.

Proclamation to be made of opening election.

35. *And be it enacted*, That such board shall; on each day of election, as soon as they have opened the same, and before they shall proceed to receive any vote, make public proclamation of the opening of the election, and of their readiness to receive the votes of voters.

Ballot-box to be exhibited.

36. *And be it enacted*, That on the day of such election, after proclamation shall have been made of the opening thereof, and immediately before proceeding to receive the votes, such board shall, in an open and public manner, exhibit the ballot-box, so that the bystanders may see that there is nothing contained therein, and thereupon shut and lock the same, leaving open the aperture in the lid thereof.

Time of opening and closing polls.

37. *And be it enacted*, That when such board shall have become organized, and the members and clerks thereof sworn or affirmed, the election shall be opened, and the same shall be kept open during the whole of the day of election, between the hours of eight o'clock in the morning and seven o'clock in the evening; but said board may adjourn the proceeding in such election from one o'clock, until two o'clock in the afternoon, or for any shorter time between those hours, as they shall see fit.

Proceedings on adjournment of board during election.

38. *And be it enacted*, That whenever, before the close of the election on such day, an adjournment shall be ordered by the board of election, they shall state in the poll-book, immediately after the last name therein, in words written at full length, the whole number of the names of the voters in the poll-book, to which the judges and clerk shall sign their names, and shall unlock and open the ballot-box, place and secure the bar or bolt in the lid thereof, in such a manner as to prevent the insertion in the ballot-box of any ballot or other thing, place therein the poll-book, and shut and lock the same; and when the period of adjournment shall have expired, such board shall unlock and open the ballot-box, take therefrom the poll-book, remove such bar or bolt, so as to leave open the aperture in the lid thereof, and shut and lock the same; and during every such adjournment the ballot-box shall remain in the possession and under the care of one or more of the judges of election, or the clerk of such board, to be appointed by such board for that purpose, who shall keep the same, during such adjournment, in public view.

39. *And be it enacted,* That each of the judges of election shall, at the opening thereof, take one of the keys of the locks of the ballot-box, and shall keep the same until a statement of the result thereof shall be made and certified, as directed by this act, and shall not during that time suffer either of the other judges or any other person, on any pretence, to take or have the same; and in all cases in which such board are directed to lock the ballot-box, each of the locks thereof shall be locked by the judge who shall have the key belonging thereto, as directed by this act.

Judges to keep keys of ballot-box.

40. *And be it enacted,* That the clerk of such board shall provide and have at such election a book, to be denominated the poll-book, in which he shall record the names of the persons whose votes shall be received therein, in the order in which they shall be received, and shall, as he records such names, number the same from one onward, until the election shall be finally closed; and such clerk shall write a heading to the list of names so recorded, in the following, or like form:

Clerk to keep poll-book.

“Names of voters at an election held in the township of —, in the county of —, on the — day of —, in the year of our Lord one thousand eight hundred and —, for members of —,” filling up the blanks in the form above given to conform to the facts of the case.

41. *And be it enacted,* That every person possessing the qualifications required by the constitution, shall be entitled to vote in the township in which he actually resides, and not elsewhere; and every person who shall be so qualified to vote in such election in such township, shall at any time during the same, after proclamation shall have been made of the opening of the same, except during any period for which the board of election shall have adjourned, be at liberty to claim his right to vote therein in such township, and such person shall claim such right in person before such board; and on such claim being made, one of such board shall audibly and publicly announce the name of the claimant; and the ballot of such claimant shall remain in his own hand, until such board shall have decided to receive the same.

Right of voting to be claimed in person.

42. *And be it enacted,* That each ballot shall, in an open and public manner on the day of election, between the hours mentioned in the third section of this act, be delivered in person by the voter to one of the judges of election, and be by such judge deposited in the ballot-box; and in no case shall the ballot be taken by any such judge until the board of election shall have decided to receive the same; nor shall the ballot, in any case, be by any such judge opened, marked, or examined, or permitted to be opened, marked, or examined, before the

Ballots to be delivered to judge of election.

same shall be deposited in the ballot-box; and each ballot received shall be separately deposited in the ballot-box.

Member of board may enter dissent in poll-book.

43. *And be it enacted,* That if any member of such board shall dissent from any decision of the same, and shall desire to protect himself from the consequences which may result from such decision, it shall be lawful for such member to record his dissent in the poll-book of such election, signing his name to such record with his own hand, and unless he shall so do, he shall be deemed and taken to have assented to the decision so made.

Votes may be challenged.

44. *And be it enacted,* That any person who shall be qualified to vote in such election, shall be at liberty to challenge the right to vote therein of any person claiming such right.

Judges of election to challenge in certain cases.

45. *And be it enacted,* That the judges of election, respectively, shall, at such election, challenge every person who shall claim to have a right to vote therein, whom they shall know, suspect, or believe not to be qualified or entitled to vote therein.

Oath of persons challenged as aliens.

46. *And be it enacted,* That if any person shall be challenged, as not qualified or entitled to vote, and the person challenging him shall specify a ground for such challenge to be that the person so challenged is an alien, the chairman of such board may forthwith tender to him an oath or affirmation in the following form:

“You do swear, (or affirm, as the case may be,) that, to the best of your knowledge, information, and belief, you was born a citizen of the United States, and that you do not owe allegiance to any foreign prince, potentate, state, or sovereignty;” and if the person so challenged shall refuse to take the oath or affirmation so tendered to him, he shall be deemed and taken to be an alien, unless he shall produce, at the time of claiming his vote, to such board a lawful certificate, issued out and under the seal of some court of record having authority to admit aliens to the rights of a citizen of the United States, showing, in case the person producing the same shall claim to be the person named therein, that he has been admitted to the rights of a citizen of the United States; or in case the person producing the same shall claim to have derived the rights of such citizen through the naturalization of his parent, then that the person alleged to be such parent has been admitted to the rights of such citizen; and in the former case, the chairman of such board shall tender to the person so challenged an oath or affirmation in the following form:

“You do swear, (or affirm, as the case may be,) that you are the person named in the certificate of naturalization which you have produced to this board;” and in the latter case, an oath or affirmation in the following form:

"You do swear, (or affirm, as the case may be,) to the best of your knowledge, information, and belief, that the person named in the certificate of naturalization which you have produced to this board was your parent, and that you were at the time of the naturalization of your parent under the age of twenty-one years, and resident in the United States;" and if the person so challenged shall, in either case, refuse to take the oath or affirmation so tendered to him, he shall be deemed and taken to be an alien.

47. *And be it enacted*, That the judges of election shall in no case receive the vote of any person, unless they shall be satisfied that such person is in all respects qualified and entitled to vote; and, for the purpose of satisfying themselves as to the right of any person who shall claim a right to vote, they shall have power to examine such person, and any other person or persons, under oath or affirmation touching such right, except as herein before restricted; and if either of such judges shall receive, or assent to receive, the vote of any person challenged, without requiring such person to take the oath or affirmation herein before prescribed, and such person shall not be qualified and entitled to vote, such judge so receiving, or assenting to receive such vote, shall be deemed and taken to have received the same, knowing it to be illegal.

Judges may examine on oath, to satisfy themselves of right of claimant to vote.

48. *And be it enacted*, That if any person shall be challenged, as not qualified or entitled to vote, the chairman of such board may forthwith tender to the person so challenged an oath or affirmation in the following form:

Form of oath

"You do swear, (or affirm, as the case may be,) that you are a citizen of the United States; that you have resided in this state one year, and in this county five months, next before this election, and not elsewhere; that you are now a resident in this township (or ward, as the case may be,); that, as far as you know and verily believe, you are twenty-one years of age, and in all respects qualified to vote in this election in this township (or ward, as the case may be,); and that you have not voted elsewhere in this election;" and if the person so challenged shall refuse to take the oath or affirmation so tendered to him, he shall be deemed not to be qualified or entitled to vote.

49. *And be it enacted*, That if a person be challenged, as convicted of any crime which excludes him from the right of suffrage under the provisions of the constitution of this state, he shall not be required to answer any questions in relation to such alleged conviction, nor shall any proof of such conviction be received, other than a duly authenticated record thereof, except such proof as may be necessary to establish his identity with the person named in such record, or may be adduced by him to rebut the evidence of identity produced on

Proceedings in case of challenge for conviction of crime, &c.

behalf of the challenge; but if any person so convicted shall vote at any such election, unless he shall have been pardoned or restored by law to the right of suffrage, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding two hundred dollars, or imprisonment at hard labour not exceeding two years, or both.

Penalty for fraudulent voting.

50. *And be it enacted*, That any person who shall vote, or shall fraudulently offer to vote, at any election held under this act, or at any township or ward election, who shall not have been a resident of this state for one year, and of the county in which he votes five months, next before the election, or who at the time of the election is not twenty-one years of age, knowing that he is not twenty-one years of age, or who is not a citizen of the United States, knowing that he is not such citizen, or who, by reason of any disability, is not duly qualified to vote at the place where and time when his vote is given or offered, knowing that he is not duly qualified, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding five hundred dollars, or imprisonment not exceeding one year, or both, at the discretion of the court before which such conviction is had.

Penalty for advising to vote illegally.

51. *And be it enacted*, That any person who shall procure, aid, assist, counsel, or advise another to give his vote, knowing that such other person, from any disability, is not duly qualified to vote at the place where and time when the vote is to be given, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding five hundred dollars, or imprisonment not exceeding one year, or both, at the discretion of the court before which such conviction shall be had.

Form of the names of voters.

52. *And be it enacted*, That before proceeding to the estimate and canvass of the votes which shall have been received, the clerk of such board shall state in the poll-book, immediately after the last name therein, in words written at full length, the whole number of the names of the voters in the poll-book, in the following or like form:

“The whole number of the names of the persons whose votes have been received during this election is ———;” filling up the blank, in the form above given, to conform to the fact; and the judges of election, together with such clerk, shall sign their names thereto with their own hands.

What candidates are elected.

53. *And be it enacted*, That at every such election the person or persons, to the number to be elected therein, who shall by law be qualified for the office or offices to be filled at such election, and for whom the greatest number of votes shall have been given therein for such office or offices, shall be deemed and taken to be elected to such office or offices; and when-

ever in any such election an equal number of votes shall have been given to two or more persons to fill any office for which they shall by law be qualified, by reason whereof it shall happen that such office shall not be filled, then the same shall be deemed and taken to be vacant.

54. *And be it enacted,* That as soon as the hour of seven o'clock in the evening of the day of election shall arrive, the board shall proceed, in an open and public manner, to estimate and canvass the votes received, and shall complete the same without any unnecessary delay; and, on completing the same, shall audibly and publicly announce the result thereof, particularly specifying the whole number of the names of the voters in the poll-book, the name of each person for whom any vote shall have been given for any office to be filled at such election, and the number of votes given for each person for the office designated for him by such votes.

Votes to be canvassed.

55. *And be it enacted,* That such board shall proceed in canvassing and estimating the votes which shall have been received, in the following manner: they shall first ascertain the number of the names of the voters in the poll-book, and state the same in writing, for the purpose of a memorandum for their own use, and thereupon unlock and open the ballot-box; the ballots contained therein shall then be taken singly and separately therefrom by one of the judges of election, to be appointed by the board for that purpose; and such judge shall, while each ballot shall remain in his hands, audibly and publicly read the same, and then, before taking another ballot from the box, shall deliver the same to another of such judges, to be appointed by such board for the purpose, to be examined and numbered; and such judge shall take and examine the same, and thereupon, if he shall be satisfied that the same has been correctly read, write on the back thereof the number of such ballot, in the order in which the same shall have been taken from the box, and then deliver the same to the other and remaining one of such judges, to be examined and strung; and such judge shall take and examine the same, and if he shall be satisfied that the same has been correctly read, shall string the same in the order in which the same shall be taken from the box and numbered, by means of a needle and twine, to be provided for that purpose; and the ballots shall be numbered from one onward; the clerk of such board, under the inspection and direction of such board, shall make a list of the names of all persons for whom one or more votes shall have been given, designating the office or offices for which such person shall be voted for, and as each ballot shall be read he shall write the figure 1 opposite the name of each person whose name shall be contained therein, as designated for any

Mode of canvassing and estimating the votes received.

office; when all the votes which shall have been received shall have been read, examined, numbered, and strung, as above directed, such board shall carefully and truly cast up the votes given for each person for any office to be filled at such election.

In what cases ballots not counted.

56. *And be it enacted,* That if in canvassing and estimating the votes, the number of ballots shall be found to exceed the number of the names of the voters in the poll-book, then the ballots which shall remain in the box, after canvassing and estimating as many ballots as there are of such names, shall be deemed and taken to be null and of no effect; if two or more ballots shall be found rolled or folded together, or any ballot shall be wholly blank, or contain more names for any office than there are persons to be elected to fill such office, or have the name of any person thereon for whom no office is designated, or shall appear to the board to be fraudulent, then and in every such case the ballot shall be deemed and taken to be null and of no effect; and in every case in which a ballot shall be declared null and of no effect, the same shall not, in any respect, be canvassed, estimated, or numbered, but one of the judges shall write thereon the word "rejected," and the same shall then be strung in the same manner in which the other ballots are directed to be strung, but on a different twine.

Statement of result to be made.

57. *And be it enacted,* That in all elections which shall be held under this act for the choice of a governor, a member of the state Senate, members of the General Assembly, clerk of the county, surrogate, sheriff, and coroners, or any of them, the board of election shall make a statement of the result thereof, and a certificate, in like form with that prescribed in the sixty-second section of this act, and agreeably to the directions therein contained; and whenever an election is held for the choice of a governor, the township board of election shall cause to be made an additional copy of the statement of the result of the election, and of the certificate thereto, which copy they shall certify and subscribe, enclose, seal up, and transmit to the secretary of state, in the time and manner prescribed by the sixty-first section of this act; and the secretary of state, on receiving the same, shall forthwith file it in his office as an official paper.

Statement of result of governor, &c.

58. *And be it enacted,* That when a governor, a clerk of a county, or a surrogate, shall be voted for at any election, the provisions of this act relative to the statement of the result by the board of county canvassers shall apply and be extended to the votes for such offices respectively; and the several provisions relative to the statement of the determination by said board shall apply to said votes for clerk and surrogate.

59. *And be it enacted,* That the board of election shall make, or cause to be made, a copy of the statement of the result of such election, and the certificate thereto, which shall be made under the fifty-seventh section of this act, and each of the judges shall sign his name thereto with his own hand; and the clerk of such board shall attest the signing of the same by such judges, by signing his own name thereto with his own hand.

Copy of statement to be made

60. *And be it enacted,* That as soon as the said statement, and the copy thereof, shall be made, certified, and subscribed, as is herein before directed, such board shall deliver to the clerk thereof, such copy, the poll-book of the election and the ballots which shall have been received therein, as well those which shall have been deemed and taken to be null and of no effect as those which shall have been estimated and canvassed; and if such clerk shall be the clerk of the township in which the election shall have been held; he shall, as the clerk of such township, preserve such copy, the poll-book, and the ballots, so delivered to him, among the papers of such township in his possession, and deliver over the same to his successor, to be by him preserved in the same manner; and if the clerk of such board shall not be the clerk of such township, he shall, within two days next after the day of such election, deliver the same to the clerk of such township, to be by him preserved and delivered over to his successor, as above directed; and every such copy and poll-book in the possession of the clerk of any township, shall be open and subject to the inspection of every person who shall apply to such clerk for that purpose.

Poll-books, &c. to be delivered to clerk.

61. *And be it enacted,* That whenever an election shall be held for the choice of a member or members of the House of Representatives, or electors of president and vice president, such board shall make, or cause to be made, an additional copy of the statement of the result of such election, and of the certificate thereto, which copy they shall certify and subscribe as is herein before directed, and shall enclose, seal up, and transmit the same by mail to the secretary of state, within five days next after such election, directing the same in the following manner:

Additional copy of statement to be made in congressional and electoral elections.

“To the Secretary of State of New Jersey,
Trenton, New Jersey.”

And the secretary of state, on receiving such copy, shall forthwith file the same in his office as an official paper.

62. *And be it enacted,* That in all elections which shall be held under the first section of this act, the board of election shall make a statement of the result thereof, and a certificate to the same, in the following or like form:

Form of statement, &c.

"A statement of the result of an election held in the township of _____, in the county of _____, on the _____ day of November, in the year of our Lord one thousand eight hundred and _____, for a member of the Senate, members of the General Assembly, a sheriff, and three coroners for said county:

The whole number of the names on the poll list is _____;

The whole number of ballots rejected is _____;

For member of the Senate,

received _____ votes;

received _____ votes;

For members of the General Assembly,

received _____ votes;

received _____ votes;

For sheriff,

received _____ votes;

received _____ votes;

For coroners,

received _____ votes;

received _____ votes.

We do certify that the foregoing is a true, full, and correct statement of the result of the election above mentioned, and that the same exhibits the whole number of the names on the poll-book and of the ballots rejected, the name of each person for whom any vote or votes were given for any office designated for him in such vote or votes, and the number of votes given for each person for the office or offices so designated for him.

In witness whereof, we have hereunto set our hands, respectively; this _____ day of November, in the year of our Lord one thousand eight hundred and _____.

} Judges
of
} Election.

ATTEST.

Clerk."

Making under each head a list of the names of all the persons for whom any vote or votes were given for the office or offices designated therein, and stating opposite to the same, in words written at full length, as before directed, the number of votes given for each person for such office or offices, and filling up all other blanks in the form above given to conform to the facts of the case; and in every other election which shall be held under this act, the board of election shall make a statement of the result thereof, and a certificate to the same, in a

form similar to that above given, as far as the nature of such election will admit.

63. *And be it enacted*, That the board of election in each township, in any such election, shall appoint one of the judges of election in such township to attend the meeting of the board of county canvassers for such election, in the county in which such township shall be situated, as a member thereof, and shall deliver to the judge, who shall have been so appointed, the original statement of the result of such election in such township, which shall have been made, certified, and subscribed, as herein before directed; and it shall be the duty of the judges of election, who shall have been so appointed, to attend the meeting of the board of county canvassers for such election, in the county in which they shall have been appointed, as members thereof.

Judge of election to attend meeting of county canvassers.

64. *And be it enacted*, That the judges of election, to whom the original statements of the result of such election in the townships to which they respectively belong shall have been delivered, as directed in the preceding section of this act, shall constitute the board of county canvassers for such election, in the county in which such township shall be situated; and the clerk of such county shall be the clerk of such board.

Board of county canvassers, how constituted.

65. *And be it enacted*, That the major part of the judges who shall have been appointed to attend the meeting of such board, as members thereof, shall be sufficient to constitute such board; and if the clerk of the county shall be absent from such meeting, at the time appointed therefor, such board shall appoint some other fit person to be the clerk of such board; and the person who shall be so appointed, shall be deemed and taken, in all respects, to be the clerk of such board.

Majority of judges to form board.

66. *And be it enacted*, That such board shall meet on the Friday next after such election, at twelve o'clock, noon, of that day, at the court-house of such county, and at that hour, without any delay, the members of such board who shall be then present shall proceed to choose one of their number, who shall be the chairman thereof; and as soon as such chairman shall be appointed, it shall be the duty of such chairman to administer to each of the other members, and of each of the other members to take an oath or affirmation in the following form:

Time and place of meeting of county canvassers.

“You do swear, (or affirm, as the case may be,) that you will faithfully and impartially execute the duties of a member of this board of canvassers according to law;” and thereupon one of the members of such board, to be appointed by such board for that purpose, shall administer to such chairman, and

Oath of county canvassers.

such chairman shall take an oath or affirmation in the same form as that taken by the other members of such board.

67. And be it enacted, That if the clerk of such county shall be absent at such meeting, at the time appointed therefor, the board shall forthwith, after the oaths or affirmations shall have been administered and taken, as directed in the preceding section of this act, proceed to appoint a fit person to be the clerk of such board; and, before proceeding to canvass and estimate the votes in such county, the chairman of the board shall administer to the clerk thereof, and the clerk thereof shall take an oath or affirmation in the following form:

“You do swear, (or affirm, as the case may be,) that you will faithfully execute the duties of clerk of this board according to law.”

68. And be it enacted, That as soon as the clerk of such board shall have been sworn or affirmed, as directed in the preceding section of this act, the judges of election who shall be present, and constitute such board, shall produce the original statements which shall have been delivered to them, respectively, as herein before directed, and lay the same before such board; and such board shall then forthwith proceed to make two statements of the result of such election in such county, each of which statements shall contain the whole number of the names of the voters in the poll-book of the townships, respectively, and of the ballots rejected, the names of all the persons for whom any vote or votes shall have been given for any office or offices to be filled by such election, and the whole number of votes which shall have been given for each person for any such office or offices, mentioning the office or offices for which each person shall have been designated; and shall particularly contain the name of each township, the number of the names of the voters on the poll-books of the townships, respectively, and of the ballots rejected, the number of votes given in each township for each person for whom any vote or votes shall have been given for any such office, mentioning the office or offices for which each person shall have been designated; and in such statement the name of each person for whom any vote or votes shall have been given, the whole number of votes that shall have been given for each person, and the name of each township, shall be in words written at full length; and the number of the names on the poll-book of each township, the number of votes which shall have been given for each person in each township for each office, and the whole number of votes on the poll-books of the several townships, and of the ballots rejected, may be in figures; and each of such statements shall be certified to be true and correct, by a certificate which shall be appended to the same;

Oath of clerk.

Proceedings
and duties of
board of county
canvassers.

and the chairman of such board shall sign his name thereto with his own hand, in the presence of the clerk of such board, and such clerk shall attest the signing of the same by such chairman, by signing his name thereto with his own hand.

69. *And be it enacted*, That such board shall deliver one of the statements which shall have been made, certified, and subscribed, as directed in the preceding section of this act, to the clerk of the county, who shall forthwith file the same in his office as an official paper; and the chairman of such board shall enclose and seal up the other thereof, and deliver or safely transmit the same, so enclosed and sealed up, to the secretary of this state, so that such secretary shall receive the same at Trenton within seven days next after the meeting of such board; and the secretary of state, on receiving such statement, shall forthwith file the same in his office as an official paper.

Copies of statement to be sent to secretary of state and county clerk.

70. *And be it enacted*, That if any one of the judges who shall have been appointed to attend the meeting of such board for any county, as a member thereof, shall be unable to attend such meeting, on the day appointed therefor, he shall, at or before the hour of twelve o'clock, noon, of that day, deliver or safely transmit to the clerk of such county the original statement of the result of the election, which shall have been delivered to him as herein before directed.

Judge to send statement, if he cannot attend.

71. *And be it enacted*, That if, on the day appointed for the meeting of such board, a major part of such board shall not attend at the court-house of such county at the hour of twelve o'clock, noon, of that day, or if at that time the statements of the result of such election from every township in such county shall not be produced, the canvassers then present shall adjourn to some convenient hour on the next day; and at the hour to which such adjournment shall have been ordered, the canvassers then present, whether or not they shall be a major part of the whole, shall organize themselves as a board, and proceed as herein before directed.

Board may adjourn.

72. *And be it enacted*, That the clerk of such county shall produce and lay before such board all such statements as shall have been delivered to him at or before the hour of twelve o'clock, noon, of the Friday next after such election, as herein before directed; and if on that day such board shall not have been organized because the statements from every township have not been produced, then such clerk shall forthwith, by a special messenger or otherwise, at the expense of such county, obtain such statement or statements as shall be deficient, in time to be produced to such board at their next meeting, and for this purpose either the original statement, or the copy thereof, directed to be delivered to the clerk of the township in which such original statements shall have been made, shall be

County clerk to lay statements before board.

sufficient; and the clerk of such board shall produce and lay before such board, at their meeting on the next day, all such statements and certified copies as he shall have obtained as above directed.

Proceedings to be public.

73. *And be it enacted,* That all the proceedings of such board shall be open and public, and the decision of a major part of the members thereof, who shall be present at the meeting thereof, shall be deemed and taken to be the decision of such board; and if any member of such board shall dissent from a decision of the board, and shall desire to protect himself against any consequences which may result from such decision, he shall state his dissent in writing, and deliver the same to the clerk of such county, who shall file the same in his office.

Statements to be filed by county clerk.

74. *And be it enacted,* That all the statements and copies of statements which shall be produced and laid before such board shall, by such board, be delivered to the clerk of such county, and shall be by him filed in his office as official papers.

Form of statement of result of election for senators, &c.

75. *And be it enacted,* That the statement and certificate, which shall be made as is herein before directed, shall, in case of an election for a member of the Senate, members of the General Assembly, a sheriff and coroners, or any of them, be in the following or like form :

“A statement of the result of an election held in the county of — on the — day in November, in the year of our Lord one thousand eight hundred and —, to elect a member of the Senate, members of the General Assembly, a sheriff and coroners, of said county, made by the board of county canvassers for said county:

Names of persons voted for, and the offices designated for each.	Names of townships, and the number of votes given for each person in each township.	Whole number of votes in the county.	Whole number of votes received by each person.
For member of Senate,			
For members of Assembly,			
For sheriff,			
For coroners,			
Number of names on the poll-book of each township,			
Number of ballots rejected,			

I do hereby certify, that the foregoing is a true, full, and correct statement of the result of the election above mentioned, as the same is exhibited by the statements produced and laid before the board of county canvassers according to law, and that the same exhibits the number of the names of the voters in the poll-books of the townships, respectively, and of the ballots rejected, the whole number of the names of the voters in the poll-books of the several townships, the name of each person for whom any vote or votes were given, the number of votes given for each person in each township, and the whole number of votes given for each person for each office designated for him, as they appear by the statements so produced and laid before the said board.

In witness whereof, I have hereunto set my hand, this —— day of ——, in the year of our Lord one thousand eight hundred and ——.

Chairman of the Board of Canvassers.

ATTEST.

Clerk."

And the blanks in the form above given shall be filled up to conform to the facts of the case; and the statement and certificate which shall be made in the case of an election of member or members of the House of Representatives of the United States, or of electors of president and vice president of the United States; shall be in a form similar to that above given, as far as the nature of the election will admit.

76. *And be it enacted*, That the board of county canvassers, in case the election shall have been held for a member of the Senate and members of the General Assembly, a sheriff and coroners, or for any such officer, shall proceed to determine the person or persons who shall, by the greatest number of votes, have been duly elected to the office or offices for which he or they shall have been designated, as is herein before directed; and thereupon such board shall make a statement of their determination, which shall be certified to be true and correct, by a certificate which shall be appended to the same, and signed by the chairman of such board, with his own hand, in the presence of the clerk of such board; and the clerk of such board shall attest the signing of the same by such chairman, by signing his name thereto, with his own hand; and the statement of such determination, and the certificate thereto, so made and subscribed, shall be annexed to the statement which shall have been made, certified, and subscribed, as herein before directed, and shall be delivered therewith to the clerk of the county, and shall by him be filed in his office as an official paper.

Form of statement of determination.

77. *And be it enacted*, That the statement of the determi-

nation of such board, in case of a stated election for a member of the Senate, members of the General Assembly, a sheriff and coroners, shall be in the following or like form:

“A statement of the determination of the board of county canvassers relative to an election held in the county of _____ on the _____ day of November, in the year of our Lord one thousand eight hundred and _____, for the election of a member of the Senate, members of the General Assembly of this state, and a sheriff and coroners for said county, for the ensuing year:

The said board do determine that, at the said election, _____ was duly elected a member of the Senate of this state; _____ were duly elected members of the General Assembly; _____ was duly elected sheriff, and _____ were duly elected coroners for said county.

I do certify that the foregoing is a true, full, and correct statement of the determination of the board of canvassers therein mentioned.

In witness whereof, I have hereunto set my hand this _____ day of November, in the year of our Lord one thousand eight hundred and _____.

Chairman of the Board of Canvassers.

ATTEST.

Clerk.”

And in case of a special election to fill a vacancy or vacancies in the Senate or General Assembly, or in the office of sheriff, the statement of the determination of such board, and the certificate thereof, shall be in a form similar to that above given, as far as the nature of the case will admit.

78. *And be it enacted*, That the board of county canvassers, in the case of an election for a member of the Senate, members of the General Assembly, a sheriff and coroners, or any of them, for any county, shall make the statement of the result thereof, and their determination as to the person or persons who shall be elected therein; and in all other cases shall make the statement of the result of the election in such county upon, and only upon, the statements which shall be produced and laid before the board, as directed in this act, by the members thereof, respectively, to whom such statements shall have been delivered, and the statements and copies of statements which shall be produced and laid before them by the clerk of such county, as is herein before directed.

79. *And be it enacted*, That the clerk of such county shall make as many copies of the statement of the determination of such board, and the certificate appended thereto, in the case of an election for a member of the Senate, members of the Gene-

Grounds on which statements are to be founded.

Certified copies to be delivered to persons elected.

ral Assembly, a sheriff and coroners, or any of them, as there shall be persons declared to be elected, and shall certify such copies to be true, full, and correct, by a certificate appended to each of them, and shall sign his name thereto with his own hand, and affix thereto the seal of the county; and shall without delay deliver one of the same to each person who shall be so elected.

80. *And be it enacted*, That the clerk of such county shall make out a copy of such statement of the determination of such board, and the certificate appended thereto, and certify the same in the manner directed in the preceding section of this act, enclose and seal up the same, and transmit the same, so enclosed and sealed up, to the secretary of this state, at Trenton, within five days next after the meeting of such board, and the said secretary shall file the same in his office as an official paper.

Copies to be sent to secretary of state.

81. *And be it enacted*, That when any person, who shall at any such election have been elected to the office of sheriff or coroner, shall produce before the governor such a certified copy as is above mentioned, to which there shall be added the certificate of six freeholders of the county in which such election shall have been held, certifying that such person has been so elected, the governor shall forthwith commission such person as such sheriff or coroner; and the certificate of such freeholders shall be in the following, or like form:

Certificate of election of sheriff, &c.

“We, ———, six freeholders of the county of ———, do hereby certify, that ——— is duly elected ——— of the said county for the ensuing year.

In witness whereof, we have hereunto set our hands, respectively, this ——— day of ———, in the year of our Lord one thousand eight hundred and ———;” *provided always*, that nothing in this section contained shall be construed to render unnecessary the certificate of the judges of the court of common pleas required by “An act concerning sheriffs.”

82. *And be it enacted*, That in case of any election for one or more members of the House of Representatives, or for members of the House of Representatives and electors of president and vice president, or governor, if it shall so happen that the secretary of state shall not, on or before the seventh day after the time appointed for the meeting of the board of canvassers in the several counties, have received the statements of the result of such election in every county, which are herein before directed to be delivered or transmitted to him by the chairman of such board, such secretary shall forthwith, by a special messenger or otherwise, obtain such statement or statements as are deficient, and for this purpose the original statement

Provisions for certain contingencies.

directed to be filed by the clerk of the county in which such statement shall have been made, shall be sufficient; and whenever and so soon as such secretary shall receive or obtain any statement of the result of such election in any county, in the manner herein before provided for, he shall ascertain whether or not such statement includes the statement of the result of such election in every township of such county; and if it shall appear to him that the statement of the result of such election in any such township is not exhibited by or included in the statement of the result of such election in such county, he shall forthwith ascertain whether or not a copy of the statement of the result of such election in such township has been received in his office, as provided for by this act; and if it shall appear to him that such copy has not been so received, he shall forthwith, by a special messenger or otherwise, obtain such copy, and for this purpose the original statement directed to be filed by the clerk of such county, or the copy thereof, directed to be filed by the clerk of such township, shall be sufficient; and such secretary shall, on the twenty-first day next after the day of such election, produce and lay before the board of state canvassers all such statements and copies as shall relate to such election, which shall have been received or obtained by him as herein before provided for.

Time and place
of meeting.

83. *And be it enacted*, That it shall be the duty of the governor to attend at Trenton on the twenty-first day next after the day of such election, and to summon to attend him, on that day, four or more of the members of the Senate, for the purpose of canvassing and estimating the votes given for each person for whom any vote or votes shall have been given for any office or offices to be filled at such election, and of determining and declaring the person or persons who shall, by the greatest number of votes, have been duly elected to such office or offices; and it shall be the duty of such members of the Senate as shall be summoned, to attend at Trenton on that day for that purpose.

Board of state
canvassers.

84. *And be it enacted*, That, for the purpose of canvassing and estimating the votes as above mentioned, and of determining and declaring the person or persons who shall have been elected at such election, the governor and the members of the Senate, who shall have been summoned as aforesaid, shall meet in the chamber of the Senate, or some other convenient place at Trenton, at the hour of two o'clock in the afternoon of the day appointed for that purpose, and shall constitute a board of state canvassers; and the governor shall be the chairman thereof, and the secretary of this state shall be the clerk thereof.

85. *And be it enacted*, That the chairman of such board, as soon as the same shall have met, shall administer to each member thereof, and each member thereof shall take an oath or affirmation in the following form:

Oath of state canvassers.

“You do swear, (or affirm, as the case may be,) that you will faithfully and impartially execute the duties of a member of this board according to law;” and thereupon one of the members of such board, to be appointed by such board for that purpose, shall administer to the chairman thereof, an oath or affirmation, in the same form as that which shall have been taken by the other members of such board.

86. *And be it enacted*, That if the secretary of state shall be absent at such meeting, at the time appointed therefor, such board shall forthwith, after the oaths or affirmations shall have been administered and taken, as directed in the preceding section of this act, proceed to appoint a fit person to be the clerk of such board; and before proceeding to canvass and estimate the votes, the chairman of such board shall administer to the clerk thereof, and such clerk shall take an oath or affirmation in the following form:

Clerk to be appointed, if secretary of state be absent.

“You do swear, (or affirm, as the case may be,) that you will faithfully execute the duties of clerk of this board.”

Oath.

87. *And be it enacted*, That such board shall consist of at least five persons, including the chairman thereof; and if a number of the members of the Senate who shall have been summoned as members of such board, sufficient to constitute such board, shall not attend the meeting thereof, it shall be the duty of the governor to summon, as members of such board, as many fit persons, who shall possess the qualifications required for members of the Senate, as shall be necessary to complete the number required to constitute such board.

Vacancies, how supplied.

88. *And be it enacted*, That as soon as such board shall have been organized, and the members and clerk thereof sworn or affirmed, the secretary of state shall produce and lay before such board all such statements and copies as relate to such election which he shall have received or obtained; and such board shall then forthwith proceed to make a statement of the result of such election in the state, which statement shall contain the whole number of the names of the voters in all the poll-books in the state, the names of all the persons for whom any vote or votes shall have been given for any office or offices to be filled at such election, and the whole number of the votes which shall have been given to each person for any such office or offices, mentioning the office or offices for which each person shall have been designated, and shall contain the name of each county, the number of names in the poll-books

Statement of result to be made.

in the counties respectively, the number of votes given for each person in each county for any such office or offices; and in such statement the name of each person for whom any vote or votes shall have been given, the whole number of votes given for each person, and the name of each county, shall be in words written at full length; and the whole number of the names of the voters in all the poll-books in the state, the number of the names in the poll-books in the counties respectively, and the number of votes given for each person in each county, may be in figures, and such statement shall be certified to be true and correct, by a certificate which shall be appended to the same; and the chairman of such board shall sign his name thereto with his own hand, in the presence of the clerk of the board, and such clerk shall attest the signing of the same by such chairman, by signing his name thereto with his own hand; and the statement, and certificate appended thereto, which shall be made as above directed, shall be made in a form similar to that given in the seventy-fifth section of this act, as far as the nature of such election will admit; and when the statement and certificate above mentioned shall have been made and subscribed, such board shall proceed to determine the person or persons who shall, by the greatest number of votes, have been duly elected to the office or offices for which he or they shall have been designated, and thereupon such board shall make a statement of their determination, and such statement shall be certified to be true and correct by a certificate, which shall be appended to the same; and the chairman of such board shall sign his name thereto with his own hand, in the presence of the clerk thereof, and such clerk shall attest the signing of the same by such chairman, by signing his name thereto with his own hand; and the statement of such determination, and the certificate appended thereto, so made and subscribed, shall be made in a form similar to that given in the seventy-seventh section of this act, as far as the nature of such election will admit, and shall be annexed to the statement of the result of such election, and the certificate appended thereto, so made and subscribed as above mentioned; and both of such statements and certificates shall forthwith, after the completion of the same, be delivered to the secretary of state, who shall, as soon as the same shall be delivered to him, file the same in his office as official papers.

89. *And be it enacted*, That if the secretary of state shall neglect to produce and lay before such board all such statements and copies as shall have been received or obtained by him, or shall withhold any such statement or copy, the chairman of such board shall forthwith summon such secretary to appear before such board, to produce and lay before the board

Secretary of state may be summoned to appear, and produce papers withheld.

such statement or copy as he shall have neglected to produce and lay before such board, or shall have withheld, and thereupon such secretary shall forthwith produce and lay the same before such board.

90. *And be it enacted,* That such board shall make the statement of the result of such election in the state, and their determination as to the person or persons who shall have been elected therein, upon, and only upon, the statements of the result of such election, or the copies of such statements which shall have been made by the board of county canvassers in the several counties, and produced and laid before such board; *provided,* that if it shall appear, by any such statement from any county, that the statement of the result of such election in any township of such county is not exhibited by or included in such statement, such board shall give full force and effect to the statement of the result of such election in such township, or the copy of such statement, which shall be produced and laid before such board by the secretary of state, as is herein before directed.

Grounds upon which statements are to be made.

91. *And be it enacted,* That the proceedings of such board shall be open and public, and the decision of a majority of the members thereof shall be deemed and taken to be the decision thereof; and if any member of such board shall dissent from such decision, and shall desire to protect himself against any consequences which may result from such decision, he shall state his dissent in writing, and deliver the same to the secretary of state, who shall file the same in his office.

Proceedings to be public.

92. *And be it enacted,* That all the statements and copies of statements which shall have been produced and laid before such board, shall be delivered to the secretary of state, and be by him filed in his office as official papers.

Statements, &c. to be filed.

93. *And be it enacted,* That the secretary of state shall make as many copies of the statement of the determination of such board, and the certificate thereto, as there shall be persons thereby declared to be elected, and shall certify such copies to be true, full, and correct, by a certificate appended to each of them, and shall sign his name thereto with his own hand, and affix thereto the seal of the state, and shall, without delay, deliver one of the same to each of the persons who shall be so elected.

Copies of statements, &c., to be given to persons elected.

94. *And be it enacted,* That in case of an election for one or more members of the House of Representatives, the secretary of state shall prepare a general certificate of the election of such member or members, and lay the same before the governor, who shall sign his name thereto with his own hand, in the presence of such secretary; and such secretary shall

Certificate of election of members of Congress to be sent to clerk of House of Representatives.

attest the signing of the same by the governor, by signing his name thereto with his own hand, and shall thereupon affix the seal of the state thereto, and transmit the same forthwith to the clerk of the said House of Representatives, if they shall then be in session, and if not in session, then at their first meeting; and in case of an election for electors of president and vice president of the United States, such secretary shall prepare a general certificate of the election of such electors, and lay the same before the governor, who shall sign his name thereto with his own hand, in the presence of such secretary; and such secretary shall attest the signing of the same by the governor, by signing his name thereto with his own hand, and shall thereupon affix the seal of the state thereto, and deliver the same to the president of the college of electors of this state, on the day and at the time and place appointed for the meeting of such college.

Board of state canvassers, how constituted.

95. *And be it enacted*, That the governor, and four or more members of the Senate, to be summoned by him, shall constitute a board of state canvassers, for the purpose of estimating the votes given for governor; and the provisions of the eighty-second, eighty-third, eighty-fourth, eighty-fifth, eighty-sixth, eighty-seventh, eighty-eighth, eighty-ninth, ninetieth, ninety-first, and ninety-second sections of this act shall extend to the canvass of the votes for the office of governor; and the secretary of state shall make out a copy of the statement of the determination of the board, and certify the same, agreeably to the provisions of the ninety-third section of this act, and shall without delay deliver the same to the person thereby declared to be elected.

What to be evidence of right to seats in Senate and Assembly.

96. *And be it enacted*, That the Senate and General Assembly shall convene and hold their sessions in the state house at Trenton; and in the organization of each house, the certified copies of the statements of determination made under the direction of the seventy-ninth section of this act, shall be deemed and taken to be prima facie evidence of the right of the persons therein mentioned to seats in the houses, respectively, to which they shall have been so determined to be elected.

Time and place of meeting of electors.

97. *And be it enacted*, That the electors of president and vice president shall convene in the state house at Trenton, on the day appointed by Congress for that purpose, and constitute an electoral college, at the hour of three o'clock in the afternoon of that day, and, after choosing a president and secretary from their own body, shall proceed to perform the duties required of them by the constitution and laws of the United States.

98. *And be it enacted*, That the clerk or judge of election of any township, the clerk or chairman of the board of canvassers of any county, or any other person who shall be in possession of any statement, or copy of any statement, which shall have been made and subscribed under the provisions of this act, shall forthwith, on application by any messenger who shall have been despatched for the same by the secretary of state, deliver to such messenger such statement or copy; and the clerk or judge of election of any township, or any other person who shall be in possession of any statement, or copy of any statement, which shall have been made and subscribed under the provisions of this act, shall forthwith, on application by any messenger who shall have been despatched for the same by the clerk of such county, deliver to such messenger such statement or copy; and such messenger, in either case, shall be commissioned as such in writing, under the hand and official seal of the officers by whom he shall have been despatched, and shall exhibit his commission to the person to whom he shall apply for such statement or copy; and when he shall have obtained such statement or copy, shall forthwith deliver the same to the officer who shall have despatched him.

Statements sent for by secretary of state to be delivered to messenger.

99. *And be it enacted*, That the board of election in each township, the board of county canvassers in each county, and the board of state canvassers, shall, respectively, possess full power and authority to maintain regularity and order, and to enforce obedience to their lawful commands during their sessions; respectively; and if any person shall refuse to obey the lawful command of any such board, or, by disorderly conduct in their hearing or presence, shall interrupt or disturb their proceedings, they may, by an order in writing, signed by the chairman, and attested by the clerk of such board, commit the person so offending to the common jail of the county in which they shall have met, for a period not exceeding thirty days; and such order shall be executed by any sheriff or constable to whom the same shall be delivered, or, if a sheriff or constable shall not be present, or refuse to act, by any other person who shall be deputed by such board in writing; and the keeper of such jail shall receive the person so committed, and safely keep him for such time as shall be mentioned in the commitment.

Boards of election and county canvassers may commit disorderly persons.

100. *And be it enacted*, That if any person shall intend to contest the right of any person who shall have been declared, at any such election, to be duly elected a member of the Senate, a member of the General Assembly, or a member of the House of Representatives of the United States, to a seat in the house of which he shall have been declared to be elected a member, the person so intending shall, within thirty days next

Persons intending to contest elections to give notice to opposite party.

after the day of such election, give notice in writing of such intention to the person whose seat he shall intend to contest; which notice shall be delivered to such person, or shall be left open at his usual place of residence, with one of the family above the age of fourteen years; and such notice shall particularly set forth the ground or grounds on which such seat will be contested.

Subpœnas in case of contested elections, by whom issued.

101. *And be it enacted,* That the judges of the court of common pleas, the commissioners to take bail and affidavits in the supreme court, and the masters in chancery, respectively, shall have power, and are hereby required, at any time, on application to them by any person who shall intend to contest the right of any person to a seat as above mentioned, or whose right to a seat shall be contested, to issue a subpœna or subpœnas to any person or persons whose testimony the person so applying shall be desirous to take, and to appoint some time, not less than ten nor more than twenty days after such application shall be made to him, and some place for the examination of such person or persons; *provided,* that no officer shall issue any such subpœna or appoint such time, unless he shall be satisfied that such notice has been given as is directed in the preceding section of this act.

Proviso.

Notice to be given of taking depositions.

102. *And be it enacted,* That when such time and place shall have been appointed, the person who shall have made such application shall forthwith give at least eight days' notice of such time and place, and of the name of the officer who is to take the testimony to the opposite party; which notice shall be in writing, and shall contain the name or names of the witness or witnesses intended to be examined, and shall be given in the same manner as the notice mentioned in the one hundredth section of this act is directed to be given.

Manner of taking depositions.

103. *And be it enacted,* That, at the time and place which shall have been so appointed, the officer appointing them shall attend and take the deposition or depositions of such person or persons as shall appear before him; which deposition or depositions shall be taken in writing, and shall be in the handwriting of such officer, or of the person or persons, respectively, who shall be examined, and shall be signed by the person or persons, respectively, who shall be examined; *provided,* that such officer shall not proceed to take the testimony of any person, unless he shall be satisfied that such notice has been given as is herein before directed, and that he shall take the testimony of no other person than such as shall be mentioned in such notice; and that no testimony shall be taken which shall not relate to some ground of contest specified in the notice which shall have been given, as is herein before directed.

104. *And be it enacted*, That the officer who shall take any such deposition or depositions, shall certify the same under his hand, and shall enclose, seal up, and transmit or deliver the same, in case the intended contest shall relate to a seat in the Senate, to the president of that body; in case it shall relate to a seat in the General Assembly, then to the speaker of that body, and in case it shall relate to a seat in the House of Representatives of the United States, then to the speaker of that body.

To whom, and by whom depositions are to be transmitted.

105. *And be it enacted*, That it shall be the duty of every person upon whom a subpoena, issued under and by virtue of this act, shall have been served, and to whom the lawful fees shall have been paid or tendered, to obey the command of such subpoena, under the penalty of fifty dollars, to be sued for and recovered, with costs, in an action of debt, before any court of competent jurisdiction, by the person on whose application such subpoena shall have been issued; *provided always*, that no person shall, in any case, be required to attend any such examination as a witness out of the county in which he resides.

Penalty for non-attendance of witnesses.

106. *And be it enacted*, That no person shall make, lay, or deposit any bet, wager, or stake, to be decided by the result of any such election by the election or defeat of one or more persons at such election, or by any contingency connected with or growing out of any such election; and all contracts for or on account of any money, property, or thing in action, so bet, wagered, or staked, shall be void; and any person who shall pay, deliver, or deposit any money, property, or thing in action upon the event of any bet, wager, or stake, prohibited by this section, may sue for and recover the same of the winner or winners, or person or persons, to whom the same, or any part thereof, shall have been paid or delivered, or with whom the same, or any part thereof, shall have been deposited, whether he or they shall have been a stakeholder or stakeholders, or other person or persons, whether or not the same shall have been paid over by such stakeholder, or whether or not such bet, wager, or stake shall have been lost.

Betting on elections prohibited.

107. *And be it enacted*, That if any person shall be guilty of wilful and corrupt false swearing or affirming, or by any means shall wilfully and corruptly suborn or procure any person to swear or affirm falsely as aforesaid, in taking any oath, affirmation, or deposition prescribed or authorized by this act, he shall be deemed and taken to be guilty of a high misdemeanor, and on conviction thereof, shall be punished by fine or imprisonment at hard labour, or both, at the discretion of the court before which such conviction shall be had, and be deemed and taken to be an incompetent witness thereafter for any purpose within this state, until such time as the judgment

Punishment for false swearing.

of such court, given against him therefor, shall be reversed; *provided*, that in no case shall such fine exceed the sum of eight hundred dollars, or such imprisonment the term of seven years.

Bribery prohibited.

108. *And be it enacted*, That no person shall in any way, directly or indirectly, offer, promise, procure, confer, accept, receive, or take any money, property, thing in action, victuals, drink, preferment, or other consideration, by way of fee, reward, gift, or gratuity, for giving, or refusing to give, any vote in any such election; nor shall any person, at any such election, by menace or other corrupt means or device, directly or indirectly attempt to influence any person in giving, or refusing to give, his vote therein, or to deter or dissuade any person from giving his vote therein, or to disturb, hinder, persuade, threaten, or intimidate any person from giving his vote therein; nor shall any person, at any such election, knowingly and wilfully make any false assertion or propagate any false report concerning any person who shall be a candidate thereat, which shall have a tendency to prevent his election, or with a view thereto; nor shall any officer or other person summon, call out, or request any company or body of militia to appear, parade, or exercise on the day of any such election, except in case of invasion or insurrection.

Acts prohibited by preceding section, how punished.

109. *And be it enacted*, That if any person, shall be guilty of any act forbidden or declared to be unlawful by the preceding section of this act, he shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment, or both, at the discretion of the court before which such conviction shall be had; *provided*, that in no case shall such fine exceed the sum of two hundred and fifty dollars; or such imprisonment the term of six months.

Penalty for offering to vote a second time.

110. *And be it enacted*, That if any person, who shall have voted in any such election in any township, shall offer himself a second time as a voter in the same or any other township in such election, he shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment at hard labour, or both, at the discretion of the court before which such conviction shall be had; *provided*, that in no case shall such fine exceed the sum of five hundred dollars, or such imprisonment the term of one year.

Punishment of judges and clerks for certain misdemeanors in office.

111. *And be it enacted*, That if any judge of election shall, at any election held in pursuance of this act, knowingly and wilfully receive, or assent to receive, the vote of any person who is not by law entitled and qualified to vote at such election, or shall wilfully and designedly make or sign any false or untrue statement or certificate of the result of any such election, or suppress, destroy, withhold, mutilate, change, or alter

any such statement or certificate, or any copy thereof, made in pursuance of this act; or if any clerk of any such election shall knowingly and wilfully make any false or untrue entry in any poll-book, or sign or attest any false or untrue statement or certificate of the result of any such election, or copy thereof, or shall, in canvassing and estimating the votes received at any such election, wilfully and corruptly write any figure or mark opposite the name of any person voted for at such election, or refuse or omit to write any such figure or mark, when he is by this act required so to do; or if any judge of election, who shall be appointed to attend any meeting of the board of county canvassers, shall corruptly and without sufficient excuse refuse or omit to attend such meeting at the time and place appointed therefor, or shall corruptly and without sufficient excuse omit or refuse to produce and lay before the said board, or to deliver or transmit to the clerk of such county, within the time by this act prescribed, the statement of the result of any such election, which shall have been delivered to him to be produced and laid before such board, every person so offending, his aiders, procurers, and abettors, shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisonment at hard labour for any term not exceeding two years, or both.

112. *And be it enacted*, That if any person shall rob or plunder any election-box, or unlawfully and by stealth or violence take therefrom any ballot, ticket, or other paper, or exchange, alter, or destroy any ballot or ticket contained therein, or if any person, other than the clerk of any county or the secretary of state, shall wilfully and corruptly suppress, withhold, mutilate, destroy, alter, or change any return, statement, or certificate, or any copy thereof, which shall have been made in pursuance of this act, and delivered to him to be filed, or which shall have been intrusted or delivered to him to be delivered or transmitted to any other person or persons in pursuance of this act, every such person, his aiders, procurers, and abettors, shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment at hard labour for any term not exceeding two years, or both.

Punishment for robbing ballot-box, &c.

113. *And be it enacted*, That if the clerk of any county shall wilfully and corruptly suppress, destroy, mutilate, change, or alter any statement or certificate of the result of any election, or any copy thereof, made in pursuance of this act, which shall have been delivered to or received by him, or omit or refuse to produce and lay the same before the board of county canvassers, or if the chairman or clerk of any such board shall

Punishment of secretary of state and county clerk for certain misdemeanors in office.

wilfully and knowingly certify, sign, or attest any false or untrue statement of the result of any election, or any false or untrue statement of the determination of any such board, or of the certificate thereto, or shall wilfully and corruptly refuse or omit to certify, sign, or attest any such certificate which he is by this act required to certify, sign, or attest; or if any secretary of state or clerk of the board of state canvassers shall wilfully and knowingly certify, sign, or attest any false or untrue statement of the result of any election, or any false or untrue statement of the determination of any such board, or of the certificate thereto, or shall wilfully and corruptly suppress, destroy, mutilate, change, or alter any statement or certificate of the result of any election, or any copy thereof, made in pursuance of this act, which shall have been delivered to or received by him, or omit or refuse to produce and lay the same before the board of state canvassers, every such person so offending, his aiders, procurers, or abettors, shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment at hard labour for any term not exceeding seven years, or both.

Construction of certain words in this act.

114. *And be it enacted*, That, for the purposes of this act, the term "township" shall be construed to include every city, borough, ward, or precinct in which any election held under this act is or shall hereafter be by law directed or authorized to be held, and the term "governor" shall be construed to mean the person who shall for the time being have the supreme executive power of this state.

Compensation to certain officers.

115. *And be it enacted*, That the officers named in this section shall be entitled to demand and receive, for the services herein mentioned, the fees thereto respectively annexed, and no more, to be paid by the collectors of the counties, respectively, in which such services shall be performed:

The clerk of each township, for advertising each election, one dollar and fifty cents;

The clerk of election, for each day's service, two dollars;

Each judge of election, for each day's service, two dollars;

Each member of any board of county canvassers, for each day's service, two dollars;

For mileage, in attending any such board, five cents for every mile, out and in, to be computed from the court-house to his residence;

The clerk of each county, for advertising any special election, two dollars;

The clerk of any board of county canvassers, for each day's service, one dollar and fifty cents.

116. *And be it enacted*, That the officers and persons named in this section shall be entitled to demand and receive, for the services herein mentioned, the fees thereto respectively annexed, and no more, to be paid by the person for whom such services shall be performed:

Fees of persons named for certain services.

The judge, commissioner, or master, for issuing each subpoena, twenty cents;

For administering each oath or affirmation, ten cents;

For taking depositions, twenty cents for each folio;

The person who shall serve any subpoena, for each subpoena, twenty-five cents;

Each witness, for each day's attendance, fifty cents.

117. *And be it enacted*, That the officers herein after named shall, for the services herein mentioned, receive the fees thereto annexed, to wit: the secretary of state, for giving to the clerk of a county such notice of an election as is required by the fourth and seventh sections of this act, the sum of fifty cents for each notice, and also all postage incurred by him, if any, in giving such notice, to be paid by the treasurer of the state; the clerk of a county, for making out and transmitting to the clerk of each township a copy of such notice received from the secretary of state, and also for giving such notice as is required by the fifth section of this act, the sum of fifty cents for each notice or copy of notice, together with all postage, if any, necessarily incurred by him in transmitting the same, to be paid by the collectors of the counties, respectively, in which such services shall be performed.

Fees of secretary of state and county clerk for notices of election.

Approved, April 17, 1846.

AN ACT concerning the revised statutes passed at the present session of the legislature.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several acts passed by the legislature at its present session, and designated as "Revision" bills, shall take effect on the first day of February, in the year of our Lord one thousand eight hundred and forty-seven, and shall not be printed in the pamphlet laws of this session, excepting however, an act entitled, "An act for auditing the public accounts," an act entitled, "An act to regulate the state

Certain revision laws to be printed with pamphlet laws.

library," an act entitled, "An act to prescribe and declare the mode of appointing certain officers," an act entitled, "An act for the preservation of clams and oysters," an act entitled, "An act respecting the office of treasurer," and an act entitled, "An act to regulate elections;" which said last mentioned acts shall go into operation immediately, and be printed with the current laws.

Part of former
act repealed.

2. *And be it enacted*, That all acts and parts of acts, inconsistent with any thing contained in the said act entitled, "An act to regulate elections," be repealed; but such repeal shall not be construed to vacate any office, or affect any appointment held or made by virtue of any statutory provision hereby repealed, but the said appointments shall continue, and the said offices shall be held, in the same manner as if such statutory provision had not been repealed.

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

Approved, April 17, 1846.

AN ACT relative to the tax and transit duty payable to the state by the New Jersey Railroad and Transportation Company.

Amount of tax
to be paid.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the state is hereby authorized and directed to receive from the New Jersey Railroad and Transportation Company, on the first day of January of each and every year, until the year one thousand eight hundred and forty-nine, the sum of four thousand dollars per annum, being the tax of one-fourth per centum on their capital stock paid in; *provided however*, that nothing herein contained shall in any wise affect the payments to the state, by the said company thereafter, of the tax of one half per centum required by the eighteenth section of the act incorporating said company.

2. *And be it enacted*, That it shall be the duty of the treasurer of the aforesaid company, in addition to the returns now required by law, to make hereafter, in each and every year, quarterly returns, under oath or affirmation, to the treasurer of this state, of the whole amount of moneys received by the said company from passengers, for whom the said company are subject by law to pay transit duties to the state; and the treasurer of said company shall thereupon pay quarterly, in each and every year, to the treasurer of this state, the sum of eight cents for every dollar so received in payment of the transit duties chargeable for passengers on said company, by their act of incorporation.

Treasurer of company to make quarterly returns.

3. *And be it enacted*, That this act shall go into effect as soon as the board of directors of the New Jersey Railroad and Transportation Company shall certify their acceptance of the same, as a supplement to and part of the charter of the said company, under the hands of the president and secretary and the corporate seal of said company, and file the same in the office of the secretary of state; a certified copy of which certificate of acceptance the secretary of this state shall cause to be published, in connection with this act, among the laws of this state, which publication shall be deemed competent and plenary evidence of such acceptance.

Act, when to take effect.

4. *And be it enacted*, That the legislature may alter, modify, or repeal this act, whenever in their opinion the public good requires it.

Act may be altered, &c.

Approved, February 18, 1846.

Whereas the legislature of the state of New Jersey did, at their late session, pass an act entitled, "An act relative to the tax and transit duty payable to the state by the New Jersey Railroad and Transportation Company;" and whereas the third section of the said act enacts "that this act shall not go into effect until the board of directors of the New Jersey Railroad and Transportation Company shall certify their acceptance of the same, as a supplement to and part of the charter of the said company, under the hands of the president and secretary and the corporate seal of said company, and file the same in the office of the secretary of this state, a certified copy of which certificate of acceptance the secretary of this state shall cause to be published, in connection with this act, among the laws of this state, which publication shall be deemed competent and plenary evidence of such acceptance,"—Be it therefore hereby certified, that the New Jersey Railroad and

Acceptance.

Transportation Company do accept this said act, as a supplement to and part of the charter of said company.

Witness the hands of the president and secretary, and the seal of the said the New Jersey Railroad and Transportation Company, this twenty-ninth day of April, in the year of our Lord one thousand eight hundred and forty-six.

JOHN S. DARCY, [L. s.]
Prest. N. J. R. R. & T. Co.

JOHN P. JACKSON,
Sec. N. J. R. R. and T. Co.

A true copy.

CHARLES G. MCCHESENEY,
Sec'y of State.

JOINT RESOLUTIONS.

To authorize payment to the commissioners for selecting a site for the New Jersey State Lunatic Asylum, not provided for in the act approved March twenty-sixth, eighteen hundred and forty-five.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby authorized and required to pay three hundred and sixty-four dollars and thirty-four cents, out of the state treasury, to Daniel Haines, Thomas Arrowsmith, John S. Condit, Joseph Saunders, and Maurice Beesley, commissioners appointed to select a site for the erection of the State Lunatic Asylum, being the expense incurred by said commissioners for advertising, postage, and travelling expenses while in the prosecution of their duties; and the committee on the treasurer's accounts is authorized to allow the same, in the settlement of his accounts.

Approved, January 22, 1846.

Treasurer authorized to pay expenses of commissioners.

Relative to the pilot system.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the act of Congress, of March second, eighteen hundred and thirty-seven, entitled, "An act concerning pilots, authorizing the commander of any vessel coming into or going out of any port situate upon waters which are the boundary between two states, to employ any pilot duly licensed or authorized by the laws of either of the states bounded on the said waters to pilot said vessel to and from said ports, has, in the opinion of this legislature, been a useful and salutary law, and that the operation of the same has materially diminished the perils to which ships and cargoes, and the lives of those, both passengers and crew, who navigate the ocean are exposed.

Resolved, That the act in question, by producing competition, has stimulated exertion, secured to the most active and enterprising the fair rewards of their labour, and aroused from their lethargy those who are content to gain an easy living without effort and without exposure, while enjoying the monopoly allowed them by the regulations existing before the passage of that act and of the New Jersey pilot laws.

Resolved, That, in the opinion of this legislature, the said act is within the range of the constitutional power of Congress to regulate commerce among the several states, and that its constitutionality may be considered as settled by the decision pronounced by the highest judicial tribunal of the Union, in the well known steamboat controversy; and, while we would regret and oppose any encroachment by the general government upon the powers of the states, we call on that government to maintain in its full vigour a power legitimately belonging to it, and the operation of which, as exercised by the act of Congress before referred to, has been useful and salutary, beneficial to commerce, and injurious to none but those who enjoyed the profits of a monopoly.

Resolved, That our senators and representatives in Congress be earnestly requested to use their best efforts to prevent the repeal of the said act.

Resolved, That the secretary of state be directed to transmit a certified copy of these resolutions to each of the senators and representatives in Congress from this state.

Approved, January 27, 1846.

To authorize further payment to Samuel P. Hull, for printing votes and proceedings of Senate, in the year eighteen hundred and forty-five.

Payment to S. P. Hull authorized.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby authorized and required to pay to Samuel P. Hull two hundred and ninety-four dollars and fifty cents, being the balance deducted from his bill for printing the journal of the first Senate of this state.

Approved, February 27, 1846.

Concerning the late shipwrecks upon the coast of New Jersey.

Governor authorized to appoint commissioners.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That, in order to prosecute thoroughly the investigation of the charges against citizens of this state, in the vicinity of the vessels recently wrecked on the Monmouth coast, the governor be authorized to appoint three commissioners, with power to send for persons and papers, and to examine witnesses under oath, touching the said charges.

Compensation.

Resolved, That the governor be authorized to draw from the treasury, such sum or sums of money as may be necessary to defray the reasonable expense of such investigation.

Approved, March 5, 1846.

Concerning the Law Association.

\$100 granted to Law Association.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be, and he hereby is authorized and directed to pay over to the librarian of the Law Association of this state one hundred dollars, to be expended towards the increase of the library of said association.

Approved, March 12, 1846.

To appropriate certain rooms in the state buildings for the use of the New Jersey Historical Society.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the room in the public buildings of the state over the office of the clerk of the supreme court, and such one of the vaults attached to the treasurer's office as the treasurer shall designate, be, and the same are hereby appropriated to the use of the New Jersey Historical Society, for the purposes of their library and the deposit and safe-keeping of their valuable documents and other collections; *provided* the said society shall determine, at their next annual meeting, to locate their library at the seat of government, and elect to use and occupy the same.

Certain rooms in state buildings appropriated to Historical Society.

Approved, March 18, 1846.

Relative to the removal of obstructions to the navigation of the river Delaware.

WHEREAS the bar which has formed in the river Delaware, below the head of tide water near Periwig island, is a serious obstruction to the navigation, at a place over which property of great value, belonging to citizens of New York, Pennsylvania, and New Jersey, passes annually from the interior to the sea-board, and over which, during the last war, the military stores of the general government had to be transported; and whereas it is the duty of Congress to keep in good order a channel, the unobstructed passage of which is at all times highly convenient to the commerce of the country, and which may be of essential service to the military operations of the nation; and whereas it is believed that said obstruction can be removed, and prevented from again forming, at a reasonable expense—therefore,

Preamble.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the importance of accomplishing the above mentioned object, should commend it to the early and serious attention of Congress, and that our senators and representatives in that body are requested to use their efforts to procure a suitable appropriation for that purpose.

Senators and representatives requested to use their efforts, &c.

Governor to
transmit copies.

Resolved, That the governor be requested to forward a copy of these resolutions to each of our senators and representatives in Congress.

Approved, March 20, 1846.

Authorizing the sale and conveyance of a certain lot of land in Paterson, to certain persons therein named.

Preamble.

WHEREAS a certain lot of land, situate in the township of Paterson, in the county of Passaic, and state of New Jersey, by indenture, bearing date the twenty-ninth day of July, eighteen hundred and forty-five, was conveyed by Nathaniel B. Lane, sheriff of said county, to the state of New Jersey, to satisfy, in part, a certain debt due and owing to the trustees for the support of free schools; and whereas Edwin Laffan and David B. Rising, of the city of New York, propose to purchase said lot for the sum of seven hundred and twenty dollars, lawful money, which is esteemed a fair price for the same—therefore,

Attorney general authorized to make conveyance.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the attorney general be authorized and directed to execute, in the name of the state of New Jersey, a good and sufficient deed of conveyance, under his hand and seal, conveying said lot of land, with the appurtenances, to the said Edwin Laffan and David B. Rising, equally, in fee-simple as tenants in common, and that he deliver said deed, after having acknowledged the execution thereof before some proper officer, to the treasurer of this state, who is authorized and directed to deliver the same to the said Edwin Laffan and David B. Rising, upon their paying or securing the payment of the aforesaid sum of seven hundred and twenty dollars to the said trustees for the support of free schools.

Approved, March 31, 1846.

To provide for the safe-keeping of the state buildings and grounds in the city of Trenton.

Preamble.

WHEREAS the state house has been repaired, and large and important additions made thereto, for the accommodation of

the state officers, and the convenience of those who have business to transact with them, in doing which a large sum of money has been expended; and whereas the public grounds adjacent to the state house are to be graded and planted with suitable trees, and it is thus rendered important that the buildings and grounds should be well cared for and kept in proper condition and repair—therefore,

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the state house and adjacent public grounds be, and hereby are put under the care and safe-keeping of the treasurer of the state; that the doorkeepers of the two houses, immediately after the legislature have adjourned, shall deliver to the said treasurer all the keys of their respective houses, which shall be safely kept in his office until the next meeting of the legislature; that when the courts are not in session, the keys of the respective court rooms shall also be deposited with him for safe-keeping; and it shall be the duty of the said treasurer to have the general supervision and care of said buildings and grounds, to preserve them from injury and to provide for their being kept in proper order, for which services he shall receive the sum of seventy-five dollars per year, to be paid out of any moneys in the treasury not otherwise appropriated.

Treasurer to have charge of state house, &c.

Approved, April 9, 1846.

Authorizing the treasurer to borrow money.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the state be, and he hereby is authorized to borrow, from time to time, for the use of the state, such sum or sums of money as may be necessary to meet the expenses authorized by law, not exceeding forty thousand dollars, at a rate of interest not to exceed six per centum per annum.

Treasurer authorized to borrow money.

Approved, April 17, 1846.

Respecting light-house on Tuckers beach or Absecomb beach.

Preamble.

WHEREAS the erection of a light-house on Tuckers beach, or Absecomb beach, as the commissioners may think most eligible, would greatly promote the safety of vessels navigating the Atlantic coast, and thereby conduce to the interests of navigation and commerce; and whereas an application from the citizens of this state for an appropriation for such object is now before Congress—therefore,

Senators, &c.,
requested to obtain appropriation, &c.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our senators and representatives in Congress be requested to use their influence to obtain a sufficient appropriation for the purpose of constructing a light-house as aforesaid.

Governor to transmit copies.

Resolved, That the governor of this state be requested to forward to each of our senators and representatives a copy of these resolutions.

Approved, April 17, 1846.

Relative to the tariff system.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That it is the duty of the United States, in the regulation of commercial intercourse with foreign nations, so to adjust imposts that sufficient revenue may be raised, and a fair and competent protection of the labour and industry of the people secured.

Resolved, That the tariff of eighteen hundred and forty-two, having replenished an exhausted treasury, and relieved the country from severe distress, while it ensures ample revenue and sufficient protection, should in its general provisions be faithfully sustained, and that just and increasing alarm is produced by any effort to repeal or essentially modify the same, such efforts tending, of necessity, to discourage domestic industry, by subjecting it to the competition of unlimited capital allied to the impoverished labour of foreign countries, and to impair confidence in the policy, credit, and currency of the country.

Resolved, That the senators and representatives of this state in Congress be requested to use every proper and honourable effort to prevent the repeal or material alteration of the laws now in force imposing duties on foreign imports.

Resolved, That the governor of this state be requested to transmit a copy of the above resolutions to each of the senators and representatives aforesaid.

Approved, April 17, 1846.

Relative to the distribution of the revised laws.

BE IT RESOLVED, *by the Senate and General Assembly of the State of New Jersey*, That in the distribution of the revised laws, a copy be furnished to each member of the present legislature, and to the secretary of the Senate and the clerk of the House of Assembly. Distribution of revised laws.

Approved, April 17, 1846.



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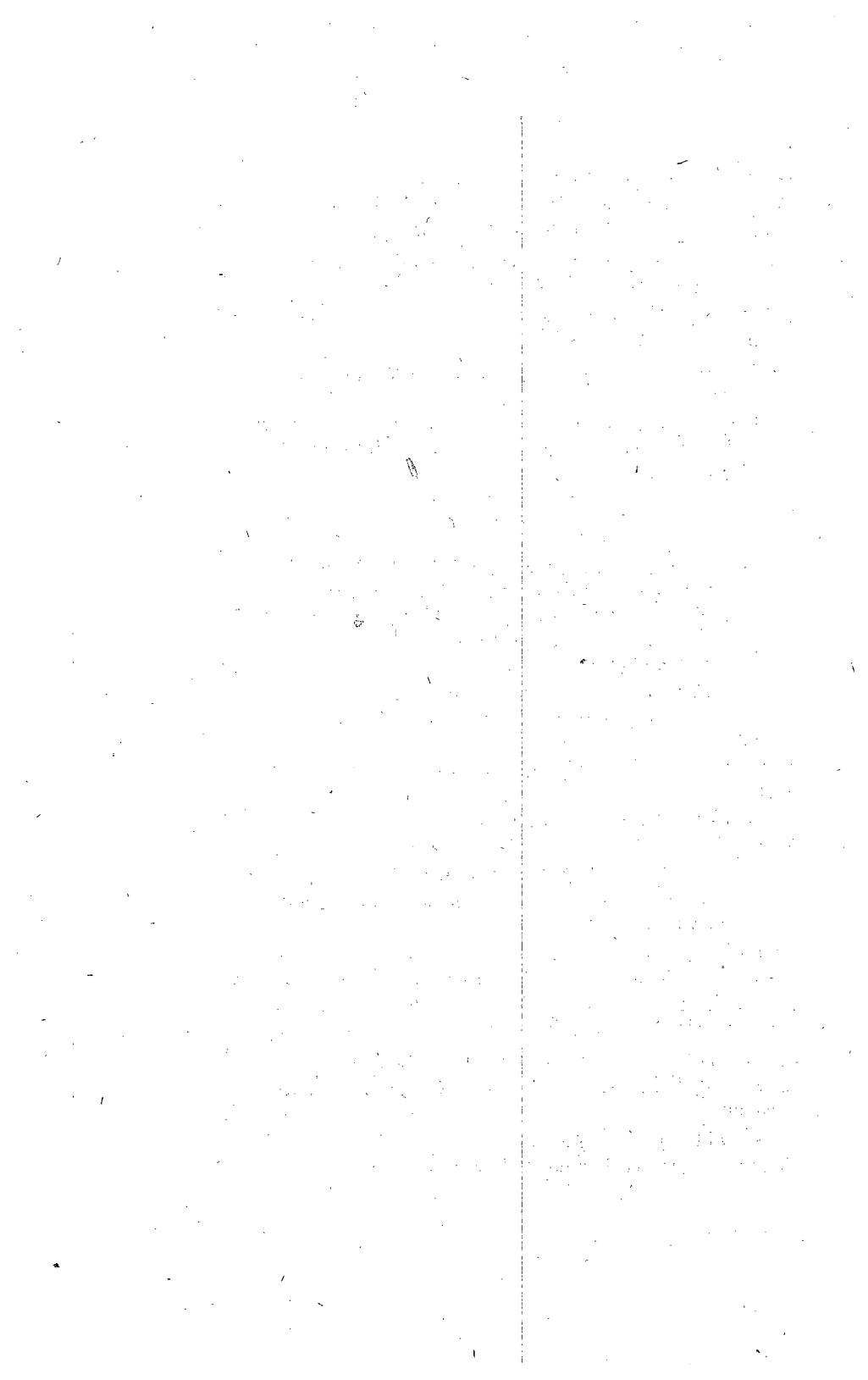
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