

ACTS

RESOLUTION NO. 32989

OF THE

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SIXTY-NINTH LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

FIRST SESSION UNDER THE NEW CONSTITUTION.



TRENTON:

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1845.

ACTS OF 1845.

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CONSTITUTION
OF THE
STATE OF NEW JERSEY.

A CONSTITUTION,

Agreed upon by the delegates of the people of New Jersey, in convention, begun at Trenton, on the fourteenth day of May, and continued to the twenty-ninth day of June, in the year of our Lord one thousand eight hundred and forty-four.

WE, the people of the State of New Jersey, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavours to secure and transmit the same unimpaired to succeeding generations, do ordain and establish this constitution.

ARTICLE I.

RIGHTS AND PRIVILEGES.

1. All men are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right at all times to alter or reform the same, whenever the public good may require it.

3. No person shall be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience; nor under any pretence whatever be compelled to attend any place of worship contrary to his faith and judgment; nor shall any person be obliged to

pay tithes, taxes, or other rates for building or repairing any church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately and voluntarily engaged to perform.

4. There shall be no establishment of one religious sect, in preference to another: no religious test shall be required as a qualification for any office or public trust; and no person shall be denied the enjoyment of any civil right merely on account of his religious principles.

5. Every person may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

6. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the papers and things to be seized.

7. The right of trial by jury shall remain inviolate; but the legislature may authorize the trial of civil suits, when the matter in dispute does not exceed fifty dollars, by a jury of six men.

8. In all criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel in his defence.

9. No person shall be held to answer for a criminal offence, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy: or in the militia, when in actual service in time of war or public danger.

10. No person shall after acquittal, be tried for the same offence. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offences, when the proof is evident or presumption great.

11. The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion the public safety may require it.

12. The military, shall be in strict subordination to the civil power.

13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war except in a manner prescribed by law.

14. Treason against the state shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

15. Excessive bail shall not be required, excessive fines shall not be imposed, and cruel and unusual punishments shall not be inflicted.

16. Private property shall not be taken for public use, without just compensation; but land may be taken for public highways as heretofore until the legislature shall direct compensation to be made.

17. No person shall be imprisoned for debt in any action, or on any judgment founded upon contract, unless in cases of fraud; nor shall any person be imprisoned for a militia fine in time of peace.

18. The people have the right freely to assemble together, to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

19. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

ARTICLE II.

RIGHT OF SUFFRAGE.

1. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of this state one year, and of the county in which he claims his vote five months, next before the election, shall be entitled to vote for all officers that now are, or hereafter may be elective by the people; *provided*, that no person in the military, naval, or marine service of the United States shall be considered a resident in this state, by being stationed in any garrison, barrack, or military or naval place or station within this state; and no pauper, idiot, insane person, or person convicted of a crime which now excludes him from being a witness unless pardoned or restored by law to the right of suffrage, shall enjoy the right of an elector.

2. The legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of bribery at elections.

ARTICLE III.

DISTRIBUTION OF THE POWERS OF GOVERNMENT.

1. The powers of the government shall be divided into three distinct departments,—the legislative, executive, and judicial; and no person or persons belonging to, or constituting one of these departments, shall exercise any of the powers properly belonging to either of the others, except as herein expressly provided.

ARTICLE IV.

LEGISLATIVE.

Section I.

1. The legislative power shall be vested in a Senate and General Assembly.

2. No person shall be a member of the Senate who shall not have attained the age of thirty years, and have been a citizen and inhabitant of the state for four years, and of the county for which he shall be chosen one year, next before his election; and no person shall be a member of the General Assembly who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the state for two years, and of the county for which he shall be chosen one year next before his election; *provided*, that no person shall be eligible as a member of either house of the legislature, who shall not be entitled to the right of suffrage.

3. Members of the Senate and General Assembly shall be elected yearly and every year, on the second Tuesday of October; and the two houses shall meet separately on the second Tuesday in January next after the said day of election, at which time of meeting the legislative year shall commence; but the time of holding such election may be altered by the legislature.

Section II.

1. The Senate shall be composed of one senator from each county in the state, elected by the legal voters of the counties, respectively, for three years.

2. As soon as the Senate shall meet after the first election to be held in pursuance of this constitution, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the first year; of the second class at the expiration of the second year; and of the third class at the expiration of the third year; so that one class may be elected every year: and if vacancies happen, by resignation or otherwise, the persons

elected to supply such vacancies shall be elected for the unexpired terms only.

Section III.

1. The General Assembly shall be composed of members annually elected by the legal voters of the counties, respectively, who shall be apportioned among the said counties as nearly as may be according to the number of their inhabitants. The present apportionment shall continue until the next census of the United States shall have been taken, and an apportionment of members of the General Assembly shall be made by the legislature at its first session after the next and every subsequent enumeration or census, and when made shall remain unaltered until another enumeration shall have been taken; *provided*, that each county shall at all times be entitled to one member: and the whole number of members shall never exceed sixty.

Section IV.

1. Each house shall direct writs of election for supplying vacancies, occasioned by death, resignation, or otherwise; but if vacancies occur during the recess of the legislature, the writs may be issued by the governor, under such regulations as may be prescribed by law.

2. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

3. Each house shall choose its own officers, determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, may expel a member.

4. Each house shall keep a journal of its proceedings, and from time to time publish the same; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

5. Neither house, during the session of the legislature, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

6. All bills and joint resolutions shall be read three times in each house, before the final passage thereof; and no bill or joint resolution shall pass, unless there be a majority of all the members of each body personally present and agreeing

thereto; and the yeas and nays of the members voting on such final passage shall be entered on the journal.

7. Members of the Senate and General Assembly shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the state; which compensation shall not exceed the sum of three dollars per day for the period of forty days from the commencement of the session; and shall not exceed the sum of one dollar and fifty cents per day for the remainder of the session. When convened in extra-session by the governor, they shall receive such sum as shall be fixed for the first forty days of the ordinary session. They shall also receive the sum of one dollar for every ten miles they shall travel, in going to and returning from their place of meeting, on the most usual route. The president of the Senate and the speaker of the House of Assembly shall, in virtue of their offices, receive an additional compensation, equal to one-third of their per diem allowance as members.

8. Members of the Senate and General Assembly shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the sitting of their respective houses, and in going to and returning from the same: and for any speech or debate, in either house, they shall not be questioned in any other place.

Section V.

1. No member of the Senate or General Assembly shall, during the time for which he was elected, be nominated or appointed by the governor or by the legislature in joint-meeting, to any civil office under the authority of this state, which shall have been created, or the emoluments whereof shall have been increased, during such time.

2. If any member of the Senate or General Assembly shall be elected to represent this state in the Senate or House of Representatives of the United States, and shall accept thereof, or shall accept of any office or appointment under the government of the United States, his seat in the legislature of this state shall thereby be vacated:

3. No justice of the supreme court, nor judge of any other court, sheriff, justice of the peace, nor any person or persons possessed of any office of profit under the government of this state shall be entitled to a seat, either in the Senate or in the General Assembly; but on being elected and taking his seat, his office shall be considered vacant: and no person holding any office of profit under the government of the United States shall be entitled to a seat in either house.

Section VI.

1. All bills for raising revenue shall originate in the House of Assembly; but the Senate may propose or concur with amendments, as on other bills.

2. No money shall be drawn from the treasury but for appropriations made by law.

3. The credit of the state shall not be directly or indirectly loaned in any case.

4. The legislature shall not, in any manner, create any debt or debts, liability or liabilities, of the state, which shall singly or in the aggregate with any previous debts or liabilities at any time exceed one hundred thousand dollars, except for purposes of war, or to repel invasion, or to suppress insurrection, unless the same shall be authorized by a law for some single object or work, to be distinctly specified therein; which law shall provide the ways and means, exclusive of loans, to pay the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within thirty-five years from the time of the contracting thereof, and shall be irrevocable until such debt or liability, and the interest thereon, are fully paid and discharged: and no such law shall take effect until it shall, at a general election, have been submitted to the people, and have received the sanction of a majority of all the votes cast for and against it at such election: and all money to be raised by the authority of such law shall be applied only to the specific object stated therein, and to the payment of the debt thereby created. This section shall not be construed to refer to any money that has been, or may be, deposited with this state by the government of the United States.

Section VII.

1. No divorce shall be granted by the legislature.

2. No lottery shall be authorized by this state; and no ticket in any lottery not authorized by a law of this state shall be bought or sold within the state.

3. The legislature shall not pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or depriving a party of any remedy for enforcing a contract which existed when the contract was made.

4. To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.

5. The laws of this state shall begin in the following style, "Be it enacted by the Senate and General Assembly of the State of New Jersey."

6. The fund for the support of free schools, and all money stock, and other property, which may hereafter be appropriated for that purpose, or received into the treasury under the provision of any law heretofore passed to augment the said fund, shall be securely invested and remain a perpetual fund; and the income thereof, except so much as it may be judged expedient to apply to an increase of the capital, shall be annually appropriated to the support of public schools, for the equal benefit of all the people of the state; and it shall not be competent for the legislature to borrow, appropriate, or use the said fund or any part thereof, for any other purpose, under any pretence whatever.

7. No private or special law shall be passed authorizing the sale of any lands belonging in whole or in part to a minor or minors or other persons who may at the time be under any legal disability to act for themselves.

8. The assent of three-fifths of the members elected to each house shall be requisite to the passage of every law for granting, continuing, altering, amending, or renewing charters for banks or money corporations; and all such charters shall be limited to a term not exceeding twenty years.

9. Individuals or private corporations shall not be authorized to take private property for public use, without just compensation first made to the owners.

10. The legislature may vest in the circuit courts, or courts of common pleas within the several counties of this state chancery powers, so far as relates to the foreclosure of mortgages and sale of mortgaged premises.

Section VIII.

1. Members of the legislature, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear, (or affirm, as the case may be,) that I will support the constitution of the United States and the constitution of the State of New Jersey, and that I will faithfully discharge the duties of senator (or member of the General Assembly, as the case may be) according to the best of my ability."

And members elect of the Senate or General Assembly are hereby empowered to administer to each other the said oath or affirmation.

ARTICLE V.

EXECUTIVE.

1. The executive power shall be vested in a governor.

2. The governor shall be elected by the legal voters of this state. The person having the highest number of votes shall be

the governor: but if two or more shall be equal and highest in votes, one of them shall be chosen governor by the vote of a majority of the members of both houses in joint-meeting. Contested elections for the office of governor shall be determined in such manner as the legislature shall direct by law. When a governor is to be elected by the people, such election shall be held at the time when and at the places where the people shall respectively vote for members of the legislature.

3. The governor shall hold his office for three years, to commence on the third Tuesday of January next ensuing the election for governor by the people, and to end on the Monday preceding the third Tuesday of January, three years thereafter: and he shall be incapable of holding that office for three years next after his term of service shall have expired: and no appointment or nomination to office shall be made by the governor during the last week of his said term.

4. The governor shall be not less than thirty years of age, and shall have been for twenty years, at least, a citizen of the United States, and a resident of this state seven years next before his election, unless he shall have been absent during that time on the public business of the United States or of this state.

5. The governor shall, at stated times, receive for his services a compensation which shall be neither increased nor diminished during the period for which he shall have been elected.

6. He shall be the commander-in-chief of all the military and naval forces of the state; he shall have power to convene the legislature whenever in his opinion public necessity requires it; he shall communicate by message to the legislature at the opening of each session, and at such other times as he may deem necessary, the condition of the state, and recommend such measures as he may deem expedient; he shall take care that the laws be faithfully executed, and grant, under the great seal of the state, commissions to all such officers as shall be required to be commissioned.

7. Every bill which shall have passed both houses shall be presented to the governor: if he approve he shall sign it, but if not he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it; if, after such reconsideration, a majority of the whole number of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved of by a majority of the whole number of that house, it shall become a law; but, in neither house shall the vote be taken on the same day on which the bill shall be returned to it: and in all such cases, the votes of

both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor, within five days (Sunday excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislature by their adjournment, prevent its return in which case it shall not be a law.

8. No member of Congress, or person holding an office under the United States, or this state, shall exercise the office of governor; and in case the governor, or person administering the government shall accept any office under the United States or this state, his office of governor shall thereupon be vacant.

9. The governor or person administering the government, shall have power to suspend the collection of fines and forfeitures, and to grant reprieves, to extend until the expiration of a time not exceeding ninety days after conviction; but this power shall not extend to cases of impeachment.

10. The governor, or person administering the government, the chancellor, and the six judges of the court of errors and appeals, or a major part of them, of whom the governor, or person administering the government, shall be one, may remit fines and forfeitures, and grant pardons, after conviction, in all cases except impeachment.

11. The governor and all other civil officers under this state shall be liable to impeachment for misdemeanor in office during their continuance in office and for two years thereafter.

12. In case of the death, resignation or removal from office of the governor, the powers, duties, and emoluments of the office shall devolve upon the president of the Senate, and in case of his death, resignation or removal, then upon the speaker of the House of Assembly for the time being, until another governor shall be elected and qualified; but in such case another governor shall be chosen at the next election for members of the legislature, unless such death, resignation, or removal, shall occur within thirty days immediately preceding such next election, in which case a governor shall be chosen at the second succeeding election for members of the legislature. When a vacancy happens, during the recess of the legislature in any office which is to be filled by the governor and Senate, or by the legislature in joint-meeting, the governor shall fill such vacancy and the commission shall expire at the end of the next session of the legislature, unless a successor shall be sooner appointed: when a vacancy happens in the office of clerk or surrogate of any county, the governor shall fill such vacancy, and the commission shall expire when a successor is elected and qualified.

13. In case of the impeachment of the governor, his absence from the state or inability to discharge the duties of his office, the powers, duties and emoluments of the office shall devolve upon the president of the Senate; and in case of his death, resignation or removal, then upon the speaker of the House of Assembly for the time being, until the governor absent, or impeached shall return or be acquitted, or until the disqualification or inability shall cease, or until a new governor be elected and qualified.

14. In case of a vacancy in the office of governor from any other cause than those herein enumerated, or in case of the death of the governor elect before he is qualified into office, the powers, duties and emoluments of the office shall devolve upon the president of the Senate or speaker of the House of Assembly, as above provided for, until a new governor be elected and qualified.

ARTICLE VI.

JUDICIARY.

Section I.

1. The judicial power shall be vested in a court of errors and appeals in the last resort in all causes as heretofore; a court for the trial of impeachments; a court of chancery; a prerogative court; a supreme court; circuit courts, and such inferior courts as now exist, and as may be hereafter ordained and established by law; which inferior courts the legislature may alter or abolish, as the public good shall require.

Section II.

1. The court of errors and appeals shall consist of the chancellor, the justices of the supreme court, and six judges, or a major part of them; which judges are to be appointed for six years.

2. Immediately after the court shall first assemble, the six judges shall arrange themselves in such manner that the seat of one of them shall be vacated every year, in order that thereafter one judge may be annually appointed.

3. Such of the six judges as shall attend the court shall receive, respectively, a per diem compensation, to be provided by law.

4. The secretary of state shall be the clerk of this court.

5. When an appeal from an order or decree shall be heard the chancellor shall inform the court, in writing, of the reasons for his order or decree; but he shall not sit as a member, or have a voice in the hearing or final sentence.

6. When a writ of error shall be brought, no justice who

has given a judicial opinion in the cause in favour of or against any error complained of, shall sit as a member; or have a voice on the hearing, or for its affirmance or reversal; but the reasons for such opinion shall be assigned to the court in writing.

Section III.

1. The House of Assembly shall have the sole power of impeaching by a vote of a majority of all the members; and all impeachments shall be tried by the Senate: the members, when sitting for that purpose, to be on oath or affirmation "truly and impartially to try and determine the charge in question according to evidence": and no person shall be convicted without the concurrence of two-thirds of all the members of the Senate.

2. Any judicial officer impeached shall be suspended from exercising his office until his acquittal.

3. Judgment in cases of impeachment shall not extend farther than to removal from office, and to disqualification to hold and enjoy any office of honour, profit or trust under this state: but the party convicted shall nevertheless be liable to indictment, trial and punishment according to law.

4. The secretary of state shall be the clerk of this court.

Section IV.

1. The court of chancery shall consist of a chancellor.

2. The chancellor shall be the ordinary or surrogate general, and judge of the prerogative court.

3. All persons aggrieved by any order, sentence, or decree of the orphans' court, may appeal from the same, or from any part thereof to the prerogative court; but such order, sentence, or decree shall not be removed into the supreme court, or circuit court if the subject matter thereof be within the jurisdiction of the orphans' court.

4. The secretary of state shall be the register of the prerogative court, and shall perform the duties required of him by law in that respect.

Section V.

1. The supreme court shall consist of a chief justice and four associate justices. The number of the associate justices may be increased or decreased by law, but shall never be less than two.

2. The circuit courts shall be held in every county of this state, by one or more of the justices of the supreme court, or a judge appointed for that purpose; and shall in all cases within the county, except in those of a criminal nature, have common law jurisdiction, concurrent with the supreme court;

and any final judgment of a circuit court may be docketed in the supreme court and shall operate as a judgment obtained in the supreme court from the time of such docketing.

3. Final judgments in any circuit court may be brought by writ of error into the supreme court, or directly into the court of errors and appeals.

Section VI.

1. There shall be no more than five judges of the inferior court of common pleas in each of the counties in this state after the terms of the judges of said court now in office shall terminate. One judge for each county shall be appointed every year, and no more, except to fill vacancies which shall be for the unexpired term only.

2. The commissions for the first appointments of judges of said court shall bear date and take effect on the first day of April next; and all subsequent commissions for judges of said court shall bear date and take effect on the first day of April in every successive year, except commissions to fill vacancies which shall bear date and take effect when issued.

Section VII.

1. There may be elected under this constitution, two, and not more than five, justices of the peace in each of the townships of the several counties of this state, and in each of the wards, in cities that may vote in wards. When a township or ward contains two thousand inhabitants or less, it may have two justices; when it contains more than two thousand inhabitants, and not more than four thousand, it may have four justices; and when it contains more than four thousand inhabitants, it may have five justices: *provided*, that whenever any township not voting in wards contains more than seven thousand inhabitants, such township may have an additional justice for each additional three thousand inhabitants above four thousand.

2. The population of the townships in the several counties of the state and of the several wards shall be ascertained by the last preceding census of the United States, until the legislature shall provide, by law, some other mode of ascertaining it.

ARTICLE VII.

APPOINTING POWER AND TENURE OF OFFICE.

Section I.

MILITIA OFFICERS.

1. The legislature shall provide by law for enrolling, organizing and arming the militia.

2. Captains, subalterns, and non-commissioned officers shall be elected by the members of their respective companies.

3. Field officers of regiments, independent battalions, and squadrons, shall be elected by the commissioned officers of their respective regiments, battalions or squadrons.

4. Brigadier generals, shall be elected by the field officers of their respective brigades.

5. Major generals, shall be nominated by the governor, and appointed by him, with the advice and consent of the Senate.

6. The legislature shall provide, by law, the time and manner of electing militia officers, and of certifying their elections to the governor, who shall grant their commissions, and determine their rank, when not determined by law; and no commissioned officer shall be removed from office, but by the sentence of a court martial pursuant to law.

7. In case the electors of subalterns, captains, or field officers, shall refuse or neglect to make such elections, the governor shall have power to appoint such officers, and to fill all vacancies caused by such refusal or neglect.

8. Brigade inspectors shall be chosen by the field officers of their respective brigades.

9. The governor shall appoint the adjutant general, quartermaster general, and all other militia officers, whose appointment is not otherwise provided for in this constitution.

10. Major generals, brigadier generals and commanding officers of regiments, independent battalions, and squadrons, shall appoint the staff officers of their divisions, brigades, regiments, independent battalions, and squadrons respectively.

Section II.

CIVIL OFFICERS.

1. Justices of the supreme court, chancellor, and judges of the court of errors and appeals, shall be nominated by the governor, and appointed by him, with the advice and consent of the Senate.

The justices of the supreme court and chancellor, shall hold their offices for the term of seven years: shall at stated times, receive for their services a compensation which shall not be diminished during the term of their appointments; and they shall hold no other office under the government of this state or of the United States.

2. Judges of the courts of common pleas shall be appointed by the Senate and General Assembly, in joint-meeting.

They shall hold their offices for five years; but when appointed to fill vacancies, they shall hold for the unexpired term only.

3. The state treasurer, and the keeper and inspectors of the

state prison shall be appointed by the Senate and General Assembly in joint-meeting.

They shall hold their offices for one year, and until their successors shall be qualified into office.

4. The attorney general, prosecutors of the pleas, clerk of the supreme court, clerk of the court of chancery, and secretary of state shall be nominated by the governor and appointed by him with the advice and consent of the Senate.

They shall hold their offices for five years.

5. The law reporter shall be appointed by the justices of the supreme court or a majority of them; and the chancery reporter shall be appointed by the chancellor.

They shall hold their offices for five years.

6. Clerks and surrogates of counties shall be elected by the people of their respective counties, at the annual elections for members of the General Assembly.

They shall hold their offices for five years.

7. Sheriffs and coroners, shall be elected annually by the people of their respective counties at the annual elections for members of the General Assembly.

They may be re-elected until they shall have served three years but no longer; after which, three years must elapse, before they can be again capable of serving.

8. Justices of the peace shall be elected by ballot at the annual meetings of the townships in the several counties of the state, and of the wards in cities that may vote in wards, in such manner and under such regulations as may be hereafter provided by law.

They shall be commissioned for the county, and their commissions shall bear date and take effect on the first day of May next after their election.

They shall hold their offices for five years; but when elected to fill vacancies, they shall hold for the unexpired term only; *provided*, that the commission of any justice of the peace shall become vacant upon his ceasing to reside in the township in which he was elected.

The first election for justices of the peace shall take place at the next annual town meetings of the townships in the several counties of the state, and of the wards in cities, that may vote in wards.

9. All other officers, whose appointments are not otherwise provided for by law, shall be nominated by the governor and appointed by him with the advice and consent of the Senate; and shall hold their offices for the time prescribed by law.

10. All civil officers elected or appointed, pursuant to the provisions of this constitution shall be commissioned by the governor.

11. The term of office of all officers elected or appointed

pursuant to the provisions of this constitution, except when herein otherwise directed, shall commence on the day of the date of their respective commissions; but no commission for any office shall bear date prior to the expiration of the term of the incumbent of said office.

ARTICLE VIII.

GENERAL PROVISIONS.

1. The secretary of state shall be ex officio an auditor of the accounts of the treasurer, and as such, it shall be his duty to assist the legislature in the annual examination and settlement of said accounts, until otherwise provided by law.

2. The seal of the state shall be kept by the governor or person administering the government, and used by him officially, and shall be called the Great Seal of the State of New Jersey.

3. All grants and commissions shall be in the name and by the authority of the State of New Jersey, sealed with the great seal, signed by the governor or person administering the government, and countersigned by the secretary of state, and shall run thus: "The State of New Jersey, to ———, greeting." All writs shall be in the name of the state; and all indictments shall conclude in the following manner, *viz*: "against the peace of this state the government and dignity of the same."

4. This constitution shall take effect and go into operation on the second day of September in the year of our Lord, one thousand eight hundred and forty-four.

ARTICLE IX.

AMENDMENTS.

Any specific amendment or amendments, to the constitution may be proposed in the Senate or General Assembly, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature then next to be chosen, and shall be published for three months previous to making such choice, in at least one newspaper of each county, if any be published therein; and if in the legislature, next chosen, as aforesaid, such proposed amendment or amendments, or any of them, shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments, or such of them as may have been agreed to as aforesaid by the two legislatures, to the people, in such manner and at such time at

least four months after the adjournment of the legislature, as the legislature shall prescribe; and if the people at a special election, to be held for that purpose only, shall approve and ratify such amendment or amendments, or any of them by a majority of the electors qualified to vote for members of the legislature voting thereon, such amendment or amendments so approved and ratified shall become part of the constitution: *provided*, that if more than one amendment be submitted, they shall be submitted in such manner and form that the people may vote for, or against each amendment separately and distinctly; but no amendment or amendments shall be submitted to the people by the legislature oftener than once in five years.

ARTICLE X.

SCHEDULE.

That no inconvenience may arise from the change in the constitution of this state, and in order to carry the same into complete operation, it is hereby declared and ordained, that—

1. The common law and statute laws now in force not repugnant to this constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the legislature; and all writs, actions, causes of action, prosecutions, contracts, claims and rights of individuals and of bodies corporate, and of the state, and all charters of incorporation, shall continue, and all indictments which shall have been found, or which may hereafter be found, for any crime or offence committed before the adoption of this constitution, may be proceeded upon as if no change had taken place. The several courts of law and equity, except as herein otherwise provided, shall continue with the like powers and jurisdiction as if this constitution had not been adopted.

2. All officers now filling any office or appointment, shall continue in the exercise of the duties thereof, according to their respective commissions or appointments, unless, by this constitution it is otherwise directed.

3. The present governor, chancellor and ordinary or surrogate general, and treasurer shall continue in office until successors elected or appointed under this constitution shall be sworn or affirmed into office.

4. In case of the death, resignation, or disability of the present governor, the person who may be vice president of Council at the time of the adoption of this constitution shall continue in office and administer the government until a governor shall have been elected and sworn or affirmed into office under this constitution.

5. The present governor, or in case of his death or ina-

bility to act, the vice president of Council, together with the present members of the Legislative Council and secretary of state shall constitute a board of state canvassers, in the manner now provided by law, for the purpose of ascertaining and declaring the result of the next ensuing election for governor, members of the House of Representatives and electors of president and vice president.

6. The returns of the votes for governor, at the said next ensuing election shall be transmitted to the secretary of state, the votes counted, and the election declared, in the manner now provided by law in the case of the election of electors of president and vice president.

7. The election of clerks and surrogates, in those counties where the term of office of the present incumbents shall expire previous to the general election of eighteen hundred and forty-five, shall be held at the general election next ensuing the adoption of this constitution; the result of which election shall be ascertained in the manner now provided by law for the election of sheriffs.

8. The elections for the year eighteen hundred and forty-four shall take place as now provided by law.

9. It shall be the duty of the governor to fill all vacancies in office happening between the adoption of this constitution and the first session of the Senate, and not otherwise provided for; and the commissions shall expire at the end of the first session of the Senate, or when successors shall be elected or appointed and qualified.

10. The restriction of the pay of members of the legislature, after forty days from the commencement of the session, shall not be applied to the first legislature convened under this constitution.

11. Clerks of counties shall be clerks of the inferior courts of common pleas and quarter-sessions of the several counties, and perform the duties, and be subject to the regulations now required of them by law until otherwise ordained by the legislature.

12. The legislature shall pass all laws necessary to carry into effect the provisions of this constitution.

Done in convention, at the State House in Trenton, on the twenty-ninth day of June, in the year of our Lord one thousand eight hundred and forty-four, and of the independence of the United States of America the sixty-eighth.

ALEXANDER WURTS,

President of the Convention.

WILLIAM PATERSON, *Secretary.*

TH: J. SAUNDERS, *Assist. Sec'y.*

NEW JERSEY, ss.

Be it remembered, that on the twenty-ninth day of June, in the year of our Lord one thousand eight hundred and forty-four, the above constitution was delivered to the governor of this state, in open convention, by the president thereof; and it is thereupon, by the said governor, ordered and directed that the same be filed in the office of the secretary of state.

DAN'L. HAINES, *Gov. of N. J.*

STATE OF NEW JERSEY, ss.

The within constitution was delivered by His Excellency Daniel Haines, governor of this state, to me, in open convention, and is, by his order, filed in my office this 29th June, 1844.

CHARLES G. McCHESNEY,
Secretary of State.

A true copy.

CHARLES G. McCHESNEY, *Sec'y of State.*



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

AN ACT to incorporate the Mutual Benefit Life Insurance
Company.

*BE IT ENACTED by the Senate and General Assembly of the
State of New Jersey, as follows:*

SEC. 1. Thomas V. Johnson, William M. Simpson, Jesse Baldwin, James L. Dickerson, Henry McFarlan, Thomas B. Segur, Charles S. Macknet, Guy M. Hinchman, Samuel Meeker, Robert L. Patterson, Marcus L. Ward, Lewis C. Grover, and others, their associates, successors, and assigns, shall be, and are hereby ordained, constituted, and declared to be a body politic and corporate, in fact and in name, by the name of "the Mutual Benefit Life Insurance Company," to be located at Newark, in this state; and by that name they and their successors shall and may have succession during the continuance of this act, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions, suits, complaints, matters, and causes whatever; and that they and their successors may have a common seal, and may alter and change the same at pleasure; and, also, that they and their successors, by the name of "the Mutual Benefit Life Insurance Company," shall be in law capable of purchasing, holding, and conveying any estate, real or personal, for the use of the said corporation; *provided* the lands, tenements, and hereditaments which it shall be lawful for the said corporation to hold,

Names of corpor-
ators.

Style of incor-
poration.

General pow-
ers.

be only such as shall be requisite for the purpose of erecting buildings thereon, in which to meet and transact the business of the corporation, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgments or decrees which shall have been obtained for such debts; and with regard to all such lands, tenements, and hereditaments, so to be held by the said corporation as aforesaid, except such as may be for its immediate accommodation as aforesaid, or such as it may hold by way of mortgage, whereof the actual possession shall be and remain in the mortgagors, their heirs and assigns, the corporation shall be bound to sell and dispose of, respectively, within five years after it shall acquire the same, and shall not be capable of holding the same after the expiration of five years.

SEC. 2. All persons who shall at any time hereafter ensure in or with the said association shall, while they continue so ensured, be deemed and taken as members of the said corporation; and that the property and concerns of the said corporation shall be conducted and managed by twelve directors, a majority of whom shall be citizens and residents of this state, and none of whom shall hold the like office or agency in any other insurance company in this state, to be chosen, by ballot, by and from among the members, and shall hold their office for one year and until others are chosen; and the said directors and officers may always be re-elected, but one-fourth part or number of the directors must be re-elected every year, for which purpose, at their first meeting, they must divide themselves in four sets or classes, of three each; the term of the first class shall expire at the end of one year, the term of the second class shall expire at the end of two years, the term of the third class shall expire at the end of three years, the term of the fourth class shall expire at the end of four years, and so on successively; the seats of these classes shall be supplied by the members of this corporation; and that the election for directors shall be held on the third Monday of January, in every year, at the office of the company, or such other place as a majority of the directors may previously designate, public notice of which shall be given by the secretary, in one or more newspapers printed or circulating in the county of Essex, at least two weeks previous to the time of holding such election; and if any of the said directors shall die, refuse to serve, or neglect to act in their said office for the space of two months, then and in every such case the remaining directors shall have power to fill such vacancy or vacancies until the next annual election; and in case it should happen that an election for directors should not be held on the

Persons ensured
to be members
of the company.

Directors, how
chosen.

Election for di-
rectors.

Vacancies, how
supplied.

day when pursuant to this act it ought to be held, the said corporation shall not be dissolved for that cause, but it shall and may be lawful to hold an election for directors pursuant to law; and until an election for directors shall be held according to the provisions of this act, the persons named in the first section of this act shall have the direction and management of the said corporation.

Corporation not dissolved for failure to elect on day prescribed.

SEC. 3. It shall and may be lawful for the said corporation to ensure their respective lives, and to make all and every insurance appertaining to, or connected with, life risks, of whatever kind or nature, as well of the sound and healthy, as the infirm or invalid.

Corporation may ensure lives.

SEC. 4. It shall be lawful for any married woman, by herself, and in her name or in the name of any third person, with his assent, as her trustee, to cause to be ensured for her sole use, the life of her husband for any definite period, or for the term of his natural life; and in case of her surviving her husband the sum, or net amount of the insurance becoming due and payable by the terms of the insurance shall be payable to her, to and for her own use, free from the claims of the representatives of her husband, or of any of his creditors; but such exemption shall not apply when the amount of premium annually paid shall exceed three hundred dollars.

Married woman may ensure life of husband.

SEC. 5. In case of the death of the wife, before the decease of the husband, the amount of the insurance may be made payable after death to her children, for their use, and to their guardian, if under age.

Insurance, how payable in case of death of wife.

SEC. 6. It shall and may be lawful for the officers of said corporation to take the notes or obligations of the members for the amount, either in part or the whole, of the premium of insurance, in proportion to the amount ensured.

Notes may be taken for amt of insurance.

SEC. 7. The directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper for the management and disposition of the stock, property, estate, and effects of the said corporation, and for all such matters as appertain to the business thereof; and shall have power to appoint an actuary, from among themselves, and such other additional officers, clerks, and servants, for carrying on the business of said corporation, as they may select, with such allowances as to them shall appear just and satisfactory; *provided*, that such by-laws, rules, and regulations shall not be repugnant to the constitution or laws of the United States or of this state.

Powers and duties of directors.

President, how
chosen.

SEC. 8. At the first meeting of the directors held after the organization of this company, and at every annual meeting of the members in each year after, the directors shall choose, from among themselves, one person for president, who shall continue in office until the next annual meeting, and until another shall be appointed in his place.

Members to be
assessed for de-
ficiency.

SEC. 9. All policies of insurance which shall be made by the said corporation, in pursuance of this act, shall be made on such terms and conditions, and for such periods of time, and confined to such persons, as shall be from time to time ordered and prescribed by the by-laws, rules, and regulations of said corporation; and if at any time it shall so happen that there shall be just claims on the corporation for losses sustained, to a greater amount than they have funds on hand to discharge, in such cases the directors for the time being shall, with all convenient expedition, proceed to assess such deficiency, in a ratable proportion, on the members of the association, or their lawful representatives, according to the amount of each member's insurance; *provided*, that such assessment shall not exceed the amount of the note or obligation given by each member; which rates or assessment shall be approved of by a majority of the directors, and notice in writing shall be given to each member, or his lawful representative, of the assessment and amount by him, her, or them required to be paid; and each and every member, or his lawful representative so notified, shall pay the same to the treasurer for the time being, within sixty days after such notification, and in default thereof, shall forfeit all right and claim to any policy that he may have obtained, and be no longer a member of the association; and shall also be liable for the amount of such assessment, with interest, to be recovered by action of debt, with costs of suit, before any court of competent jurisdiction.

Policies forfeit-
ed for default of
payment of as-
sessment.

Meetings of di-
rectors, how
called.

SEC. 10. Three, or more, of the directors shall have power to call a meeting of the directors, by giving notice in one or more newspapers, published or circulating in the county of Essex, at least ten days before said meeting.

Funds not to be
employed in
banking.

SEC. 11. No part of the funds of said corporation shall be used for banking purposes.

Limitation.

SEC. 12. It shall be lawful for the legislature, at any time hereafter, to alter, amend, modify, or repeal this act, and that this act shall continue in operation twenty years, and no longer.

Approved, January 31, 1845.

AN ACT for the relief of Elizabeth Ferrill, of the county of Gloucester.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

The treasurer of this state be, and he hereby is authorized and directed to pay unto Elizabeth Ferrill, of the county of Gloucester, widow of the late James Ferrill, a soldier of 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.

Pension of \$30
per annum to
E. Ferrill.

Approved, February 4, 1845.

AN ACT to incorporate the Cumberland Steamboat Company of New Jersey.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. Henry L. Smalley, Charles E. Elmer, John S. Wood, Edmund Davis, George Ayres, Francis Bacon, and William D. Barrett, and all such persons as are now members or partners of an association called and known by the name of the Cumberland Steamboat 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 Cumberland Steamboat Company of New Jersey;" and by that name may have continual 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.

Names of corpora-
tors.

Style of incor-
poration.

General powers.

SEC. 2. All the joint stock of the said association, and all the estate, real, personal, and mixed; all the securities, claims,

Stocks, &c., of
former associa-
tion vested in
new corporation

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.

Capital stock.

How to be employed.

SEC. 3. 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 Bridgeton, 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.

First directors.

Their powers.

SEC. 4. Henry L. Smalley, Charles E. Elmer, John S. Wood, Edmund Davis, George Ayres, Francis Bacon, and William D. Barrett 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 by this act granted to said corporation, and to allow such compensation as shall be agreed upon; and, if they judge it necessary, to exact and take from their officers and agents bonds for the proper and faithful execution of their several duties and trusts, to and for the faithful performance of their several contracts.

May make by-laws.

SEC. 5. 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.

SEC. 6. 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 ten 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 the sum of 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 to be opened for subscriptions.

SEC. 7. 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 directors, 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 Bridgeton, on the fourth day of March next, ten days' notice being first given thereof in a newspaper published in the county of Cumberland and the city of Philadelphia, and the stockholders, when met, to 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.

Seven directors to be chosen.

Vacancies, how to be supplied.

Time and mode of election of directors.

SEC. 8. 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

Duties of president and directors.

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 to be dissolved for failure to elect on day prescribed.

SEC. 9. 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.

Capital stock not to be used in banking.

SEC. 10. 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.

SEC. 11. 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, and no longer.

Approved, February 5, 1845.

AN ACT to reannex the township of Hopewell, in the county of Hunterdon, to the county of Mercer.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Hopewell reannexed to Mercer.

SEC. 1. All that part of the county of Hunterdon embraced within the limits of the township of Hopewell shall be, and the same is hereby, attached to, and made a part of the county of Mercer, and shall be subject to all the laws which the county of Mercer now is, or may be subject to; and the boundary line between the said township of Hopewell and the township of Amwell, in the county of Hunterdon, shall be hereafter the boundary line between the

county of Mercer and the county of Hunterdon; and the corporate name of the inhabitants of the said township of Hopewell shall hereafter be "the Inhabitants of the township of Hopewell, in the county of Mercer."

SEC. 2. The judges, justices of the peace, and other officers within the limits of the territory hereby attached to the county of Mercer, shall continue to hold, exercise, and enjoy their several and respective offices and appointments, with the powers and privileges thereto belonging, within the limits of the said county of Hunterdon, until the second Monday of April next; and all courts at the time of the passing of this act existing and being within the aforesaid limits of said county of Hunterdon, shall continue to have and exercise jurisdiction within the same, until the second Monday of April next, in the same manner as if this act had not been passed; and on and after the second Monday of April next, and until their respective terms of office in the county of Hunterdon shall expire, all persons in office at the time of the passing of this act, resident within the township of Hopewell, and all and every of them, shall hold, exercise, and enjoy their respective offices, with all the powers, privileges, and emoluments thereto belonging, within the limits of the county of Mercer, as officers of said county, as fully and effectually, to all intents and purposes, as if they had been elected and appointed to their said offices, respectively, within the said county of Mercer; *provided*, that all judges of the court of the common pleas and all justices of the peace shall take and subscribe the official oaths or affirmations required by law, within the said county of Mercer, on or before the first day of May next, and before they act in their respective offices as officers of the county of Mercer.

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

Proviso.

SEC. 3. All actions, suits, appeals, prosecutions, and other legal proceedings, commenced or depending in the supreme court of this state, or in any court, or before any justice of the peace within the county of Hunterdon, as the same stood before the passing of this act, before the second Monday of April next, shall be in no wise affected by this act, but the same shall and may be prosecuted in said county, and before said courts, in the same manner as if this act had not been passed, anything herein contained to the contrary notwithstanding; *provided*, that in all such causes pending in the supreme court, where the defendant in any transitory action shall at the time when this act takes effect reside within the limits of the township of Hopewell, or where, in any local action, the cause of action arose within that township, either party may, at his election, on application to said court for that purpose, have the venue in said action changed to the said county of Mercer, and the

Actions, &c., in Hunterdon not to be affected.

Proviso.

cause tried therein, as if the said action had originally been commenced in said county.

Judgments,
&c., obtained in
Hunterdon, to
be of same force
in Hopewell.

SEC. 4. All judgments obtained, or that may hereafter be obtained, in any of the courts of the county of Hunterdon, upon any action, suit, or proceeding actually commenced or depending before the second Monday of April next, shall be of the same force and effect within the said township of Hopewell as if this act had not been passed; and writs of execution or other legal process may be issued thereon, and directed to the sheriff or other lawful officers of said county, who is hereby authorized and directed to execute the same within the limits of the said county of Mercer, in the same manner as he should by law have done in case this act had not been passed; and upon such judgment or judgments a writ or writs of scire facias may issue, as allowed by law in other cases, directed as aforesaid, and thereupon such further proceedings shall be had therein as the party prosecuting the same would have been entitled to in other cases, and in the same manner as if this act had not been passed.

Act, when to
take effect.

SEC. 5. This act shall go into effect immediately after the passage thereof.

Approved, February 5, 1845.

AN ACT to authorize the board of chosen freeholders of the county of Cape May to build a bridge over Cape Island creek.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Bridge over C.
Island creek au-
thorized.

The board of chosen freeholders of the county of Cape May are hereby authorized, whenever in their opinion the public convenience may require it, to erect and build a bridge over Cape Island creek, in the county of Cape May, at or near Schellinger's landing, at the place where the public road has been recently laid to cross the same.

Approved, February 5, 1845.

AN ACT to confirm the last will and testament of George Dillin, deceased.

WHEREAS George Dillin, late of the township of Jackson, in the county of Monmouth, in this state, in and by his last will and testament in writing, signed, sealed, and published in the presence of two subscribing witnesses, bearing date the fifth day of September, in the year of our Lord one thousand eight hundred and thirty-four, did, among other things, on the death of his wife, Sarah Dillin, order his estate divided between Sharlet Dillin and John Dillin, or the survivor of either; and whereas the said Sarah and Sharlet Dillin have departed this life, leaving the said John Dillin sole survivor; and whereas, by reason of there being but two subscribing witnesses to the said will of the said George Dillin, deceased, the same is insufficient to pass real estate, and the said devise therein to the said John Dillin is void and unavailing, and thereby the clear intention of the said testator, George Dillin, deceased, has been entirely defeated; and it appearing by the petition of the said John Dillin, verified by affidavit, that the said testator left no heirs at law, and that the intention of the said testator would be effected by confirming his will—therefore,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

The said last will and testament of the said George Dillin, late of the township of Jackson, in the county of Monmouth, deceased, bearing date as aforesaid, and the several bequests and devises therein contained, shall be, and the same are hereby declared to be as good, valid, and effectual in law, to all intents and purposes, as if the said will had been executed, published, signed, and declared in the presence of three subscribing witnesses, in the manner prescribed by law.

Will of G. Dillin confirmed.

Approved, February 5, 1845.

A further supplement to the act entitled, "An act respecting conveyances," and to an act entitled, "An act to register mortgages," passed the twenty-seventh of December, eighteen hundred and twenty-six.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Appointment of additional commissioners authorized.

SEC. 1. The governor of this state be, and he is hereby authorized to name, appoint, and commission one or more commissioners in each, or such of the several territories of the United States and the District of Columbia, as he may think expedient, and where such appointments shall not be incompatible with the laws of the territory or district where such commissioner or commissioners may reside; which commissioner or commissioners shall have the same authority, powers, privileges, and remunerations which are granted to the commissioners of the respective states, by the act to which this is a supplement.

Act, when to take effect.

SEC. 2. This act shall take effect immediately after the passage thereof.

Approved, February 12, 1845.

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

Preamble.

WHEREAS, by the seventh section of an act supplemental to "An act to set off the township of Van Vorst, in the county of Hudson," which said supplement was passed the twenty-ninth day of February, A. D. eighteen hundred and forty-four, it was enacted that said act should go into operation on and after the second Monday in April, then next, provided it should be approved by three-fifths of all the legal voters of the said township, at a public meeting to be called for that purpose, upon ten days' previous notice thereof, by written advertisements to be set up by the township committee of said township, and it should then, if approved, be considered a public act; and whereas the said supplemental act has been submitted for the approval of the legal voters of the said township, at an election for that purpose held in said township, at which election sixty-four votes were given

in favour of said law, and three votes were given against the same;—and whereas doubts have arisen whether the whole number of votes given at such election did amount to three-fifths of all the legal voters of the said township, and doubts have arisen as to the validity of said supplemental act; and whereas taxes have been assessed, under the authority given by the said supplemental act, and improvements have been made by virtue of the power and authority therein contained—now therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. The said act entitled, “A supplement to an act entitled, an act to set off the township of Van Vorst, in the county of Hudson,” passed the twenty-ninth of February, A. D. eighteen hundred and forty-four, be, and the same is hereby declared to be valid and in force; and that all acts, doings, and proceedings, which have heretofore been had or done, and which shall have been in pursuance of the powers and authorities conferred by the said supplemental act, passed, as aforesaid, on the twenty-ninth day of February, A. D. eighteen hundred and forty-four, be declared valid and operative in law, in the same manner and to the same extent, as if the said supplemental act had become a law of this state on the second Monday in April, A. D. eighteen hundred and forty-four.

Former act declared valid.

SEC. 2. The assessments authorized to be made by virtue of the said supplemental act, shall hereafter be made upon petition of the owners of a majority of the lots interested in such improvement for which such assessment shall be made.

Assessments, how made.

SEC. 3. In case of a vacancy in any office of the said township, occasioned by death, disqualification to hold such office, resignation, or removal from said township, such vacancy shall be filled by a majority of the town committee of the said township; and the officer or officers so appointed by the said town committee shall hold their offices till the next annual election in the said township, and till others officers shall be appointed to supply such vacancy.

Vacancies, how supplied.

SEC. 4. This act shall take effect immediately after the passage thereof.

Act, when to take effect.

Approved, February 12, 1845.

AN ACT to extend the act incorporating state banks in New Jersey.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Provisions of former act extended.

SEC. 1. The act entitled, "An act to establish state banks in New Jersey," passed January twenty-eighth, one thousand eight hundred and twelve, with the supplements thereto, be, and the same are hereby extended and declared to be continued, so far as regards "the president, directors, and company of the State Bank at Morris," until the first Monday in February, in the year of our Lord one thousand eight hundred and sixty-six.

Act may be altered, &c.

SEC. 2. The legislature may at any time hereafter modify or repeal this act.

Approved, February 13, 1845.

AN ACT to incorporate the Hudson County Dry Dock and Wet Dock Company.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Names of incorporators.

Style of incorporation.

SEC. 1. Dudley S. Gregory, Timothy L. Smith, William B. Jenkins, Darwin F. Rockwell, Peter McMartin, Henry M. Traphagen, Benjamin O. Edge, John G. McLaughlin, Selah Hill, Charles P. Lewis, and Luke Hemenway, and others, their associates, successors, and assigns, shall be, and hereby are constituted and declared to be a body corporate and politic, by the name of "the Hudson County Dry Dock and Wet Dock Company," for the purpose of building, erecting, and constructing dry docks or wet docks, and other conveniencies 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, repairs, and erections can be done and made, for the useful and successful operation of the said dry docks and wet docks; and also to build and construct all such piers, bulkheads, 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 Hudson, in this state; and, by that name, they and their successors may have perpetual succession, and shall have power to sue and be sued, and to defend and be defended, in all courts, either in law or equity; and, by that name, may also have, purchase, possess, and enjoy, to them and their successors, lands, tenements, and hereditaments, goods, chattels, and effects, of what nature 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; and also may have a common seal, and alter and renew the same at pleasure; and also may make and establish such by-laws and regulations as to them shall seem necessary and expedient for the well ordering and government of the said corporation, and put the same in execution; *provided* they be not contrary to the laws of this state or of the United States.

General powers.

Proviso.

SEC. 2. The stock, property, and concerns of the said company shall be managed and conducted by eleven 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 Jersey City, in said county of Hudson, 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 or newspapers, 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

Mode of election of directors.

Directors to appoint officers.

Vacancies, how
supplied.

same at their 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, officers, 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.

Corporation
may make by-
laws.

SEC. 3. Six directors shall form a board for the transaction of the business of the said corporation, and shall have power to ordain, establish, and put in execution such by-laws, ordinances, and regulations for the management of the concerns of the said company as to them shall seem necessary and expedient, and not inconsistent to the constitution or laws of this state or the United States; 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.

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

SEC. 4. In case it should at any time 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.

First directors.

SEC. 5. Dudley S. Gregory, Timothy L. Smith, William B. Jenkins, Darwin F. Rockwell, Peter McMartin, Henry M. Traphagen, Benjamin O. Edge, John G. McLaughlin, Selah Hill, Charles P. Lewis, and Luke Hemenway 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.

Amount of capi-
tal stock.

SEC. 6. The capital stock of the said corporation shall be limited to the sum of one hundred thousand dollars, to be divided into shares of fifty dollars each; the said company shall have liberty to commence business as soon as twenty thousand dollars shall have been paid in; shall be capable of taking and holding the said capital stock of twenty thousand 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 one

hundred thousand dollars, as aforesaid; the subscription to the said capital stock shall be received by Darwin F. Rockwell, William B. Jenkins, Timothy L. Smith, and Benjamin O. Edge, or any two of them; which said commissioners, or any two of them, shall open books of subscription at Jersey City, giving twenty days' previous notice, in the newspaper published at Jersey City, of the time and place when and where said books shall be kept open; and the said books shall be kept open for the space of thirty days; upon closing the said books of subscription, or within ten 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 twenty 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 Jersey City, and also in a newspaper published in the city of New York; but no two instalments shall be required to be paid within thirty days of each other.

Commissioners
to open books
of subscription.

SEC. 7. 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.

Property of corporation to be deemed personal estate.

SEC. 8. 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.

Books to be open to inspection of stockholders.

SEC. 9. The president and a majority of the directors of the said company shall be residents of the state of New Jersey; no part of the funds or capital stock of the said company shall be used for banking purposes; and the legislature of this state may at any time alter, modify, or repeal this act.

Funds not to be used in banking.

SEC. 10. This act shall be and continue in force for and during the term of twenty years from the passage thereof.

Limitation.

Approved, February 13, 1845.

AN ACT to set off from the townships of Hardyston, Frankford, Newton, and Byram, in the county of Sussex, a new township, to be called the township of Sparta; and also to set off a part of the said township of Hardyston to the township of Byram, in the said county of Sussex.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Boundaries of
township of
Sparta.

SEC. 1. All those parts of the townships of Hardyston, Frankford, Newton, and Byram, in the county of Sussex, lying within the boundaries and descriptions following, to wit: beginning at a point in the centre of the Union Turnpike road, north of the tavern house of James L. Hurd, where the Morris and Sussex county line crosses said road; thence (1), in a north-westerly course, to the north-east corner of Henry L. Smith's farm; thence, the same course, to the intersection of the line between the townships of Newton and Byram, on the Brogden ridge, west of William Kinney's dwelling house; thence (2), in a northerly course, to a point of junction in the road leading from Jonah Howell's mill and the road leading from Thomas House's, by Merit Pinkney's, to Newton; from thence (3) to a poplar tree in the line between the townships of Newton and Frankford, east of the house of Peter G. Demarest; thence (4), a north-easterly course, to the intersection of the line between the townships of Hardyston and Frankford, near a white-oak tree, bearing north, forty-two degrees west, from the storehouse of Thomas Brasted; thence (5), in an easterly course, to a limestone rock, on the east bank of the road leading from Sparta to Hamburg, being near to, and the first rock north of the house lately occupied by William Martin, at Ogdensburg; from thence, a south-easterly course, touching the south bounds of Seely Powleson's farm, to the intersection of the line between the counties of Morris and Sussex; thence (6) along the same to the beginning, shall be, and the same is hereby set off from the townships of Hardyston, Frankford, Newton, and Byram, in the county of Sussex, and made a separate township, to be called and known by the name of the "township of Sparta."

Inhabitants of
township incor-
porated.

SEC. 2. The inhabitants of the said township of Sparta shall be, and the same are hereby constituted a body politic and corporate, and shall be styled and known by the name of "the Inhabitants of the township of Sparta, in the county of Sussex," and vested with, and entitled to all the powers, privileges, authorities, and advantages, and subject to the like regulations and government, as other townships of this state.

SEC. 3. The inhabitants of the township of Sparta shall hold their first annual town meeting at the house of John Kelsey, innkeeper, in the village of Sparta, in said township of Sparta, on the second Monday in April next.

Time and place of first town meeting in Sparta.

SEC. 4. The inhabitants of the township of Hardyston shall hold their next annual town meeting at the house of Mrs. Ward, innkeeper, in the village of Hamburg, in the said township of Hardyston, on the second Monday in April next.

Time and place of town meeting in Hardyston.

SEC. 5. All that part of the township of Hardyston, lying south of the first line specified in the descriptions and bounds of the said township of Sparta, be, and the same is hereby set off, and annexed to the township of Byram.

Part of Hardyston annexed to Byram.

SEC. 6. The township committees of Hardyston, Frankford, Newton, and Sparta shall meet on the third Monday of April next, at ten o'clock in the forenoon, at the house of Hazlitt Slater, at Lafayette, innkeeper, in the said township of Newton, 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 money on hand or due, in proportion to the taxable property and ratables, as valued and assessed by the assessors within the respective limits of the said townships at the last assessment, and may adjourn the said meeting from time to time, and to such time and place as a majority of those present may think proper; and the township of Sparta shall be liable to pay their just proportion of the debts, if any there be; and if any of the members of the said township committees shall neglect to meet as aforesaid, those present may proceed to make such division, and their decision, or the decision of a majority of them, shall be final and conclusive.

Committees to apportion property.

SEC. 7. All persons residing within the limits of the said township of Sparta, who would have been entitled to a vote at the next annual town meeting of either the township of Hardyston, Frankford, Newton, or Byram, if this act had not been passed, shall be entitled to vote at the next annual town meeting of the township of Sparta.

Inhabitants to vote in Sparta.

SEC. 8. All persons living within the township of Byram, by virtue of the fifth section of this act, and who would have been entitled to a vote at the next annual town meeting of the township of Hardyston, if this act had not passed, shall be entitled to a vote at the next annual town meeting of the said township of Byram.

Inhabitants to vote in Byram.

SEC. 9. Joseph Quin, Moses Woodruff, and Lewis Sherman, or any two of them, are hereby appointed commissioners to run, survey, mark, and ascertain the several lines herein be-

Commissioners to ascertain boundaries of townships.

fore mentioned; which said commissioners shall, before the second Monday in April next, execute and discharge the duties of their said appointment, in the same manner, and in all respects, as if they had been appointed commissioners for the purpose aforesaid by the inferior court of common pleas in the county of Sussex, upon the application of chosen freeholders of the said county, except only that it shall not be necessary for the said commissioners to give notice of the time and place to perform the duties of their said appointment; and that the charges and expenses of said commissioners shall be taxed and paid as is by law directed in case of commissioners appointed by the court of common pleas, upon the application of the board of chosen freeholders.

Act, when to
take effect.

SEC. 10. The ninth section of this act shall go into effect immediately after the passage thereof, and the remaining sections shall go into effect on the second Monday of April next.

Approved, February 13, 1845.

AN ACT for the relief of Laurence Van Hook, of the county of Cape May.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Pension of \$50
to L. Van Hook.

The treasurer of this state be, and he is authorized and required to pay unto Laurence Van Hook, of the county of Cape May, a soldier of the Revolutionary war, or his order, the sum of fifty dollars per annum during his natural life, in semi-annual payments of twenty-five dollars each, the first payment to be made the first day of March next: and the receipt of the said Laurence Van Hook, or his order, shall be a sufficient voucher to the treasurer in the settlement of his accounts.

Approved, February 13, 1845.

AN ACT respecting the powers and duties of the president of
the Senate.

BE IT ENACTED by the Senate and General Assembly of the
State of New Jersey, as follows:

SEC. 1. The powers, privileges, duties, and remunerations granted to, or imposed upon the vice president of Council by law, at and immediately before the time when the present constitution of the state took effect, shall hereafter be exercised, enjoyed, and performed by the president of the Senate, so far as the same are not inconsistent with the present constitution; and all such powers or duties heretofore exercised or performed by the president of the Senate, are hereby ratified and confirmed, and shall have the same force and effect as if exercised or performed after the passage of this act.

President of Senate to exercise powers of vice president of Council.

SEC. 2. This act shall take effect immediately after the passage thereof.

Act, when to take effect.

Approved, February 14, 1845.

AN ACT to reannex the township of Tewksbury, in the county of Somerset, to the county of Hunterdon.

AN ACT to reannex the township of Tewksbury, in the county
of Somerset, to the county of Hunterdon.

BE IT ENACTED by the Senate and General Assembly of the
State of New Jersey, as follows:

SEC. 1. All that part of the county of Somerset embraced within the limits of the township of Tewksbury shall be, and the same is hereby attached to, and made a part of the county of Hunterdon, and shall be subject to all the laws which the county of Hunterdon now is, or may be subject to; and the boundary line between the said township of Tewksbury and the township of Bedminster, in the county of Somerset, shall be hereafter the boundary line between the county of Somerset and the county of Hunterdon; and the corporate name of the inhabitants of the said township of Tewksbury shall hereafter be "the Inhabitants of the township of Tewksbury, in the county of Hunterdon."

Tewksbury re-annexed to Hunterdon.

SEC. 2. The judges, justices of the peace, and other officers, within the limits of the territory hereby attached to the county

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

Proviso.

of Hunterdon, shall continue to hold, exercise, and enjoy their several and respective offices and appointments, with the powers and privileges thereto belonging, within the limits of the said county of Somerset, until the second Monday of April next; and all courts at the time of the passing of this act existing and being within the aforesaid limits of said county of Somerset, shall continue to have and exercise jurisdiction within the same, until the second Monday of April next, in the same manner as if this act had not been passed; and on and after the second Monday of April next, and until their respective terms of office in the county of Somerset shall expire, all persons in office at the time of the passing of this act, resident within the township of Tewksbury, and all and every of them, shall hold, exercise, and enjoy their respective offices, with all the powers, privileges, and emoluments thereto belonging, within the limits of the county of Hunterdon, as officers of said county, as fully and effectually, to all intents and purposes, as if they had been elected and appointed to their said offices, respectively, within the said county of Hunterdon; *provided*, that all judges of the court of the common pleas, all justices of the peace, and commissioners for taking the acknowledgment and proof of deeds, shall take and subscribe the official oaths or affirmations required by law, within the said county of Hunterdon, on or before the first day of May next, and before they act in their respective offices as officers of the county of Hunterdon.

Actions, &c., in Somerset not to be affected.

Proviso.

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

Judgments obtained in Somerset county, to be of same force in Tewksbury.

SEC. 4. All judgments obtained, or that may hereafter be obtained, in any of the courts of the county of Somerset, upon any action, suit, or proceeding actually commenced or depend-

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

SEC. 5. This act shall go into effect immediately after the passage thereof. Act, when to take effect.

Approved, February 14, 1845.

AN ACT to establish a new township in the county of Cumberland, to be called the township of Bridgeton.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. All that part of the township of Deerfield, in the county of Cumberland, contained within the following bounds, that is to say: beginning at the mouth of the stream called Ogden's, or Stone-bridge run, where it empties into Cohansey creek; thence, up the middle of said run, or natural water-course, the several courses thereof, to the western line of Samuel W. Seeley's line of land, where it crosses said run; thence, a straight course, to the head of Lebanon branch, about or at the late Joel Smith's corner of land; thence, down Lebanon branch, the several courses thereof, to the foot of Chatfield branch; thence, up said branch, the several courses thereof, to the head thereof; thence, a straight course, to the head of Cooney's, or Parvin's branch; thence, down said branch, the several courses thereof, to Cohansey creek; thence, up the middle of said creek, to the place of beginning, shall be, and hereby is set off from the township of Deerfield, in the county of Cumberland, to be called and known by the name of "the town-

Boundaries of township.

ship of Bridgeton:" this act shall take effect and be in force on and after the first Monday of March next.

Inhabitants in-
corporated.

SEC. 2. The inhabitants of the township of Bridgeton 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 Bridgeton, in the county of Cumberland," and shall be entitled to all rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in the said county of Cumberland are or may be entitled or subjected to by existing laws of this state.

Time and place
of first town
meeting in
Bridgeton.

SEC. 3. The inhabitants of the township of Bridgeton shall hold their first town meeting at the house of Edmund Davis, innkeeper, in Bridgeton, in the said township of Bridgeton, on the second Tuesday of March next.

Time and place
of town meet-
ing in Deerfield.

SEC. 4. The inhabitants of the township of Deerfield shall hold their next town meeting at the school-house in Deerfield-street, in the said township of Deerfield, on the second Tuesday of March next.

Committees to
allot and divide
property.

SEC. 5. The town committees of the townships of Bridgeton and Deerfield shall meet on the Monday next after the annual town meeting in the said townships of Bridgeton and Deerfield, at the inn of Edmund Davis, in Bridgeton, 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 Bridgeton shall be liable to pay their just proportion of the debts, if any there should be; and if any of the persons comprising either of the township committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division; and the division of a majority of those present shall be final and conclusive.

Approved, February 18, 1845.

AN ACT to divide the township of Knowlton, in the county of Warren, and to establish a new township in said county, to be called the township of Blairstown.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. All that part of the township of Knowlton, in the county of Warren, lying within the following boundaries, to wit: beginning in the line between Hope and Knowlton townships, at or near a hickory tree which stands near the house of Daniel McKean, and south-west from the free school-house; thence, running a straight line, to the north-east corner of the Knowlton church; thence north, forty degrees west, to the middle of the great road between Daniel Van Scoten's and Hainesburg, formerly Sodom; thence, running on a line parallel with the line between Knowlton and Hardwick townships, to the Pahaquary township line, on the top of the Blue ridge; thence, by the Pahaquary line, to the Hardwick line; thence, by the Hardwick line, to the Hope line; thence, by the Hope line, to the place of beginning, shall be, and the same is hereby set off from the township of Knowlton, and is hereby established into a new township, to be known by the name of "the township of Blairstown."

Boundaries of township.

SEC. 2. The inhabitants of the said township of Blairstown shall be, and they hereby are constituted a body politic and corporate, and shall be styled and known as "the Inhabitants of the township of Blairstown, in the county of Warren," and shall 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 Warren are or may be entitled or subject to by the laws of this state.

Inhabitants incorporated.

SEC. 3. The inhabitants of the said township of Blairstown shall hold their first annual town meeting at the house of John Hull, in the township of Blairstown, on the day appointed by law for holding the annual town meetings in the other townships in the said county of Warren.

First town meeting, when and where held.

SEC. 4. The township committees of the townships of Knowlton and Blairstown shall meet, on the Monday next after their first annual town meetings, at the house of Isaac Leyda, in the township of Knowlton, at one o'clock in the afternoon, and shall then and there proceed, by writing, signed by a majority of the members of each committee, to allot and divide between the said townships all the property or moneys on hand or due,

Committees to allot property, &c.

or to become due, in proportion to the taxable property and ratables, as valued and assessed by the assessors, within the respective limits of said townships, at the last assessment, and may adjourn the said meeting, from time to time, unto such time and place as a majority of those present may think proper; and the township of Blairstown shall be liable to pay a just proportion of the debts, if any there be; and if any of the members of the said township committees shall neglect to meet as aforesaid, those present may proceed to make such division, and their division, or a division of a majority of them, shall be final and conclusive.

Commissioners
to survey lines,
&c.

SEC. 5. Simeon Cook, Aaron Ogden Bartow, and Henry Mingle, or any two of them, shall be, and they are hereby appointed commissioners to run, survey, mark, and ascertain the several lines herein before mentioned; which said commissioners shall, before the second Monday in April next, execute and discharge the duties of their said appointment, in the same manner, in all respects, as if they had been appointed commissioners for the purpose aforesaid by the inferior court of common pleas of the county of Warren, except, only, that it shall not be necessary for said commissioners to give notice of the time and place of meeting to perform the duties of their said appointment; and the charges and expenses of said commissioners shall be taxed and paid as is by law directed in case of commissioners appointed by the court of common pleas, upon the application of the board of chosen freeholders.

Right of town-
ship in surplus
revenue not im-
paired.

SEC. 6. Nothing in this act shall be so construed as to impair, or in anywise affect the right of the said township of Blairstown of, 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.

Act, when to
take effect.

SEC. 7. This act shall take effect on the day of holding the first annual town meeting of the said township of Blairstown.

Approved, February 20, 1845.

AN ACT to incorporate the Hunterdon County Mutual Fire Insurance Company.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Jacob P. Fisher, John Coryell, Burrowes Hunt, James D. Stryker, Samuel Husselton, John H. Smith, Jacob S. Gary, Isaac Matthews, Alexander Coryell, Alexander Grant, Jacob B. Smith, Sidney Blackwell, Charles O. Holcomb, and others, their associates, successors, and assigns, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the Hunterdon County Mutual Fire Insurance Company," for the purpose of ensuring their respective dwelling-houses, stores, shops, and other buildings, household furniture, merchandise, and other property, against loss or damage by fire; and, by that name, they and their successors may have perpetual succession, and shall have power to sue and be sued, and to defend and be defended, in all courts, either in law or equity; and, by that name, may also have, purchase, possess, and enjoy, to them and to their successors, lands, tenements, and hereditaments, goods, chattels, and effects, of what nature and kind soever, necessary for the purpose of this corporation, and the same may grant, demise, alien, and dispose of at pleasure, for the benefit of said company; and also may have a common seal, and alter and renew the same at pleasure; and also may make and establish such by-laws and regulations as to them shall seem necessary and expedient for the well ordering and government of said institution, and put the same in execution; *provided*, that they be not contrary to the constitution of this state or of the United States.

Names of corporators.

Style of incorporation.

General powers.

SEC. 2. All persons who shall ensure with the said corporation, and also their heirs, executors, administrators, and assigns, continuing to be ensured in said corporation, as herein after provided, shall thereby become members thereof, during the period they shall remain ensured by the said corporation, and no longer.

Persons ensuring to be members of incorporation.

SEC. 3. All the affairs, property, and concerns of the said corporation shall be managed and conducted by thirteen directors, a majority of whom shall be citizens and residents, who shall continue in office for one year and until others shall be chosen in their place, all of whom shall be members of said corporation, and shall take an oath of office, and choose out of their body a president; all vacancies may be filled, for the

Affairs of corporation to be managed by thirteen directors.

remainder of the year, by such person or persons as a majority of the board of directors for the time being may appoint, and a majority of the whole shall constitute a quorum for the transaction of business; and the said Jacob P. Fisher, John Coryell, Burrowes Hunt, James D. Stryker, Samuel Husseilton, John H. Smith, Jacob S. Gary, Isaac Matthews, Alexander Coryell, Alexander Grant, Jacob B. Smith, Sidney Blackwell, and Charles O. Holcomb shall be the first directors of said corporation; which board of directors shall hereafter be elected in each year, at such time and place, in Lambertville, in the county of Hunterdon, as the said corporation, in their by-laws, shall appoint, of which election public notice shall be given, in at least one of the public newspapers printed in said county, at least two weeks immediately preceding such election; which election shall be holden under the inspection of three members, not being directors, to be appointed previous to every election by the board of directors, and shall be made by ballot and by plurality of votes of the members, or their proxies, then present, allowing one vote for every five hundred dollars ensured in said company; *provided always*, that each member shall have at least one vote, and that no member shall have more than five votes.

SEC. 4. The board of directors may appoint a secretary and such other officers and agents as may be requisite for effecting the business of said company, and allow them such compensation as they may deem reasonable, and also determine the rates of ensurance.

SEC. 5. All policies, and contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president, and attested by the secretary, and, being so subscribed and attested, shall be binding and obligatory upon the said company; and the said company shall be liable for all loss or damage sustained by fire or other casualty, agreeably to, and on such terms and conditions as shall be contained in the policy.

SEC. 6. Every person who shall become a member of said corporation, by effecting ensurance therein, shall, before he receives his policy, deposit his promissory note, with good security, for such a sum of money as shall be determined by the directors to be the premium for said ensurance, and that a part, not exceeding twenty per centum of said note, shall be immediately paid, and the remainder of said deposit shall be payable, in part or the whole, at any time when the directors shall deem the same requisite for the payment of losses by fire and such incidental expenses as shall be necessary for trans-

acting the business of said company; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, if any, after all losses and expenses accruing during said term shall have been provided for, according to the provisions of this act, 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 on hand as may not be immediately wanted for the purposes of said corporation.

Surplus money
may be loaned.

SEC. 7. When any property ensured by the said corporation shall be alienated, by sale or otherwise, the policy of such insurance may be surrendered to the directors of said company to be cancelled; and upon such surrender the ensured shall be entitled to receive his deposit note or notes, upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender; but the grantee or alienee having the policy assigned to him may have the same ratified and confirmed to him, for his own use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security, to the satisfaction of said directors, for such portion of the deposit or premium note or notes as shall remain unpaid; and, by such ratification and confirmation, such grantees or alienees shall be entitled to all the rights and privileges, and be subject to all the liabilities, to which the original party to whom the policy issued was entitled and subjected.

Policy may be
surrendered
when property
is alienated.

SEC. 8. Suits at law or in equity may be maintained by said corporation against any of its members for the collection of said deposit notes, or any assessment thereon, or for any cause relating to the business of said corporation; also, suits at law or in equity may be prosecuted and maintained by any member against said corporation for losses or damage by fire, if payment is withheld more than three months after the company are duly notified of such loss or damage; and no member of the corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness in any cause on account of his being a member of said corporation.

Suits may be
maintained a-
gainst members
for deposit
notes.

SEC. 9. The directors shall, after receiving due notice of any loss or damage by fire, sustained by any member, and ascertaining the same, or after the rendition of any judgment against said company for loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective proportion of such loss, and publish the same, in such manner as they shall see fit, or as the by-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within sixty days next

Duties of direct-
ors in ascertain-
ing loss by fire.

after the publication of said notice; and if any member shall, for the space of sixty days after the publication of said notice, neglect or refuse to pay the sum assessed to him, as his proportion of any loss as aforesaid, in such case the directors may sue for and recover the whole amount of his deposit note or notes, with costs of suit; and the amount thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have accrued, or may thereafter accrue, and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after sixty days from the expiration or cancellation of his or her policy.

Assessments on
members, when
and how made.

SEC. 10. Whenever and as often as it shall happen that the whole amount of the funds of the said company, and of the sums due on the deposit notes held by it, shall be insufficient to pay the whole loss occasioned by any fire, the directors shall assess upon and demand from each member a further sum, in proportion to the original amount of his or her deposit note, and shall divide the whole amount of the said funds, deposit note, and assessment among the sufferers by such fire, who have been insured by said company, in proportion to their losses and the amounts by them respectively insured; but no such assessment of a greater amount than one dollar on every hundred dollars, by the members respectively insured, shall at any time be made for the loss or damage occasioned by any one fire; and any member who shall pay the whole amount of his or her deposit note, and of any assessment then made, and surrender his or her policy of insurance, shall be discharged from all liability for any loss or damage that may occur after such payment and surrender.

Transfers to
be entered on
books.

SEC. 11. No transfer of any policy of insurance of the said corporation shall be valid until entered into the books of the company, and certified on such policy by the secretary.

Duties of secre-
tary.

SEC. 12. It shall be the duty of the secretary to give notice of all meetings of the corporation, to attend the same, to keep a faithful record of their proceedings, also an account of profit and loss, fill up all policies of insurance, countersign and seal the same with the seal of the 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.

Place of busi-
ness.

SEC. 13. The operations and business of the corporation shall be carried on and conducted at such place, in Lambertville, as shall be designated by a majority of the directors present at any regular meeting.

Directors to
make annual
statement.

SEC. 14. At every meeting of the said company, the directors for the time being shall make and exhibit a full and true

statement of the affairs and business of the said company for the preceding year, for the general satisfaction of the members of the said company.

SEC. 15. The said company shall not, by virtue of any of the provisions of this act, exercise banking privileges, directly or indirectly. Company not to engage in banking.

SEC. 16. This act shall continue in force twenty years, and no longer, and the same may be, at any time hereafter, amended or repealed by the legislature. Limitation.

Approved, February 21, 1845.

AN ACT to incorporate the Hudson River Steamboat Company.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. Abraham Van Santvoord, James M. Hoyt, Peter McMartin, Luke Hemenway, James G. Gregory, Alfred Van Santvoord, Ira Dodd, and their associates, and all persons who may hereafter be holders of the stock herein after named, and their successors, are hereby declared and constituted a body politic and corporate, in fact and in law, by the name of "the Hudson River Steamboat Company," to be located at Jersey City, in this state; and, by that name, the said corporation shall have succession, with power to sue and be sued, complain and defend, in any court of law or equity; and to make and use a common seal, and alter the same at pleasure; may acquire, by purchase or otherwise, and hold, lease, and convey such real and personal estate as may be necessary and useful for the purposes and objects of this incorporation. Names of corporators.

Style of incorporation.

General powers.

SEC. 2. The capital stock of the said corporation shall be five hundred thousand dollars, in shares of one hundred dollars each; and if the said capital stock of five hundred thousand dollars shall be subscribed for, and all paid in, within six calendar months after the passage of this act, the directors of the said company shall have the power to enlarge the amount of the capital stock, to any sum they may deem for the interest of said company, not to exceed the sum of seven hundred thousand dollars. Commissioners to receive subscriptions.

SEC. 3. The said Abraham Van Santvoord, James M. Hoyt, Peter McMartin, Luke Hemenway, James G. Gregory, Alfred Van Santvoord, and Ira Dodd, or a majority of them, are hereby appointed commissioners to receive subscriptions for said stock, at such times and places, in Hudson county, as they, or a majority of them, may direct, giving at least twenty days' notice thereof, by publishing the same in at least two newspapers published in this state, one in the county of Hudson and the other in the county of Essex; and the said commissioners shall open a book of subscription for said stock at such times and places, and shall cause the same to be kept open at the places, so appointed, at least three successive days, from ten o'clock in the forenoon, to four o'clock in the afternoon of each day; and if at any time there shall be a subscription for more shares of stock than are authorized to be subscribed at one time, the same shall be apportioned among the subscribers, in proportion to the amount by them severally subscribed.

Amount of subscription, how paid.

SEC. 4. At the time of subscribing for the said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some one of them; which money shall be paid over to the treasurer of the company, as soon as one shall be appointed, after deducting therefrom the expenses incurred by the commissioners in receiving subscriptions as aforesaid; and the residue of the subscriptions shall be paid in such instalments, and at such times and places, and to such persons, as the president and directors of the company shall from time to time direct, they giving at least thirty days' public notice thereof, by publishing the same in the manner aforesaid; and upon failure of payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any one of them, to and for the use of the company.

Seven directors to be chosen.

SEC. 5. When five thousand shares of the said stock are subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as is herein before directed with regard to the opening of the books; at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, seven directors to manage the affairs of the said company for one year; of which election the said commissioners, or a majority of them, shall be the judges; and at the expiration of that term, and annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect the same number of directors; and at every such election, and in all other cases in which the stockholders shall be entitled to a vote, a vote may be given for each share, by the holder thereof, in person

or by proxy; *provided always*, that the president, treasurer, and a majority of the directors shall be residents of the state of New Jersey; *and further provided*, that if it shall so happen that an election of directors should not take place in any year, at the annual meeting of the stockholders, as herein above appointed, the said corporation shall not for that reason be dissolved, but such election may be had thereafter, on any convenient day within one year, to be fixed on by the then last board of directors, who are to give at least twenty days' notice of the time and place of meeting, as is herein before directed with regard to the annual meeting.

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

SEC. 6. As soon as may be after their election, the said directors shall elect one of their number to be president of said company; and all the affairs, concerns, and business of the said corporation shall be managed by the said directors, who, or a majority of whom, may supply any vacancy occurring in the interval between annual elections, by the death, resignation, or refusal to act of any president or director; and shall have power to make all such by-laws, rules, and regulations, not inconsistent with the constitution or laws of this state or of the United States, for the management of the property, the regulation of the affairs, and the transfer of the stock of this corporation, and to appoint all such officers, clerks, agents, and servants as may be necessary and useful for ordering, regulating, and conducting the affairs of said corporation, and for the safe keeping and protection of its funds and property, and allow them a suitable compensation.

Directors to appoint officers.

SEC. 7. The capital stock of this company shall be considered as personal property, transferable upon the books of the company, and shall be employed as the said board, or a majority thereof, may deem expedient, in the purchasing, building, repairing, and altering any vessel or vessels propelled by steam, and in the navigation of the same, and in the purchase, repair, and building of suitable landing places, wharves, and store-houses which may be necessary for successfully conducting the affairs of the said company; and it shall be the duty of the said board, or a majority thereof, to make, from time to time, such dividends of the net profits of the said company as they may deem advisable.

Capital stock, how to be employed.

SEC. 8. The company hereby incorporated shall not employ its capital, or any part thereof, in banking operations, or for any other purposes inconsistent with the provisions of this act.

Capital stock not to be used in banking.

SEC. 9. This act shall continue in force for twenty years, unless sooner modified or repealed; and the legislature may at any time hereafter alter, modify, or repeal the same.

Limitation.

Approved, February 21, 1845.

AN ACT to reannex a part of the Upper Township, in the county of Cape May, to the township of Maurice River, in the county of Cumberland.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Part of Upper
Township rean-
nexed to Mau-
rice River.

SEC. 1. All that part of the Upper Township, in the county of Cape May, which formerly belonged to the township of Maurice River, in the county of Cumberland, and lying on the north-west side of the ancient boundary line between the counties of Cumberland and Cape May, and which was set off from the county of Cumberland, and attached to the county of Cape May, by an act entitled, "An act to reannex the township of Hopewell, in the county of Mercer, to the county of Hunterdon, and to straighten the county lines between Cape May and Cumberland," passed March thirteenth, eighteen hundred and forty-four, be, and the same is hereby set back, restored, reannexed, and attached to the township of Maurice River, in the county of Cumberland; and the straight boundary line which was established and existed before the passage of the act above mentioned, is hereby declared and re-established as the boundary line between the counties of Cumberland and Cape May, the same as if such act had never been passed.

Officers to hold
appointments,
and courts to
exercise juris-
diction, for a
certain time.

SEC. 2. The judges, justices of the peace, and other officers within the limits of the territory hereby attached to the county of Cumberland, shall continue to hold, exercise, and enjoy their several respective offices and appointments, with the powers and privileges thereto belonging, within the limits of said county of Cumberland, until the second Tuesday in March next; and all courts at the time of the passing of this act existing and being within the limits of said territory, shall continue to have and exercise jurisdiction within the same, until the second Monday of April next, in the same manner as if this act had not been passed; and on and after the second Tuesday in March next, and until their respective terms of office in the county of Cape May shall expire, all persons in office at the time of the passing of this act resident within the said territory, and all and every of them, shall hold, exercise, and enjoy their respective offices, with all the powers, privileges, and emoluments thereto belonging, within the limits of the county of Cumberland, as officers of said county, as fully and effectually, to all intents and purposes, as if they had been elected and appointed to their said offices, respectively, within the said county of Cumberland; *provided*, that all judges of the court of common pleas and all justices of the peace shall take and subscribe

the official oaths or affirmations required by law, within the said county of Cumberland, on or before the first day of May next, and before they act in their respective offices as officers of the county of Cumberland.

SEC. 3. All actions, suits, appeals, prosecutions, and other legal proceedings, commenced or depending in the supreme court of this state, or in any court, or before any justice of the peace within the county of Cape May, as the same stood before the passing of this act, before the second Tuesday in March next, shall be in no wise affected by this act, but the same shall and may be prosecuted in said county, and before said courts, in the same manner as if this act had not been passed, anything herein contained to the contrary notwithstanding; *provided*, Judgments obtained in Cape May, to be of same force in Cumberland. Proviso. that in all such causes pending in the supreme court, where the defendant in any transitory action shall at the time when this act takes effect reside within the limits of the territory above mentioned, or where, in any local action, the cause of action arose within said territory, either party may, at his election, on application to said court for that purpose, have the venue in said action changed to the county of Cumberland, and the cause tried therein, as if the said action had originally been commenced in said county.

SEC. 4. All judgments obtained, or that may hereafter be obtained, in any of the courts of the county of Cape May, upon any action, suit, or proceeding actually commenced or depending before the second Tuesday of March next, shall be of the same force and effect within the territory mentioned in the first section of this act as if this act had not been passed; and writs of execution or other legal process may be issued thereon, and directed to the sheriff or other lawful officer of said county, who is hereby authorized and directed to execute the same within the limits of said county of Cumberland, in the same manner as he should by law have done in case this act had not been passed; and upon such judgment or judgments a writ of scire facias may issue, as allowed by law in other cases, directed as aforesaid, and thereupon such further proceedings shall be had therein as the party prosecuting the same would have been entitled to in other cases, and in the same manner as if this act had not been passed. Actions in C. May not to be affected.

SEC. 5. This act shall go into effect immediately after the passage thereof. Act, when to take effect.

Approved, February 26, 1845.

AN ACT to set off from the township of Jackson, in the county of Monmouth, a new township, to be called the township of Plumsted.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Boundaries of township.

SEC. 1. All that part of the township of Jackson, in the county of Monmouth, lying west of the following line, to wit: beginning in the middle of the Lahaway creek, where the public road crosses the same, near Moses Ivins's grist-mill and in the line dividing the townships of Upper Freehold and Jackson; and running thence, along the middle of said public road, to the Monmouth road, near Moses Ivins's dwelling-house; and from thence, along the middle of the Manahawkin road, in a southwardly direction, to where the same intersects the line of the township of Dover, shall be, and the same is hereby set off from the said township of Jackson, and made a separate township, to be called and known by the name of "the township of Plumsted."

Inhabitants incorporated.

SEC. 2. The inhabitants of the said township of Plumsted shall be, and the same are hereby constituted a body politic and corporate, and shall be styled and known by the name of "the Inhabitants of the township of Plumsted, in the county of Monmouth," and vested with, and entitled to all the powers, privileges, authorities, and advantages, and subject to the like regulations and government, as other townships of this state.

First town meeting, when and where held.

SEC. 3. The inhabitants of the township of Plumsted shall hold their first annual town meeting at the house of Isaac Cliver, innkeeper, in the village of New Egypt, in said township of Plumsted, on the day appointed by law for holding the annual town meetings in the other townships in the county of Monmouth.

Committees to allot property, &c.

SEC. 4. The township committees of Jackson and Plumsted shall meet on the second Tuesday of April next, at ten o'clock in the forenoon, at the house of Joseph Ralph, innkeeper, in the said township of Plumsted, 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 money on hand or due, in proportion to the taxable property and ratables, as valued and assessed by the assessor, within the respective limits of the said townships, at the last assessment, and may adjourn the said meeting from time to time, and to such time and place as a majority of those present may think proper; and the township of Plumsted shall be liable to pay

their just proportion of the debts, if any there be; and if any of the members of the said township committees shall neglect to meet as aforesaid, those present may proceed to make such division, and their decision, or the decision of a majority of them, shall be final and conclusive.

SEC. 5. All paupers who may be chargeable to the said township of Jackson at the time this act goes into operation, shall thereafter be chargeable 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. Settlement of paupers.

SEC. 6. All persons residing within the limits of the said township of Plumsted, who would have been entitled to a vote at the next annual town meeting of the township of Jackson, if this act had not been passed, shall be entitled to vote at the next annual town meeting of the township of Plumsted. Inhabitants, where to vote.]

SEC. 7. This act shall go into effect on the second Tuesday in March next. Act, when to take effect.

Approved, February 26, 1845.

AN ACT to renew the charter of the Farmers and Mechanics Bank of Rahway.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. The act entitled, "An act to incorporate the Farmers and Mechanics Bank of Rahway," passed February seventh, in the year of our Lord one thousand eight hundred and twenty-eight, be, and the same is hereby continued and extended for and during the term of twenty years from and after the time by the said act limited for its continuance. Further extension of charter.

SEC. 2. The notice for the election of directors, and for the payment of the capital stock of said bank by instalments, by the third section of said act, required to be given "in one of the newspapers printed at Rahway, New Brunswick, and Elizabethtown," shall be given only "in the newspapers printed in Rahway." Notice of election of directors, how given.

SEC. 3. The cashier of the said bank shall be appointed by the directors, and shall continue in office during the pleasure

Cashier, how
appointed.

of the board; the votes of seven directors shall be necessary to a choice of such cashier; and every cashier, before he enters on the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the directors, in a sum not less than twenty thousand dollars, with condition for his good and faithful discharge of the duties of his office; which bond, with the sureties, shall be renewed at the expiration of every five years, or oftener, if the said directors shall require it.

Annual state-
ment to be made

SEC. 4. Between the first and fifteenth days of January, in each and every year, the president and cashier, under the seal of the corporation, and under oath or affirmation, shall furnish to the treasurer of the state, to be laid before the legislature, a correct statement of the stock of said bank, the manner in which the same is employed, of their debts and credits; and if they fail to render such statement this act shall be void.

Part of former
act repealed.

SEC. 5. All sections and parts of sections in said act contained, inconsistent with the provisions of this act, shall be, and the same are hereby repealed.

Act, when to
take effect.

SEC. 6. This act shall take effect immediately upon the expiration of the term, in and by the said act entitled, "An act to incorporate the Farmers and Mechanics Bank of Rahway," limited for the continuance thereof.

Approved, February 26, 1845.

AN ACT to defray incidental expenses.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Certain inci-
dental charges
directed to be
paid.

It shall be lawful for the treasurer of this state to pay to the several persons herein after mentioned, the following sums, viz:

1. To Augustus S. Barber, for publishing the constitution, and governor's proclamations relative thereto, six weeks in "Constitution," one hundred dollars.
2. To Franklin S. Mills, for publishing the constitution, and governor's proclamations relative thereto, in the weekly and tri-weekly "Sheet Anchor," for six weeks, two hundred dollars.
3. To Israel Wells, for publishing the constitution, and governor's proclamations relative thereto, in "Sunbeam," one hundred dollars.

4. To Charles P. Smith, for publishing the constitution, and governor's proclamations relative thereto, in "National Standard," one hundred dollars.

5. To Southard & Post, for publishing the constitution, and governor's proclamations relative thereto, in the "Jersey City Advertiser," one hundred dollars.

6. To Lewis Moore, for publishing the constitution, and governor's proclamations relative thereto, in the "New Jersey Advocate," one hundred dollars.

7. To Day & Warren, for publishing the constitution, and governor's proclamations relative thereto, in the "Paterson Intelligencer," seventy-two dollars.

8. To Andrew Mead, for publishing the constitution, and governor's proclamations relative thereto, in the "Passaic Guardian," one hundred dollars.

9. To William B. Kinney, for publishing the constitution, and governor's proclamations relative thereto, advertising court of appeals, and governor's proclamation for three hundred dollars reward, in "Newark Daily" and "Sentinel and Daily Advertiser," six weeks in each, two hundred and six dollars.

10. To J. S. Hull and A. S. Lum, for publishing the constitution and governor's proclamations relative thereto, in the "Morristown Jerseyman," one hundred dollars.

11. To Josephus Shaun, for publishing the constitution, and governor's proclamations relative thereto, in the "Rahway Republican," ninety-six dollars and fifty cents.

12. To Allan Wilson, for publishing the constitution, and governor's proclamations relative thereto, in the "Belvidere Apollo," one hundred dollars.

13. To William Whiteley, for publishing the constitution, and governor's proclamations relative thereto, in the "Temperance Herald," one hundred dollars.

14. To J. T. Robinson, for publishing the constitution, and governor's proclamations relative thereto, in the "Princeton Whig," ninety-eight dollars.

15. To Lewis C. Vogt, for publishing the constitution and governor's proclamations relative thereto, in the "Democratic Banner," one hundred dollars.

16. To J. L. Powell, for publishing the constitution, and governor's proclamations relative thereto, in the "Burlington Gazette," ninety-eight dollars.

17. To George Ottinger, for publishing the constitution, and governor's proclamations relative thereto, in the "Burlington County Herald," one hundred dollars.

18. To John H. Hall, for publishing the constitution, and

governor's proclamations relative thereto, in the "Sussex Register," eighty-two dollars and seventy-five cents.

19. To D. G. Fitch, for publishing the constitution, and governor's proclamations relative thereto, in the "Warren Journal," one hundred dollars.

20. To T. B. Crowell, for publishing the constitution, and governor's proclamations relative thereto, in the "New Jersey Eagle," one hundred dollars.

21. To Philip J. Gray, for publishing the constitution, and governor's proclamations relative thereto, in the "Camden Mail," one hundred dollars.

22. To Thomas S. Allison, for publishing the constitution, and governor's proclamations relative thereto, in the "Somerset Messenger," one hundred dollars.

23. To Bosse & Curts, for publishing the constitution, and governor's proclamations relative thereto, in the "American Eagle," one hundred dollars.

24. To Mrs. J. Palmer, for publishing the constitution, and governor's proclamations relative thereto, in the "New Jersey Mirror," eighty-five dollars and eighty-seven cents.

25. To Lewis R. Stelle, for publishing the constitution, and governor's proclamations relative thereto, in the "New Brunswick Times," seventy-seven dollars and seventy-five cents.

26. To Charles Burritt, for publishing the constitution, and governor's proclamations relative thereto, in the "New Jersey Journal," one hundred dollars.

27. To Milton F. Cushing, for publishing the constitution, and governor's proclamations relative thereto, in the "Plainfield Union," one hundred dollars.

28. To George C. Seymour, for publishing the constitution, and governor's proclamations relative thereto, in the "Hunterdon Democrat," one hundred dollars.

29. To Joseph A. Yard, for publishing the constitution, and governor's proclamations relative thereto, in the "Emporium and True American," one hundred dollars.

30. To Sherman & Harron, for publishing the new constitution, and governor's proclamations relative thereto, in the weekly and tri-weekly "State Gazette," one hundred and ninety-nine dollars and twenty-one cents.

31. To Phillips & Boswell, for publishing the constitution, and governor's proclamations relative thereto, in the "Clay Banner," one hundred dollars.

32. To William Napton, former doorkeeper of the House of Assembly, for taking care of the assembly room through the

summer and fall of eighteen hundred and forty-four, thirty dollars.

33. To Samuel R. Hamilton, quartermaster general, for freight and cartage of muskets, four dollars and sixty-nine cents.

34. To Thomas Arrowsmith, treasurer, for travelling expenses to Philadelphia and Paterson, to receive dividends on stock, interest on bonds, and for packing state pamphlet laws, minutes of assembly, journals of council, including boxes, cloth, twine, &c., and for office rent from November ninth, eighteen hundred and forty-three, to January first, eighteen hundred and forty-five, including fuel, &c., ninety-nine dollars and seventy-eight cents; and also allowance for extra service examining the late treasurer's account, &c., two hundred dollars.

35. To Richard P. Thompson, attorney general, for professional services and expenses incurred in the investigation of the lottery case, by authority of a resolution of the legislature of New Jersey, passed March fourth, eighteen hundred and forty-four, one hundred and fifty dollars.

36. To James M. Newell, for publishing the constitution, and governor's proclamations relative thereto, in the "Bridge-ton Chronicle," one hundred dollars.

37. To H. C. Buffington, for publishing the constitution, and governor's proclamations relative thereto, in the "Hunterdon Gazette," one hundred dollars.

38. To Bernard Connolly, for publishing the constitution, and governor's proclamations relative thereto, in the "Mon-mouth Democrat," one hundred dollars.

39. To Franklin Ferguson, for publishing the constitution, and governor's proclamations relative thereto, in the "Franklin Advertiser," one hundred dollars.

40. To Joseph A. Yard, keeper, for two cane-bottomed stools in assembly room, two dollars.

41. To David Fitz Randolph, for publishing the constitution, and governor's proclamations relative thereto, in the "Fredonian," one hundred dollars.

42. To C. Yardley, for twenty tons of coal for Senate and Assembly, eighty dollars.

43. To S. G. Arnold, for publishing the constitution, and governor's proclamations relative thereto, in the "Newark Morning Post," and once a week in daily paper, two hundred dollars.

44. To S. L. B. Baldwin, for publishing the constitution, and governor's proclamations relative thereto, in the "Somerset Whig," one hundred dollars.

45. To George W. Beebe, for publishing the constitution, and governor's proclamations relative thereto, in the "Sussex County Democrat and New Jersey Herald," one hundred dollars.

Approved, February 26, 1845.

AN ACT to incorporate the Good Intent Manufacturing Company.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Names of corporators.

Style of incorporation.

General powers.

SEC. 1. Isaac Dunton, Arthur Brown, William Folwell, P. J. Gray, John L. Cooper, Jonas Livermore, Isaac R. Smith, Jacob M. Thomas, Garret Newkirk, William White, and Josiah S. Worth, 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, dying, 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 Good Intent Manufacturing Company;" and, by such name, they shall be, and are hereby made capable, in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatsoever; and shall have power to make and use a common seal, and the same alter and renew at pleasure; and, by the same name, shall be capable to acquire, purchase, receive, have, hold, and enjoy, and again sell, or otherwise dispose of, 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 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 purchase the "Good Intent Factory," with the water-power thereof; and may purchase and erect such mills, houses, and other works as they

shall deem necessary to carry on the aforesaid branches of manufacture at Good Intent, in the counties of Camden and Gloucester, and not elsewhere; *provided always*, that the funds of the said corporation, or any part thereof, shall not be used in banking operations.

SEC. 2. The stock, property, and concerns of the said corporation shall be managed and conducted by five directors, a majority of whom shall be citizens and residents in this state, being stockholders, who shall be chosen annually, on the first Monday in July, at such time and place as shall be designated by the by-laws of the 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 said county of Camden; and at such elections 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; 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.

Time and mode
of election of
directors.

Vacancies, how
to be supplied.

SEC. 3. The capital stock of the said corporation shall not exceed one 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 lawful money, and not sooner, it shall 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 the said county of

Amount of capi-
tal stock.

Camden, designating the proportion of such payments 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 payment shall forfeit to the corporation his, her, or their share or shares in said capital stock, and all previous payments thereon.

Books to be
opened for sub-
scriptions.

SEC. 4. The said Isaac Dunton, Isaac R. Smith, Jacob M. Thomas, Jonas Livermore, and John L. Cooper, or any three 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 county of Camden 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 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 July next ensuing the time of their said election, and until others shall be legally chosen.

Stock to be per-
sonal estate.

SEC. 5. All the stock of the said corporation shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the said corporation; and no dividend shall be made to and among the stockholders, except from and out of the actual net profits of the said corporation.

Corporation not
dissolved for
failure to elect
on day prescrib-
ed.

SEC. 6. 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.

Directors may
make by-laws.

SEC. 7. 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 such by-laws and regulations as they shall deem expedient for the government, management, and disposition of the stock, property, effects, business, profits, and concerns of the said corporation; *provided*, that the same be not contrary to the constitution or laws of the United States or of this state.

Directors to
make annual
statement.

SEC. 8. 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 the said corporation, which books shall be open at all times during regular business hours for the

inspection of the stockholders; 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; and the directors shall submit to the stockholders, in the month of June annually, a written statement, under oath or affirmation, setting forth the amount of all existing debts against the said corporation, the amount of all existing debts due and owing to the said corporation, and the amount of capital stock actually paid in.

SEC. 9. This act shall continue in force twenty years; but it shall and may be lawful for the legislature of this state to alter, modify, extend, or repeal the same, whenever, in their opinion, the public good may require it. Limitation.

Approved, February 28, 1845.

AN ACT TO CHOOSE OVERSEERS OF ROADS BY DISTRICTS, IN THE TOWNSHIP OF WOODBRIDGE, MIDDLESSEX COUNTY.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. It shall be lawful for any three or more of the inhabitants, who are residents of the road district, and who are entitled to vote at the annual township meeting, to call a meeting of the lawful voters of the road district in which they reside, by putting up, in three or more of the most public places in the district, written or printed notices, giving not less than ten days' previous notice of said meeting, and setting forth the object of the meeting to be to choose an overseer of the road district, and also designating the place for holding the meeting, which shall be somewhere in the district.

Meetings to choose overseer, how called.

SEC. 2. All meetings held in virtue of this act shall be called to meet at the hour of two o'clock in the afternoon, and, in all cases, at least one week previous to the annual township meeting; annual and extra meetings shall be called and conducted in conformity to the provisions of this act for calling the first meeting.

Meetings, when held.

SEC. 3. At the first road district meetings held in virtue of this act, at the hour of two o'clock in the afternoon, it shall be the duty of one of the persons who signed the call for said dis-

Manner of conducting elections.

trict meeting, or, in their absence or refusal to act, any other person present, being a resident of the district, and entitled to vote at the annual township meetings, to call the meeting to order, and to make known the object of the meeting, to be to choose an overseer for the road district, when the meeting shall forthwith proceed, viva voce, to choose one person, being a resident of the district, to act as overseer of the highway of the said district for one year; and at this, and all subsequent elections held under this act, the person having the highest number of the votes of the legal voters there present shall be the overseer; the person who called the meeting to order shall be the presiding officer of the meeting and judge of the election; *provided*, that the voters of the district, so assembled, may decide whether or not they will choose an overseer according to the provisions of this act.

Proviso.

Overseers to call all subsequent meetings.

SEC. 4. It shall be the duty of the persons who are chosen overseers, at the first meetings called in virtue of this act, and their successors in office, to call all the subsequent annual meetings, by putting up written or printed notices at the proper time, and in conformity to the requirements of the first section of this act, as to the time of holding the meetings, and for what purpose, number of notices, &c.

Overseers to preside at meetings.

SEC. 5. The overseers of highways, chosen by the first meetings held in virtue of this act, and their successors in office, who may be hereafter chosen, shall attend at the time and place of holding the annual district meeting; at which meetings they shall preside, by calling them to order, and making known the object of the meeting, directing the vote to be taken, and acting as judge to decide the person having a majority of the votes.

Duties of overseers, when to commence.

SEC. 6. The official duties of overseers chosen by virtue of this act shall begin and end at the same time as if chosen at the annual township meeting.

Penalty for neglect of duty.

SEC. 7. Any overseer chosen under this act, and accepting the appointment of the same, who shall refuse or neglect to perform the duties of overseer, as required by this act, shall, upon the complaint of any person living in the district, and being a lawful voter in the same, be fined twenty dollars, in an action of debt, before any magistrate living in the township, one half of which sum of twenty dollars shall go for the use of the district, and the other half to the complainant.

Election of overseer to be reported to township clerk.

SEC. 8. It shall be the duty of the person chosen overseer of any district in the township of Woodbridge, to report the same, on or before the day of the annual township meeting, to the township clerk; and the township clerk, chosen at the annual town meeting, shall cause the same to be recorded upon the

township records; and in the event of the death or refusal of the overseer to make such report to the town clerk, any other person living in the district, being a legal voter, may do it, and shall be the duty of the town clerk to record it, the same as if made by the overseer.

SEC. 9. In the event of the death, absence, or refusal to act of the overseer chosen at the annual district meeting, the inhabitants may choose another, by calling a meeting, in the manner prescribed by the first section of this act, for the first meeting; which overseer, so chosen, shall perform all the duties, the same as if chosen at the regular annual meeting.

Vacancies, how supplied.

SEC. 10. The neglect of the inhabitants of any district, in any one year, to choose an overseer for their district, shall not deprive them of the right to choose an overseer at any subsequent year, during the continuance of this act.

Districts not electing, may elect on following year.

SEC. 11. It shall be the duty of the person who acts as moderator and judge of the district elections, to keep a written record of the proceedings of such meetings, including the name of the person elected as overseer, and furnish the same to the said overseer, whose duty it shall be to have the same recorded upon the road books kept by the overseer; and it shall be the duty of all overseers, chosen in virtue of this act, to have a book in which they shall record the proceedings of the district meetings, and also in which they shall keep a true account of all moneys received and paid out by them, of whom received, the time when received, and to whom and for what paid; also, the names of those who work, and the amount of work done by each person employed, and the date when done, upon and for the district, which said book shall belong to the district, and be handed over by the overseer to his successor in office.

Duties of overseers.

SEC. 12. At the annual township meetings, all the districts who have neglected to elect their overseers, according to the provisions of this act, the same shall be chosen by the township meetings, the same as if this act had not been passed.

Proceedings in case of failure to elect overseers.

SEC. 13. All the laws regulating the proceedings, and imposing penalties for riotous conduct and for illegal voting, applicable to township meetings, shall apply to meetings held in virtue of this act; and the moderator at the district meetings shall have the same authority to enforce the laws, as a moderator chosen at the annual township meeting.

Meetings, how regulated.

SEC. 14. All overseers of highways chosen in virtue of this act, shall be subject to all the laws regulating the duties of overseers of highways chosen by the annual township meetings, where such laws do not conflict with this act.

SEC. 15. The above act shall be limited to the township of Woodbridge, in the county of Middlesex.

Act, when to
take effect.

SEC. 16. This act shall take effect immediately after its passage, and be declared to be a public law.

Approved, February 28, 1845.

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

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Boundaries of
township.

SEC. 1. All that part of the township of Northampton, in the county of Burlington, contained within the following bounds, to wit: beginning, in the line between the townships of Evesham and Northampton, in the south branch of Rancocus creek, at Haines's bank-landing, near Lumberton; thence, running north, seventy-four degrees and thirty-eight and a half minutes east, about fifty links, to a pine tree, marked with four blazes and twelve hacks, standing on the bank of said creek; thence, continuing the same course two hundred and eighty-five chains, to a stone standing on the edge of the bank of the north branch of Rancocus creek, near the upper side of the abutment of the bridge across said creek, near Shreveville; thence, continuing the same course about fifty links, to the middle of said creek; thence, up the middle of the said north branch of the Rancocus creek, the several courses thereof, until it strikes the line between the townships of Northampton and New Hanover; thence, still along said creek, between the townships of Northampton and New Hanover, the several courses thereof, until it strikes the line between the counties of Monmouth and Burlington; thence, along said line, until it strikes the line between the townships of Little Egg Harbour and Northampton; thence, along said line, until it strikes the line between the townships of Washington and Northampton; thence along said line, until it strikes the line between the townships of Evesham and Northampton; thence, along said line, to the place of beginning, shall be, and hereby is set off from the township of Northampton, in the county of Burlington, to be called and known by the name of "the township of Coaxen."

SEC. 2. The inhabitants of the township of Coaxen are con-

stituted a body politic and corporate, in law, and shall be styled and known by the name of "the Inhabitants of the township of Coaxen, in the county of Burlington;" and shall be entitled to all rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in the said county of Burlington are or may be entitled or subjected to by the existing laws of this state.

Inhabitants of township incorporated.

SEC. 3. The inhabitants of the township of Coaxen shall hold their first annual town meeting at the inn of Charles C. Shinn, in Vincentown, in the said township of Coaxen, on the second Tuesday of March next.

First town meeting in Coaxen.

SEC. 4. The inhabitants of the township of Northampton shall hold their next annual town meeting at the inn of Peter C. Stryker, in Mount Holly, in said township, on the second Tuesday of March next.

Town meeting in Northampton.

SEC. 5. The township committees of the townships of Coaxen and Northampton shall meet, on the first Monday in April next, at the inn of John West, in Mount Holly, at ten o'clock in the forenoon, and then and there proceed, by writing, signed by a majority of those present, to allot and divide between the said townships all properties and moneys on hand, due, or to become due, in proportion to the taxable property and ratables, as taxed by the assessor, within their respective limits, at the last assessment, and may adjourn the said meeting, from time to time, as a majority of those present may think proper; and the inhabitants of the township of Coaxen shall be liable to pay their just proportion of the debts, if any there should be; and if any of the persons comprising either of the township committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and the decision of a majority of those present shall be final and conclusive.

Committees to allot and divide property.

SEC. 6. This act shall take effect on and after the second Monday of March next.

Act, when to take effect.

Approved, March 1, 1845.

A supplement to an act entitled, "An act to incorporate the Burlington County Bank at Medford, to be located in the town of Medford, in the county of Burlington," passed March first, A. D. eighteen hundred and thirty-seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Part of former
act repealed.

SEC. 1. So much of the second section of said act as provides "that the whole capital stock shall be paid within ten years from the passage of this act," be, and the same is hereby repealed.

Directory to
call in stock.

SEC. 2. The directors of the said bank shall have power and authority to call in, and ordered to be paid, so much of the said capital stock as remains unpaid, at such times and in such instalments as in their discretion they shall deem necessary.

Act, when to
take effect.

SEC. 3. This act shall go into operation immediately after it becomes a law.

Approved, March 5, 1845.

A supplement to an act entitled, "An act to incorporate the Musconetcong Manufacturing Company," passed March eleventh, eighteen hundred and forty-two.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Time of former
act extended.

The eleventh section of the act to which this is a supplement be, and the same is hereby so amended, as to extend the time of three years, therein mentioned, to thirteen years, anything in the said act, to which this is a supplement, to the contrary notwithstanding.

Approved, March 5, 1845.

A supplement to the act entitled, "An act to incorporate the Alexandria Delaware Bridge Company," passed March fifth, eighteen hundred and forty-one.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. Persons going to or returning from religious meeting or church upon the christian sabbath, or first day of the week, commonly called Sunday, shall be allowed to pass the said bridge free of toll, and upon that day only. Certain persons to pass free of toll.

SEC. 2. So much of the eleventh section of the act to which this is a supplement, as provides for the passage of persons going to and returning from religious meeting or church free of toll, be, and the same is hereby repealed. Part of former act repealed.

Approved, March 5, 1845.

AN ACT further to regulate the proceedings of the annual town and ward meetings.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. Justices of the peace are to be elected by ballot, at the annual meetings of the townships and wards in the several counties of this state; and the first election is to take place at the next annual town and ward meetings. Justices of the peace, how elected.

SEC. 2. When a township or ward contains two thousand inhabitants, or less; it may elect two justices; when it contains more than two thousand inhabitants, and not more than four thousand, it may elect four justices; when it contains more than four thousand inhabitants, it may elect five justices; and when any township, not voting in wards, contains more than seven thousand inhabitants, such township may elect an additional justice for each additional three thousand inhabitants above four thousand. Number of justices in township.

SEC. 3. The population of the townships and wards shall be ascertained by the last preceding census of the United States; and the abstract of the last census, as published with the laws of this state, in the year eighteen hundred and forty-one, shall be conclusive evidence of the contents thereof, so far as relates to the population of townships and wards. Population of township, how ascertained.

Judge of election.

SEC. 4. The judge of election elected at the last, or any future town meeting, shall preside at, and conduct the election for justices of the peace at the next ensuing town meeting; and the lawful voters present at the opening of the poll shall elect, viva voce, a person, being a lawful voter in the township, to be clerk of such election.

Vacancies, how supplied.

SEC. 5. In case of the neglect to serve, or the absence, or other disability of the judge of election, and in townships where such officer has not been elected, the lawful voters present shall proceed to fill such vacancy, in the manner provided in the foregoing section for the election of the clerk.

Election for justices, how conducted.

SEC. 6. The election for justices of the peace shall be opened at the same time, and conducted in the same manner, and be subject to the same rules, as elections for state or 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 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 and stated in the same manner.

Duplicates of statements of result to be made.

SEC. 7. Two statements of the result of every election for justices of the peace shall be made, one of which the judge of election shall enclose and seal up, and deliver, or safely transmit, to the clerk of the county, who shall forthwith file the same in his office; and the other shall, in like manner, be delivered or transmitted to the secretary of state, within ten days after such election, who shall forthwith file the same in his office.

Secretary of state to exhibit statements to the governor.

SEC. 8. The secretary of state shall exhibit the several statements of the results of such elections to the governor, who shall commission the persons elected for the county; their commissions shall bear date and take effect on the first day of May next after their election, and they shall hold their offices for five years, unless elected to fill a vacancy, then for the unexpired term only.

Vacancies, how supplied.

SEC. 9. If at any such election there be vacancies to be supplied, or a vacancy or vacancies to be supplied, and a justice or justices to be elected for five years, it shall be necessary to designate, on the ballot, for which term the person voted for is intended, by adding, after the names of persons intended to supply vacancies, the words "in place of," and the name of the person or persons whose place is to be supplied; the statement of the result shall show which persons are elected to fill vacancies, and in whose place, and they shall be commissioned accordingly.

SEC. 10. Townships and wards which now vote, or shall hereafter vote by ballot at their annual town and ward meetings, shall, at the time they vote for justices of the peace, vote upon the same ballot for township officers, and upon such other questions as such townships and wards are or may be authorized or required by law to vote upon by ballot. Mode of voting.

SEC. 11. All acts and parts of acts authorizing townships and wards to vote by ballot at their annual town and ward meetings, so far as the same are inconsistent with the provisions of this act, are hereby repealed. Part of former act repealed.

SEC. 12. The judge of election, the clerk, and secretary of state, shall receive the same compensation for services required by this act, as is now or may hereafter be provided by law for like services in elections for state or county officers. Compensation to officers.

SEC. 13. This act shall take effect immediately after the same shall become a law. Act, when to take effect.

Approved, March 6, 1845.

AN ACT for the relief of the president and trustees of the Methodist Episcopal Church in Elizabethtown.

WHEREAS Joseph Cleveland, John Faulks, James C. Denman, Enoch Coddington, Aaron Q. Thompson, Ezra Cleveland, and Periam Price, the president and trustees of the Methodist Episcopal Church in Elizabethtown, by their petition have set forth that the Rev. Thomas Morrell, in his lifetime, on the twenty-fourth day of November, seventeen hundred and ninety-two, by his deed of conveyance, duly executed, did convey unto Jonathan Morrell, Thomas Crowell, John Chave, Waters Burrows, and Abraham Morrell, and to their successors in office, as trustees for ever, a certain lot of land in Elizabethtown, in the county of Essex, in this state, to hold the same in trust, for the use of the society of the Methodist Episcopal Church in Elizabethtown, for ever; upon which said lot of land, soon after the execution and delivery of the said deed, was erected a house of worship for the said society, in which they have continued to worship until this time; that the said society was incorporated in eighteen hundred and thirty-nine, in the manner prescribed by the act of the legislature of New Jersey, passed the twelfth of June, seventeen hun-

Preamble.

dred and ninety-nine, entitled, "An act to incorporate trustees of religious societies;" and, in eighteen hundred and forty-three, purchased a lot of land in the central part of Elizabethtown, and have erected, and nearly finished thereupon, a large and commodious brick church, for the use of the said society; and that, to aid in defraying the expenses in the purchase of the said lot and said new church, the said society have resolved to sell the lot of land conveyed to the said trustees by the Rev. Thomas Morrell, together with the buildings and improvements thereon; but that, by reason of the death of all the trustees named in the said deed, and the omission of said society to continue a succession of trustees, in the manner directed by the said deed from the Rev. Thomas Morrell, doubts have arisen whether a good and sufficient title for the said lot of land and premises can be made to the purchaser of the same—therefore,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Trustees authorized to sell certain property.

SEC. 1. The president and trustees of the Methodist Episcopal Church in Elizabethtown are hereby authorized and empowered to sell, at public or private sale, all that lot of land and premises, with the buildings, improvements, and appurtenances thereunto belonging, which was conveyed by Thomas Morrell to Jonathan Morrell, Thomas Crowell, John Chave, Waters Burrows, and Abraham Morrell, and to their successors, in trust, for the use of the society of the Methodist Episcopal Church in Elizabethtown, by his deed, bearing date the twenty-fourth day of November, seventeen hundred and ninety-two, and in the said deed is described as follows: beginning at the south-westermost corner of William Peartree Smith's land (now Robert Atchinson's); thence, running north along said Smith's line (now Atchinson's), seventy-six feet six inches; then a westerly course, as the cross-fence now stands, seventy feet; thence southerly, sixty feet, to the main road leading from the town to the Point; thence easterly, seventy feet, along the road to the corner of Smith's land (now Atchinson's), the first mentioned place of beginning; bounded easterly by William P. Smith's land (now Robert Atchinson's), southerly by the main road to Elizabethtown Point, westerly and northerly by land of Jonathan and Thomas Morrell (now of the estate of the Rev. Thomas Morrell, deceased); and to execute and deliver to the purchaser or purchasers thereof, a good and sufficient deed for the same, under the hand of the president and the common seal of the Methodist Episcopal Church in Elizabethtown, and under the hand and seal of the trustees of the said corporation, or a majority of them; and upon the payment of the purchase money, by the purchaser or purchasers, to the

trustees of the Methodist Episcopal Church in Elizabethtown, or a majority of them, taking their receipt therefor, such purchaser or purchasers shall be vested with, and entitled to all the estate, right, title, interest, and possession of, in, and to the said lot of land and premises, with the appurtenances, which the said Thomas Morrell conveyed to the grantees named in the said deed; and the said purchaser or purchasers, his or their heirs and assigns, shall hold the same, so conveyed, to his or their own use, free and clear and absolutely discharged from all trusts whatsoever upon which the same was held, in pursuance of the trust contained in the said deed of conveyance made by the said Thomas Morrell, as aforesaid; and the purchase money paid by the said purchaser or purchasers as aforesaid, when received by the trustees of the said Methodist Episcopal Church in Elizabethtown, shall be appropriated towards the payment of the purchase money for the lot of land on which the said Methodist Episcopal Church in Elizabethtown are causing to be erected a new brick church, or towards the payment of the expenses incurred in building the said new church, and shall be absolutely vested in, and belong to, the said the Methodist Episcopal Church in Elizabethtown, their successors and assigns, for ever.

Purchase money, how vested.

SEC. 2. This act shall take effect immediately after the passage thereof.

Act, when to take effect.

Approved, March 6, 1845.

AN ACT to incorporate the East Windsor Cemetery Company, in the county of Mercer.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Richard Norton, Joseph J. Ely, and William Norton, and their successors, be, and they are hereby made a body politic and corporate, in law, under the name, style, and title of "the East Windsor Cemetery Company;" and, by that name, shall be able and capable, in law, to have and use a common seal, to sue and be sued, to plead and be impleaded, and to do all such other things as are incident to a corporation, and necessary for the purposes of this act.

Names of corporations.

Objects of incorporation.

SEC. 2. The said corporation shall be composed only of persons who desire burial places in the said cemetery; and the said corporation shall have power to take charge and management of the lot of land situate in the township of East Windsor, near the residence, and on the westerly side of the farm of Richard Norton, containing half an acre, late the property of Isaac Ely, deceased; who, by his last will and testament, bearing date May twenty-first, eighteen hundred and twenty-one, bequeathed the said lot of land for a cemetery, or burial ground, to be used and occupied only as burial places for deceased persons.

Business of corporation conducted by three managers.

SEC. 3. The care and management of the said cemetery and the business of the said corporation shall be confided to three managers, being interested therein, who shall have the exclusive superintendence thereof, with power to appoint and employ such agents as they may deem expedient, and to fix their compensation; the said corporation may receive bequests, with such interest as hath or may hereafter accrue thereon; which said interest, together with such donations as the said corporation may receive from time to time, may be expended in erecting fences, laying out and ornamenting the grounds, and such other necessary work as they may deem necessary for the preservation and improvement of the said cemetery.

First directors.

SEC. 4. For the first year, and until others shall be chosen, Richard Norton, Joseph J. Ely, and William Norton shall serve as managers; the managers for the time being shall report to those interested in the said cemetery the state of the affairs and business of the said corporation, whenever so requested by any five of them in writing, naming the time and place; immediately after which, those present may proceed to an election for three managers of the said corporation.

No roads to be opened through lands.

SEC. 5. No roads shall be hereafter opened through the lands of the said corporation occupied as a burial ground, nor shall any part of the premises occupied as aforesaid ever be subject to sale by virtue of execution or any legal process.

What personal estate may be held.

SEC. 6. This corporation may hold so much personal estate, and no more, as may be necessary for its legitimate purposes.

Act may be repealed, &c.

SEC. 7. The legislature may, at any time hereafter, amend, modify, alter, or repeal this act, whenever the public good requires it; and the same shall go into effect immediately after the passage thereof.

Approved, March 6, 1845.

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

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. The act to which this is a supplement, and the supplement to said act, passed the first day of December, in the year of our Lord one thousand eight hundred and twenty-six, and all the provisions thereof, except so far as the same shall be modified, altered, or repealed by this act, shall be, and the same is hereby extended and continued in force for and during the term of twenty years from and after the passing of this act.

Provisions of former act extended.

SEC. 2. It shall and may be lawful for the directors of the said company for the time being, annually or oftener, as they may see proper, to declare and cause to be paid to the stockholders such dividends, from time to time, as they shall deem discreet and proper; *provided always*, that such dividends shall not exceed, per annum, the rate of interest fixed at the time by the laws of this state, nor shall impair the deposit money, nor reduce the capital fund of said company below seventy-five thousand dollars.

Annual dividends to be made.

Proviso.

SEC. 3. The election of directors shall be held annually, on such day in the month of December, in each year, as shall be fixed from time to time by the board of directors, of which notice shall be given as is prescribed by the act to which this is a supplement; and that the polls may be opened at the time fixed, without any specified number of members being present.

Annual election of directors.

SEC. 4. A scrip shall be issued for the premium money on any policy which has continued for five years, on the first day of January thereafter, whether the policy shall be continued or not to such first day of January; and that it shall be in the power of the directors, in their discretion, to allow any person ensured, who may neglect to renew his policy at the time it expires, to do so, and to be restored to all the rights in the company lost thereby, upon dating the renewal back to such time; *provided* the application be made for that purpose within three months after such expiration, and there be sufficient reason assigned for such neglect.

Scrip to be issued in certain cases.

Proviso.

SEC. 5. This act shall commence and take effect on the twentieth day of December next.

Act, when to take effect.

Act may be altered, &c.

SEC. 6. The legislature shall at all times have a right to alter or amend this act, and those to which this is a supplement; and in case of an abuse or misuse of the powers and privileges thereby conferred on the said company, to repeal the same entirely.

Approved, March 6, 1845.

A supplement to an act entitled, "An act to enable the owners and possessors of the meadows, low lands, and swamps, lying upon or adjoining the Assanpink creek, in the counties of Hunterdon, Burlington, and Middlesex, to clear out and straighten the said creek, within the limits therein named," passed March first, eighteen hundred and thirty-two.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Names of managers.

Their powers.

To assess expenses, &c.

SEC. 1. James McGallaird, Randal C. Robbins, and Jacob Rogers shall be, and they are hereby appointed managers for the opening and clearing out and straightening of the Assanpink creek, from the westerly line of the farm of William T. Mills (late the farm of Allison Ely, deceased), in the township of East Windsor, in the county of Mercer, up said creek to the mill tail-race of Amos Hutchinson, about the distance of one mile, all of which is situated in the said township of East Windsor, and shall continue managers until the second Saturday in May, in the year of our Lord one thousand eight hundred and forty-six, and until their successors in office are appointed; and it shall and may be lawful for the said managers, or either of them, to enter into and upon the meadows, low lands, and swamps lying upon said creek, within the limits aforesaid, with all necessary workmen and implements, to open, widen, clear out, straighten, and remove every obstruction (division swinging-pole fencing across the said creek excepted) to the free passage of the water within the limits aforesaid, sixteen feet wide, and not less than three, nor more than five feet deep, and the mud and other obstructions taken out of said creek, equally to cast out upon the meadows, swamps, and low lands next adjacent.

SEC. 2. The said managers, or a majority of them, shall and may apportion the amount that each respective owner or pos-

essor of said meadows, swamps, and low lands lying upon said creek, or in the vicinity thereof, within the limits aforesaid, to be benefited by the opening, clearing out, and straightening said creek, shall pay for each and every of the expenses which may accrue in carrying this law into effect; and shall and may demand and receive of all and every of the owners and possessors of said meadows, swamps, and low lands such sum or sums of money so by them assessed; and on neglect or refusal of the payment thereof, for the space of sixty days after such demand, it shall and may be lawful for the said managers, or either of them, and they are hereby enjoined, by action of debt, to sue for and recover the same, with costs of suit, in any court having cognizance thereof; all which sum or sums of money, so assessed and received, shall be applied by the managers to the purposes in this act before mentioned.

SEC. 3. It shall and may be lawful for the owners and possessors of the meadows, swamps, and low lands, lying within the limits expressed in the first section of this act, to meet at the house of James Nutt, innkeeper, at Centreville, in the township of East Windsor, on the second Saturday in May, in the year of our Lord one thousand eight hundred and forty-six, and appoint, by plurality of votes, three managers, yearly and every year, after the second Saturday in May, eighteen hundred and forty-six; which said managers shall continue in office one year next ensuing such choice and until others shall be chosen, and shall, during the continuance of the year, be vested with all the powers herein before given to the managers named in the first section of this act, or either of them.

Time and mode
of annual elec-
tion of mana-
gers.

SEC. 4. If any person or persons whatsoever, after the passing of this act, shall wilfully fall any tree, or cast or put anything whatsoever in the said creek, that will in any way obstruct or be an impediment to the free course of the water in said creek, within the limits aforesaid, he, she, or they so offending shall pay the sum of ten dollars for each and every offence, to be recovered, by any one of the said owners or possessors of the said meadows, swamps, and low lands, in an action of debt, with costs of suit, in any court having cognizance of the same, one half to the prosecutor; and the other half to be paid over to the manager or managers above mentioned, or either of them, to be appropriated towards the clearing out the said creek.

Penalty for ob-
structing course
of water.

SEC. 5. The said managers shall severally be entitled to receive, for each and every day that he or they may be employed in discharging the duties required by this act, the sum of one dollar.

Compensation
to managers.

Approved, March 6, 1845.

A further supplement to the act entitled, "An act to establish and confirm the charter rights and privileges of the borough of Elizabeth, to empower the corporation of the borough of Elizabeth to make, regulate, and improve streets and pavements within the fire district of said borough."

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Powers and duties of mayor, aldermen, &c.

SEC. 1. The mayor, aldermen, and commonalty of the borough of Elizabeth, and their successors for ever, are hereby authorized and empowered to make and ordain all such ordinances and regulations as they shall deem proper for grading, draining, working, and improving streets and highways, and for making and repairing bridges and culverts necessary or useful to the same, and for making, grading, flagging, paving, and improving side-walks, cross-walks, and gutters within the district, in the borough of Elizabeth, described and defined by the said corporation as the fire limits of the said borough, and to appoint such overseer or overseers, commissioner or commissioners, as may be deemed necessary to carry into effect the provisions of this act; *provided*, that nothing in this act contained shall extend or relate to county bridges.

Proviso.

Collector to pay over taxes, &c.

SEC. 2. The collector of taxes of the township of Elizabeth shall pay over, annually, to the chamberlain of the borough of Elizabeth, as soon as collected, all moneys and taxes assessed, raised, and collected for the repairs of highways, upon all property and lands within the said fire limits, and upon all persons assessed and taxed as a householder, or a single man, residing within the said fire limits, to be applied by the said corporation in executing the provisions of this act.

Act, when to take effect.

SEC. 3. All former acts and laws repugnant to, or coming within the purview of this act, are hereby repealed; and this act shall take effect immediately after the passage thereof.

Approved, March 6, 1845.

A further supplement to the act entitled, "An act for the preservation of clams and oysters," passed June ninth, eighteen hundred and twenty.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

The time within which the taking and vending of oysters, as prohibited by the first and fourth sections of the act to which this is a supplement, 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.

Provisions of former act extended.

Proviso.

Approved, March 8, 1845.

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

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. All that part of the township of Gloucester, contained within the following bounds, that is to say: beginning in the middle of Egg Harbour river, where the line between the counties of Camden and Atlantic crosses said river; thence, along the said county line north-easterly, to a stake in a pond, corner to Waterford township; thence, along said Waterford township line northwesterly, passing through Long-a-coming, to the public road leading therefrom, to the Cross-keys tavern, in Washington township; and from thence, along said road, and the middle thereof, south-westerly, to the line of the township of Washington; thence southerly, along said line, to the head of Four-mile branch, to a corner of Washington township; thence, down the Four-mile branch, the several courses, to the main branch of Great Egg Harbour river; thence, down the same, the several courses thereof, binding on Washington township, to the place of beginning, be, and the same is hereby set off into a new township, to be called the "township of Winslow."

Boundaries of township.

Inhabitants in-
corporated.

SEC. 2. The inhabitants of the township of Winslow 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 Winslow, in the county of Camden," and shall be entitled to all rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in the said county of Camden are or may be entitled or subjected to by existing laws of this state.

First town meet-
ing in Winslow.

SEC. 3. The inhabitants of the township of Winslow shall hold their first town meeting at the inn of Josiah Albertson, at the Blue Anchor, in the said township of Winslow, on the second Wednesday in March, instant.

Town meeting
in Gloucester.

SEC. 4. The inhabitants of the township of Gloucester shall hold their next town meeting at the house of William Middleton, Red Lion, in the said township of Gloucester, on the second Wednesday in March, instant.

Committees to
allot property,
&c.

SEC. 5. The town committees of Gloucester and Winslow shall meet on the Monday next after the annual town meeting in the said townships of Gloucester and Winslow, at the house of Jacob Leach, in Long-a-coming, at ten o'clock in the forenoon, and may adjourn from time to time, as a majority may direct, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships all properties and moneys on hand, due, or to become due, in proportion to the taxable property and ratables, as taxed by the assessor, within their respective limits, at the last assessment; and the inhabitants of the township of Winslow shall be liable to pay their just proportion of the debts, if any there should be; and if any of the persons comprising either of the township committees should neglect or refuse to meet, as aforesaid, those assembled may proceed to make the said division, and the decision of a majority of those present shall be final and conclusive.

Act, when to
take effect.

SEC. 6. This act shall go into effect immediately after the same shall become a law.

Approved, March 8, 1845.

AN ACT to incorporate the New Jersey Manufacturing Company of the county of Camden.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. Richard W. Howell, Joseph Porter, Samuel C. Champion, Benjamin W. Cooper, Thomas S. Ridgway, and Charles Robb, 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 New Jersey Manufacturing Company of the county of Camden;" and, by such name, they shall be, and are hereby made capable, in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatsoever; and shall have power to make and use a common seal, and the same alter and renew at pleasure; and, by the same name, shall have power to acquire, purchase, receive, have, hold, and enjoy, and again sell, or otherwise dispose of, 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 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 branches of manufacture, at the town of Gloucester, in the county of Camden, upon the land of Charles Robb, between Schuylkill-avenue and Charles-street, as the said avenue and street are laid down upon the lithographed plot of said town, as printed by T. Sinclair, and not elsewhere; *provided always*, that the funds of the said corporation, or any part thereof, shall not be used in banking operations.

Names of incorporators.

Style of incorporation.

General powers.

SEC. 2. 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

Time and mode of election of directors.

Monday in December, at such time and place as shall be designated by the by-laws of the 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 said county of Camden; and at such elections 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; 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.

Vacancies, how
to be supplied.

Amount of capital
stock.

SEC. 3. The capital stock of the said corporation shall not exceed six hundred thousand dollars, which shall be divided into shares of one hundred dollars each; and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed and paid in lawful money, 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 each week, in one or more newspapers published in the said county of Camden, designating the proportion of such payments 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 payment shall forfeit to the corporation his, her, or their share or shares in said capital stock, and all previous payments thereon.

SEC. 4. The said Richard W. Howell, Benjamin W. Cooper, Thomas S. Ridgway, and Charles Robb, 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 county of Camden 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 December next ensuing the time of their said election, and until others shall be legally chosen.

Books to be opened for subscriptions.

SEC. 5. 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; and no dividend shall be made to and among the stockholders, except from and out of the actual net profits of the said corporation; and no part of the capital stock shall be withdrawn, or refunded to the stockholders, until all debts and liabilities of the company are fully paid.

Stock to be personal estate.

SEC. 6. 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 prescribed.

SEC. 7. 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 such by-laws and regulations as they shall deem expedient for the government, management, and disposition of the stock, property, effects, business, profits, and concerns of the said corporation; *provided*, that the same be not contrary to the constitution or laws of the United States or of this state.

Directors may make by-laws.

SEC. 8. 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 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; and the directors shall submit to the stockholders, in the month of November, annually, a written statement, under oath or affirmation, setting forth the amount of all existing

Directors to make annual statement.

debts against the said corporation, the amount of all existing debts due and owing to the said corporation, and the amount of capital stock actually paid in.

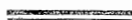
Children employed under sixteen years of age to attend school.

SEC. 9. And whereas we esteem it a duty incumbent upon us to promote, as much as possible, the education of youth, therefore, it shall be the duty of the directors of the said corporation to require that every male and female, under the age of sixteen years, who shall be employed in or about the manufacturing operations of the said corporation, shall receive, at least, three months' tuition, in the common or other school of the district, in each year they shall be so employed, said tuition to be paid for out of the proper wages of such persons, respectively, unless the payment thereof shall be otherwise provided for by the parents or guardians of said employees.

Limitation.

SEC. 10. This act shall continue in force twenty years; but it shall and may be lawful for the legislature of this state to alter, modify, extend, or repeal the same, whenever, in their opinion, the public good requires it.

Approved, March 8, 1845.



A further supplement to the act entitled, "An act for the punishment of crimes," passed February seventeenth, eighteen hundred and twenty-nine.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Perjury, in certain cases, how punished.

SEC. 1. If any person who shall be sworn or affirmed before a commissioner appointed by authority of any other state or territory of the United States to take affidavits or the acknowledgment and proof of deeds or sealed instruments of writing in this state, to be used in the state or territory by authority of which such commissioner was appointed, in a judicial proceeding, or to prove the execution of a deed, or the identity of a grantor in any deed, shall, in taking such oath or affirmation, wilfully swear or affirm falsely before such commissioner, such person so wilfully swearing or affirming falsely shall be deemed guilty of perjury, and may be prosecuted and punished accordingly.

SEC. 2. This act shall take effect immediately after it becomes a law.

Approved, March 13, 1845.

AN ACT to require further security from township collectors in the county of Passaic.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. When any person shall hereafter be elected to the office of collector, in any township in the county of Passaic, in this state, he shall, on or before the first day of June next ensuing his election, and before he enters upon the duties of his office, enter into a bond to the board of chosen freeholders of said county, with one or more sufficient surety or sureties, being a freeholder or freeholders in said county, and resident therein, to be approved of by the director of said board, and in such sum as the board, at their annual meeting, shall direct, conditioned for the faithful performance of all the duties of said office, imposed by law, respecting the collection and payment of taxes to be raised for state and county purposes. Collectors to give bond, &c.

SEC. 2. This act shall go into effect immediately after it becomes a law. Act, when to take effect.

Approved, March 12, 1845.

AN ACT to alter the lines between the townships of Hopewell and Greenwich, and between the townships of Stow Creek and Greenwich, in the county of Cumberland.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

The line between the townships of Hopewell and Greenwich, in the county of Cumberland, shall commence at the mouth of Mounce's creek, and run thence up said creek to a stone bridge in the road leading from Sheppard's mill to Bridgeton; thence north, forty-two and a quarter degrees west, two hundred and eleven and a half rods, to a stone on Barnegat, the present corner of Stow Creek and Greenwich; the said line to continue thence, between Stow Creek and Greenwich, north, fifty and a quarter degrees west, three hundred and fifty-two rods, to Macanippus run; thence, following the present line, to the mouth of Cohansey creek; thence, up said creek, to the mouth Boundaries of township.

Commissioners.

of Mounce's creek, to the place of beginning: all that part of Hopewell which lies west of the above line, up to the stone at Barnegat, shall be annexed to, and constitute a part of the township of Greenwich; all that part of Stow Creek beyond Barnegat, lying west of said line, shall be annexed to, and constitute a part of the township of Greenwich; and that Belford M. Bonham, Charles B. Fithian, and Jacob Harris are hereby appointed commissioners to run said line.

Approved, March 13, 1845.

A supplement to the act entitled, "An act to authorize aliens to purchase and hold real estate in this state," passed the twenty-second of January, eighteen hundred and seventeen.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Aliens authorized to hold real estate.

Any alien or aliens, not being the subject or subjects of any state or power at war with the United States, to whom any lands in this state may have descended from any ancestor, either alien or not, since the passage of the act to which this is a supplement, or would have descended, or may or would hereafter descend, in case such person or persons claiming by descent were natural born citizens of the United States, or to whom any lands may have been, or may hereafter be devised, shall and may have and hold the same, to him, her, and them, and his, her, and their heirs and assigns for ever, as fully, to all intents and purposes, as any natural born citizen of the United States might, may, or can do.

Approved, March 13, 1845.

AN ACT for the relief of Mary Godown.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

\$30 per annum to be paid to Mary Godown.

The treasurer of this state be, and he is hereby authorized and directed to pay to Mary Godown, widow of John Godown, 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 on the tenth day of March, eighteen hundred and forty-five.

Approved, March 13, 1845.

AN ACT to repeal the act entitled, "An act to establish a new township in the county of Cumberland, to be called Columbia."

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. The act entitled, "An act to establish a new township in the county of Cumberland, to be called Columbia," passed March eighth, eighteen hundred and forty-four, be, and the same is hereby repealed; and that all that part of Columbia which formerly belonged to Stow Creek, embraced now in the township of Columbia, shall be, and the same is hereby attached and made a part of the township of Stow Creek, in the county of Cumberland; and that all that part of Columbia which formerly belonged to the township of Hopewell, embraced now in the township of Columbia, shall be, and the same is hereby attached and made a part of the township of Hopewell, in the county of Cumberland.

Act establishing township of Columbia repealed

SEC. 2. In order to divide the funds of the township of Columbia justly, it shall be the duty of Isaac West, Jeremiah B. Davis, and Isaac Titsworth, on the part of the township of Columbia formerly belonging to the township of Hopewell, and Reuben Fithian, Andrew Horner, and Isaac Elwell, on the part of Columbia formerly belonging to Stow Creek, to meet at the academy in Shiloh, on the first Monday after the annual town meeting, and then and there proceed to divide the funds of said township of Columbia in manner following, viz: if there shall be funds enough, after defraying all the expenses of said township of Columbia, the sum of forty-eight dollars shall be paid over to the collector of the township of Stow Creek, as this was the sum paid by the township of Stow Creek to the township of Columbia, at the time of its organization: if any funds still remain, they shall be divided by the said commissioners between the parts of the township of Columbia set back by this act, according to the tax paid by each part in the last

Commissioners to divide property, &c.

assessment; and such money, if any, shall be added to the school fund, and applied to the purposes of education in the parts of the township of Columbia so set back; the decision of the commissioners, or a majority of them, shall be final and conclusive.

Act, when to
take effect.

SEC. 3. This act shall go into effect on and after the second Tuesday of March, eighteen hundred and forty-five.

Approved, March 13, 1845.

AN ACT for the relief of the township of Hardyston, in the county of Sussex.

Preamble.

WHEREAS it is represented, and appears to the legislature, that the duplicate of the assessment of the taxes of the township of Hardyston, in the county of Sussex, for the year eighteen hundred and forty-four, was duly made out by the assessor of the said township, and ready to be delivered to the township collector at the time required by law; but that, by reason of the unavoidable absence of the said collector at that time from this state, it was not delivered to him until the twenty-sixth day of October, of the same year; that the said collector then proceeded to demand payment of the tax assessed on each individual of the said township, and did demand payment of nearly all such individuals, in person or by notice left at his or her residence, and informed them of the time and place of the meeting of the commissioners of appeal, and that he hath taken other means duly to notify the said individuals of the amount of the taxes assessed against them, respectively; and whereas it further appears that the said collector, at the time required by law, made return to one of the justices of the peace of the said county of the names of the delinquents upon the said duplicate, and of the sums of money due from them, respectively, thereunto annexed; and made oath before the said justice of the manner in which he had demanded payment of the said taxes; and that the said justice, on the twenty-fifth of December last, issued his warrants for the collection of the said taxes in arrear and due from the said delinquents, and delivered the same to one of the constables of the said county of Sussex, in due form of law, to be executed; and that some of the said delinquents, of whom the said taxes had been demanded,

and to whom notice had been given as aforesaid, refuse to pay the said taxes, on account of the irregularity of the proceedings of the said collector; and whereas doubts exist as to the authority of the said constable to collect the said taxes under and by virtue of the said warrants, and the township committee, on behalf of the inhabitants of the said township, have sought relief in the premises—therefore,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

It shall and may be lawful for, and it is hereby declared to be the duty of the said constable to levy and make the taxes so in arrear, under and by virtue of the said warrants, and to proceed upon the same, respectively, in the manner required by the act entitled, "An act concerning taxes," passed June tenth, seventeen hundred and ninety-nine, and the several supplements thereto; *provided*, that a return of the said warrants in the manner required by the said act shall be sufficient, if made by the said constable within forty-five days after the passage of this act.

Duty of constable in the premises.

Approved, March 13, 1845.

A supplement to the act entitled, "An act relative to fishing in Oldman's creek, in the counties of Salem and Gloucester," passed March fifth, eighteen hundred and thirty-six.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. If any person or persons hereafter shall violate the provisions of the act to which this is a supplement, by beating, splashing, belling, or making other noises in Oldman's creek (it being the division line between the counties of Salem and Gloucester), or Beaver creek (being a branch thereof in the county of Salem), for the purpose, or with the intention of molesting, disturbing, or impeding shad or other fish in their natural course, either up or down either of said creeks, between the first day of March and the first day of July, such person or persons shall be liable to the penalty in said law set forth, the one half thereof to be paid to the person prosecuting the same, and the remainder to the overseer of the poor, for the

Penalty for violating provisions of act.

use of the poor in the township wherein the offence shall have been committed; and the boat or boats, net or nets, used by any person or persons for the purpose of violating the act to which this is a supplement, shall be liable for the penalty set forth in said act; and it shall be lawful for the constable having the process to collect said penalty, to levy upon and sell such boat or boats, net or nets, made use of in unlawfully disturbing the fish in said creeks in manner aforesaid.

Act, when to
take effect.

SEC. 2. This act shall take effect immediately after it becomes a law.

Approved, March 13, 1845.

AN ACT to set off or re-establish, from the township of Harrington, in the county of Bergen, a new township, to be called the township of Washington.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Boundaries of
township.

SEC. 1. All that part of the township of Harrington, in the county of Bergen, that lies west of the Hackensack river, which, on the thirtieth day of January, in the year of our Lord one thousand eight hundred and forty, constituted the township of Washington, shall be, and the same hereby is established a separate township, to be called "the township of Washington."

Inhabitants of
Washington in-
corporated.

SEC. 2. The inhabitants of that part of the township of Harrington that lies west of Hackensack river, which, on the thirtieth day of January, in the year of our Lord one thousand eight hundred and forty, constituted the township of Washington, be, and they and their successors are hereby constituted a body politic and corporate, by the name of "the Inhabitants of the township of Washington, in the county of Bergen;" and the inhabitants of that part of the said township of Harrington that lies east of the Hackensack river be, and they and their successors hereby are constituted a body politic and corporate, by the name of "the Inhabitants of the township of Harrington, in the county of Bergen;" which said two townships, in their corporate capacities, respectively, shall be entitled to all the rights, powers, privileges, and advantages, and subject to the same regulations, duties, and liabilities as the inhabitants

Inhabitants of
Harrington in-
corporated.

of the other townships in the said county of Bergen may be entitled or subject to.

SEC. 3. Every person whose legal settlement shall be in the present township of Harrington, in the county of Bergen, at the time when this act shall go into operation, who is now chargeable, or shall hereafter become chargeable as a pauper, shall be supported by, and have his or her legal settlement in that one of the said new townships hereby created within the bounds of which he or she resided at the time of acquiring such settlement, or in the bounds of which the person from whom such settlement may be derived resided at the time of acquiring such settlement.

Settlement of paupers.

SEC. 4. All orders of filiation or bastardy, or for maintenance, and all bonds, recognizances, and securities for the performance of such orders, or relating thereto, or for the indemnity and relief of the present township of Harrington for the support of any bastard or other person that now is, or may become chargeable to said township, made or entered into, or to be made or entered into, shall enure to the benefit of that one of the new townships, hereby created, in which such bastard or other person shall have a legal settlement by virtue of this act; and such township, or other person by law authorized, may proceed and prosecute upon such order, bond, recognizance, or security, in the same manner as if the same had originally been made, given, or entered into for the benefit, and in the name of such newly created township; and in such proceeding or prosecution such order, bond, recognizance, or security shall be received and given in evidence, and shall support the same, as if such newly created township had been in existence at the time when the said order, bond, recognizance, or security was made or given, and mentioned therein by its corporate name.

Bonds, &c., for maintenance of bastard children.

SEC. 5. The inhabitants of the township of Washington, hereby created, shall hold their first annual town meeting, on the second Monday of April next, at the house of Peter A. Jersey, innkeeper, within the bounds of said township hereby created; and the inhabitants of the township of Harrington, hereby created, shall hold their first annual town meeting, on the second Monday in April next, at the house of Abraham J. Blauvelt, innkeeper, within the bounds of said township of Harrington, hereby created; and afterwards, at such place in the respective townships as the inhabitants of each shall determine, in the manner prescribed by law.

First annual town meetings of Washington and Harrington.

SEC. 6. The township committees of the townships of Harrington and Washington shall meet on Monday, the twenty-first day of April next, at ten o'clock in the forenoon, at the

Committees to apportion property.

house of James Bogart, innkeeper, in the township of Washington, before mentioned, 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 money on hand, due, or to become due, in proportion to the taxable property and ratables, as valued and assessed by the assessor, within the respective limits of the said two townships, at the last assessment; and the township of Washington shall be liable to pay their just proportion of the debts, if any there be; and if any of the members of the said township committees shall neglect to meet as aforesaid, those present may proceed to make such division; and their decision, or the decision of the majority of them, shall be final and conclusive; *provided*, that it shall and may be lawful to adjourn the above meeting to such time and place as a majority of those assembled as aforesaid may think proper; and at such meeting the books and papers which belonged to the former township of Washington, and all bonds and securities, and other property, belonging, by law, to said new township of Washington, shall be delivered to the township committee of said new township of Washington.

Former act repealed.

SEC. 7. The act entitled, "An act to annex a part of the township of Franklin, in the county of Bergen, to the township of Washington, in said county," passed March the thirteenth, in the year of our Lord one thousand eight hundred and forty-four, shall be, and the same is hereby repealed, and the part of Franklin therein intended to be annexed to Washington, shall be, and the same is hereby made part of the said township of Franklin.

Act, when to take effect.

SEC. 8. This act shall take effect on the second Monday in April next, and not before.

Approved, March 19, 1845.

AN ACT relative to the sale and disposition of the real estates
of infants.

BE IT ENACTED by the Senate and General Assembly of the
State of New Jersey, as follows:

SEC. 1. Whenever an infant shall be seized of any lands or tenements, or be entitled to any term to come in any lands in this state, and it shall be represented to the chancellor, on behalf of said infant, by his or her guardian or next friend, that his or her interest requires that the said lands or term should be sold or disposed of, the chancellor may, in a summary manner, proceed to inquire into the merits of the application; and from such time the infant shall, as far forth as relates to such property, its proceeds and income, be considered a ward of the court of chancery.

Minors, in certain cases, to be wards in chancery.

SEC. 2. On every such application the chancellor shall, in his discretion, appoint a suitable guardian or guardians of the infant in the premises, who shall give bond to the infant, to be filed with the clerk of the court of chancery, in such penalty and with such surety as the chancellor shall direct, conditioned for the just and faithful performance of the trust reposed in such guardian, and for the observance of such orders and directions as the chancellor shall from time to time make in the premises in relation to such trust; which bond, if forfeited, may be prosecuted in any court having cognizance of the same, by the direction of the chancellor.

Chancellor to appoint guardian.

SEC. 3. After such bond shall be given and filed as aforesaid, the chancellor may proceed in a summary manner, by reference to a master, to inquire into the merits of such application; and whenever, and as often as it shall satisfactorily appear to the court that the interest of the infant requires, or will be substantially promoted by a sale or other disposition of the lands or term of such infant, or of any part or parts thereof, the chancellor may direct a sale or other disposition of such lands or term to be made by the guardian or guardians, in such way and manner, and with such restrictions, as shall be deemed expedient; and all sales, dispositions, and conveyances, made in good faith in pursuance of, and in conformity with the direction of the court, when confirmed, as herein after mentioned, shall be valid and effectual as if made by such infant when of full age; *provided however*, that nothing in this act contained shall authorize the sale or disposition of any lands or term for years against the provisions of any last will or conveyance by which the same were devised or granted to such infant.

Chancellor may direct sale of lands.

Proviso.

Sale, &c., to
be approved by
chancellor.

SEC. 4. All sales and dispositions made in pursuance of this act shall be reported, on the oath or affirmation of the guardian or guardians aforesaid, to the chancellor, to be approved by him before a conveyance shall be executed; and if the sale or disposition is confirmed by the chancellor, and a conveyance directed to be executed, he shall then make order for the application and disposition of the proceeds of the same, and for the investment of the surplus belonging to such infant, so as to secure it to the infant in such way and manner as may seem most for his or her benefit and advantage; and a report of such investment or disposition shall also be made to the chancellor, by such guardian or guardians, on oath or affirmation as aforesaid, as soon as conveniently may be, and filed in the office of the clerk in chancery.

Interest of pur-
chaser in real
estate.

SEC. 5. No sale of any real estate, made in pursuance of the provisions of this act, shall give to any person any other or greater interest in the proceeds of such sale than he or she had or would have had in the lands, provided the same had not been sold; but the said proceeds shall be considered, relative to the statutes of descents and distribution, and for every other purpose, as real estate of the same nature as the property sold.

Chancellor may
direct payment
of a sum of mo-
ney, in certain
cases, in lieu of
dower.

SEC. 6. If the real estate of any infant, or any part of it, shall be subject to dower, and the person entitled thereto shall consent, in writing, to accept a gross sum, to be approved by the court in lieu of such dower, or the permanent investment of a reasonable sum, with the like approval, in such manner as that the interest thereof be made payable to the person entitled to the said dower during life, the chancellor may, after such consent in writing has been filed in the clerk's office, direct the payment of such sum in gross, or the investment of such sum as he shall deem reasonable and shall be acceptable to the person entitled to such dower, in manner aforesaid; which sum, so paid or invested, shall be taken out of the proceeds of the sale of the real estate of such infant so subject to said right of dower; *provided however*, before any such sum shall be paid, or such investment made, the chancellor shall be satisfied that an effectual release of such right of dower has been executed.

Guardian to ac-
count, &c.

SEC. 7. Such guardian or guardians, to be appointed as aforesaid, shall be liable to account, under the order of the court of chancery, before such master as the chancellor may designate from time to time, upon the application of any person or persons interested in the funds; and the report of such master, made thereon, shall be liable to exceptions, as in other cases of master's reports requiring confirmation; and the chancellor shall have full power and authority to make all such orders and decrees in the premises as shall be necessary to give complete relief to the parties.

SEC. 8. This act shall go into operation immediately after it becomes a law. Act, when to take effect.

Approved, March 19, 1845.

AN ACT to regulate the mode of docketing judgments of the circuit courts in the supreme court.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Any final judgment of a circuit court may be docketed in the supreme court. Judgment docketed in supreme court.

SEC. 2. The clerk of every circuit court shall provide and keep a docket, in which shall be entered, upon the request of any party thereto, all final judgments rendered in such court for the payment of any debt, damages, costs, or other sum of money. Clerk to keep docket.

SEC. 3. Upon such request being made, and on payment of the fees allowed for docketing such judgment, and for making and sending transcripts of such docket, as herein after directed, the said clerk shall enter in such docket a statement of such judgment, containing: *first*, the title of the court, the names at length of all the parties to such judgment, designating particularly against whom it is rendered, with their places of abode, description, titles, trades, or professions, if any such appear by the record; *second*, the style of action, and the amount of the debt, damages, or other sum of money recovered, with the costs; *third*, the time of signing such judgment, and docketing the same. Form of statement to be entered in docket.

SEC. 4. The clerk docketing such judgment shall immediately transmit a certified transcript thereof, from the docket, to the clerk of the supreme court, who shall forthwith, on the receipt thereof, and of the fees for that purpose herein after provided, file the same, and enter such transcripts in a docket, to be by him provided and kept for that purpose, and note therein the time of receiving and of entering the same. Clerks to transmit copies of judgment to supreme court.

SEC. 5. The clerks of the circuit courts and the clerk of the supreme court shall make to their respective dockets a complete alphabetical index; and said dockets shall be public records, to which all persons desirous of examining the same shall have access. Dockets to be public records.

Operations of judgments docketed in the supreme court.

SEC. 6. Such judgment shall, from the time of such docketing in the supreme court, operate as a judgment obtained in the supreme court, and satisfaction thereof may be entered in the margin of the docket, upon the same evidence, and in the same manner, as is now provided by law in case of judgments rendered in the supreme court.

Execution not to issue out of circuit court after docketing in supreme court.

SEC. 7. After a judgment shall be docketed in the supreme court, no execution shall be issued upon the same, out of the circuit court in which it was obtained; and if any judgment shall be docketed in the supreme court, after an execution shall have been issued thereon, out of the circuit court, then the supreme court may exercise the same authority and control over such execution as if the same had issued out of the supreme court.

Judgment, how revived.

SEC. 8. Every judgment docketed as herein directed, may be revived by scire facias in the supreme court, in the same manner, in the like cases, and with the like effect, as if such judgment had been obtained in that court.

Execution to be stayed in case of writ of error.

SEC. 9. If any judgment recovered in any circuit court shall be removed by writ of error to the court of errors, and bail in error shall be duly perfected thereon, and such judgment shall, either before or after such removal, be docketed as herein provided, then execution shall be stayed in the supreme court, in the same manner as in such circuit court.

Judgment may be removed to supreme court.

SEC. 10. A judgment docketed as herein provided, may be removed to the supreme court by writ of error, in the same manner as if such judgment had not been so docketed.

Proceedings in case of reversal.

SEC. 11. If any judgment, docketed as herein provided, shall be reversed on writ of error by the court of errors, and a transcript of the judgment of reversal, duly certified, shall be delivered to the clerk of the supreme court, it shall be his duty to file the same in his office, and enter in the margin of the docket, opposite the entry of such judgment therein, the word "reversed," and the date of such reversal.

Fees of clerks.

SEC. 12. The clerks of the supreme court and circuit courts shall be entitled to receive, for docketing any judgment, fifty cents; for certified transcripts of such docket, fifty cents; and for filing certificate of reversal, and entering the same in the docket, twelve cents.

Act, when to take effect.

SEC. 13. This act shall take effect immediately after it becomes a law.

Approved, March 19, 1845.

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

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. William Folwell, Philip J. Gray, Gideon Scull, William Bargh, David S. Brown, Robert F. Walsh, Charles W. Churchman, and their associates and successors, are hereby made and created a body politic and corporate in law, by the name of "the Gloucester Manufacturing Company," for the purpose of manufacturing, bleaching, dyeing, and 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; 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 six hundred thousand dollars, in shares of five hundred dollars each.

Names of corporators:

Style of incorporation.

SEC. 2. The said corporation may purchase and hold such real estate in the county of Camden, 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 the settlement or payment of any debt due 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 see proper; *provided* the same are not inconsistent with the constitution and laws of the United States or of this state.

General powers.

SEC. 3. The said corporation shall not go into operation until one hundred thousand dollars of the capital stock shall be paid in gold and silver coin or current bank notes, and an oath or affirmation 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.

Corporation, when to go into operation.

SEC. 4. 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 each share of the stock he holds in said company.

Stock personal estate.

SEC. 5. William Folwell, Philip J. Gray, Gideon Scull,

Commissioners
to open books
of subscription.

William Bargh, Charles W. Churchman, David S. Brown, and Robert F. Walsh, 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 said 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.

Directors to
make annual
statement.

SEC. 6. 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 company; and no dividend shall be declared or paid to the stockholders, except it be from the net profits of said corporation; and the debts of the said corporation shall at no time be suffered to exceed the capital stock paid in.

Funds not to be
employed in
banking.

SEC. 7. 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 this act.

Limitation.

SEC. 8. This act shall continue in force twenty years; but it shall and may be lawful for the legislature of this state to alter, modify, or repeal the same, whenever in their opinion the public good requires it.

Approved, March 19, 1845.

AN ACT relative to bridges over the Morris Canal.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Township, &c.,
may contract
with Morris
Canal Co. for
maintenance of
bridges.

SEC. 1. The proper officers of any city, township, or county of this state, and the several turnpike companies therein, whose road passes over the said canal, may, for a proper consideration to be paid, contract with the said Morris Canal and Bank-

ing Company for the maintenance and repair of said bridges, by the said cities, townships, counties, and turnpike companies, respectively; which said bridges, after such contract or contracts made, shall be kept and maintained as other public bridges belonging to said cities, townships, counties, or turnpike companies are respectively kept, maintained, and repaired, with the same liabilities and remedies, in relation to the maintenance and repair thereof, as exist concerning other public bridges belonging to such cities, townships, counties, and turnpike companies, respectively.

SEC. 2. If any such public bridges over the said canal shall be out of repair, so as to endanger the travelling over the same, it shall and may be lawful for the proper officers of any such cities, townships, counties, and turnpike companies, respectively, to give notice thereof in writing to the said the Morris Canal and Banking Company, by serving the same on the present or any future president, cashier, or director thereof, specifying the repairs necessary to be made; and if the said the Morris Canal and Banking Company shall neglect for thirty days after such notice to make such repairs, then such cities, townships, counties, and turnpike companies, respectively, may make such repairs, and maintain an action of debt for the expenses thereof, with costs of suit, against the said the Morris Canal and Banking Company; *provided nevertheless*, that nothing in this act contained shall be so construed as to discharge the said company from any of their liabilities in relation to their bridges, imposed by their charter, unless the said company are relieved therefrom by virtue of such contract or contracts as in the first section named.

Proceedings in case of neglect to repair bridges

Proviso.

Approved, March 19, 1845.

AN ACT to incorporate Trustees of the Mount Lucas Orphan and Guardian Institute, in the township of Princeton, in the county of Mercer.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Benjamin H. Rice, Caleb S. Green, Joseph Henry, John V. Talmage, John F. Hageman, Samuel D. Alexander, Philip Hendrickson, Samuel Miller, junior, and Franklin Mer-

Names of corporators.

Style and object
of incorporation

rill shall be, and they are hereby constituted a body corporate, to have succession, and exercise the powers ordinarily belonging to such bodies, by the name of "Trustees of the Mount Lucas Orphan and Guardian Institute, in the township of Princeton, in the county of Mercer;" and the sole object of this corporation shall be to relieve, maintain, educate, and provide for poor orphan and other destitute children.

Corporation
may elect mem-
bers, &c.

SEC. 2. The said corporation shall have power to elect any male persons of full age to be members of the same, in addition to those above named, or to fill vacancies in the corporation, but not so that the whole number of trustees shall ever exceed fifteen; and when their number is less than five, they shall be competent to perform no corporate act, excepting the acts necessary to fill vacancies in the corporation; and five, at least, shall be necessary to form a quorum competent to transact any corporate business.

Corporation to
choose officers.

SEC. 3. The said corporation shall choose, in such manner, and as often as they may deem proper, a president, vice president, and secretary, from their own number, and such other officers and agents, from their own number or not, as may from time to time be necessary, in their judgment, to aid them in the fulfilment of their several duties and trusts; and may reasonably compensate such officers and agents for their services, from any funds of the corporation not held in trust for other specific purposes; and also shall have power to make any such by-laws and regulations, for the government of said corporation, the management of its property, the control of its officers and agents, and the discharge of its several functions, as are not repugnant to the constitution or laws of the United States, to the constitution or laws of this state, or to this act.

Notice of meet-
ings to be given

SEC. 4. Unless or until the said corporation shall establish regulations to the contrary, no regular meeting of the corporation shall be held, unless by adjournment, without five days' notice, previously given to each member, of the time and place of holding the same; and all acts of the corporation shall be determined by a plurality of the votes of the members present at a regular meeting.

General pow-
ers.

SEC. 5. The said corporation shall have power to make and use a common seal, with such device and inscription as they shall think proper, and the same to change or renew at their pleasure; and, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity in this state.

What real or
personal estate
may be held.

SEC. 6. The said corporation may receive, take, and hold, as well by devise or bequest as otherwise, any real or personal estate for the uses and purposes contemplated by this act, and

the same may dispose of and convey for the benefit of said corporation, according to the uses and purposes aforesaid, and according to the use and intent for which said estate may have been devised, bequeathed, or otherwise conveyed to said corporation, or for its use; and no misnomer of the said corporation shall defeat any devise, bequest, or other conveyance of any such estate to or for the said corporation; *provided* the intent wherewith said devise, bequest, or other conveyance was made shall sufficiently appear upon the face of the will or other writing whereby it was intended that any such estate should pass to or for the said corporation; *provided*, that the annual income of the whole estate, real and personal, held at any time by the said corporation, shall not exceed the sum or value of six thousand dollars.

Proviso.

SEC. 7. The said corporation shall be the sole legal guardians of the persons of all destitute infant children, voluntarily surrendered to their care and management by their natural or other legal guardians, by an agreement or declaration in writing; and shall have power to bind out said children, males not before the age of fourteen, to serve until the age of twenty-one, and females not before the age of twelve, to serve until the age of eighteen, in any useful art, trade, profession, or employment; *provided*, that no child shall be so bound out by the said corporation until such child, having capacity to learn, shall have been taught to read and write; and in the several cases of poor children, contemplated by the eighteenth section of an act of this state, passed the eleventh of March, one thousand seven hundred and seventy-four, entitled, "An act for the settlement and relief of the poor," or by the first section of the supplement to said act, passed the tenth of June, one thousand eight hundred and twenty, it shall be lawful for the persons therein authorized to bind out such children, to commit the same, by an agreement or declaration in writing, signed by the said persons required to sign such children's indentures, to the care and management, and guardianship, of said corporation.

Corporation to be guardians of destitute infant children.

SEC. 8. The said corporation shall keep fair and regular entries of all their proceedings, and a just account of all their receipts and disbursements, and shall exhibit said entries and said account to the legislature of this state, whenever required by the said legislature.

Record of proceedings may be kept.

SEC. 9. The legislature may, at any time, modify or repeal this act; *provided*, that in case the same shall be at any time modified or repealed, the trustees for the time being of said institute shall, after the payment of all debts due by said corporation, have power, at any time within one year after any such modification or repeal, to convey, by the corporate name aforesaid, and as a corporation, all the property to the said corpo-

Act may be altered, &c.

ration belonging at the time of such modification, or any part thereof, to any number of citizens of this state whom they may select, not less than three, nor more than five, their heirs and assigns, who shall hold the said property thus conveyed to them, their heirs and assigns, in trust, for the sole use of said institute, according to the use and intent for which said property may have been devised, bequeathed, or otherwise conveyed to or for the said corporation.

Approved, March 19, 1845.

AN ACT to extend the charter of the Orange Bank, in the county of Essex.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Time of former acts extended.

SEC. 1. The act entitled, "An act to incorporate the Orange Bank," passed February twenty-sixth, one thousand eight hundred and twenty-eight, with the supplement thereto, passed the second day of March, one thousand eight hundred and thirty-six, be, and the same are hereby continued and extended for and during the term of twenty years from and after the time limited in the said acts for its continuance.

Act may be repealed, &c.

SEC. 2. It shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify, or repeal this act, whenever in their opinion the public good requires it.

Approved, March 19, 1845.

AN ACT to incorporate the town of Belvidere, in the township of Oxford, in the county of Warren.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Boundaries of township of Belvidere.

SEC. 1. All that part of the township of Oxford contained within the following limits, to wit: beginning at the mouth of

Pophandaing creek, and running thence (first) up said creek to where the line between George W. Scranton's farm and Jacob Shoemaker's farm crosses the same; thence (second) in a straight line, in a north-easterly direction along said line between Scranton and Shoemaker, and until said straight line strikes the middle of the road running from the Belvidere and Oxford road, past Phillip Miller's, to the upper Pequest bridge; thence (third) in a straight line to the middle of said bridge; thence (fourth) in a straight line to the north-east corner of Theodore Paul's lands, being a corner between him and Abel Young; thence (fifth) in a straight line along the lines between Abel Young's lands, on the one side, and Theodore Paul's lands and Doctor George Green's lands, on the other, to the Delaware river; thence (sixth) down the said river to the place of beginning, shall be, and hereby is erected into a borough and town corporate, which shall be called and known by the name of "the town of Belvidere;" and the inhabitants thereof shall be, and hereby are incorporated by the name of "the Inhabitants of the town of Belvidere;" and, by that name, they and their successors for ever shall and may have perpetual succession, and shall be persons, in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions, suits, complaints, matters, and causes whatever; may have a corporate seal, and alter the same at their pleasure; and may, by their corporate name aforesaid, purchase, receive, hold, and convey any estate, real or personal, for the public use of said corporation.

Style of incorporation.

SEC. 2. The said corporation, in addition to the rights, privileges, and immunities granted, and the duties and obligations imposed by this act, shall be entitled to all the rights, privileges, and immunities conferred, and subject to all the duties, restrictions, and liabilities imposed by the laws of this state, upon the inhabitants of the several townships thereof, so far as the same are consistent with the provisions of this act.

Rights and privileges of township.

SEC. 3. The inhabitants of the town of Belvidere qualified by law to vote at town meetings, shall hold a town meeting at the court house in Belvidere, on the second Monday of April next, at ten o'clock in the forenoon, and on the second Monday of April in every year thereafter, at the same hour, and at such place in said town, as the electors thereof, at their annual town meetings, shall from time to time direct and appoint; which meetings, and such other town meetings as may from time to time be convened, shall be organized and conducted in the same manner as such meetings in the townships; and the officers thereof shall possess the same powers, and be subject

Time and place of annual town meeting.

to the same duties and restrictions, unless where otherwise provided by this act.

Officers, how
elected.

SEC. 4. At such annual town meetings, the citizens of said town qualified to vote as aforesaid, shall elect, by ballot, the following officers, all of whom shall be residents in said town, to wit: one mayor, who shall be a freeholder in the town, six common councilmen, who shall have the same qualifications as are required for members of a township committee, and two inspectors of elections, all of whom shall hold their respective offices for one year, and until others are chosen and legally qualified in their stead; one clerk, one assessor, one collector, one judge of elections, two chosen freeholders, two surveyors of the highways, one or more constables, as many overseers of the highways and pound-keepers as the inhabitants of the town shall deem necessary or convenient, and as many justices of the peace as the inhabitants of the town may at the time be entitled to elect; all of whom shall possess the same qualifications, take the same oath or affirmation, give the same securities for the performance of their respective duties, hold office for the same times, and in all respects have the same powers, privileges, rights, and jurisdiction, perform the same duties, and be subject to the same restrictions, liabilities, and penalties, as the like officers elected by any township in this state, unless where otherwise directed or provided by this act; but in all cases where the word "township" occurs in the form of any oath or affirmation, bond or obligation, or in any other form prescribed by law, the word "town" shall be substituted.

Election, how
conducted.

SEC. 5. The first election of town officers shall be held by the person chosen, by the voters present, to preside at or superintend the town meeting and two inspectors of election, who, together with a clerk of the meeting, shall be chosen in the same manner, and all subsequent elections, by the judge of elections and inspectors of elections of said town, a majority of whom shall determine all questions respecting the right of voting at such election; and the name of each person voting shall be recorded by the town clerk, in a poll list kept for that purpose; each voter shall give a single ballot, designating the names of the persons for whom he votes for each office respectively; each ballot may contain the names of one person for mayor, of three for common councilmen, of one for clerk, of one for assessor, of one for collector, of one for judge of elections, of one for inspectors of elections, of one for chosen freeholders, of one for surveyor of the highways, of one for constable, of one for overseer of the highways, of one for pound-keeper, and of one for justice of the peace, when justices are to be elected, and no more; *provided*, that when more

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than two are to be elected to the office of constable, overseer of the highways, pound-keeper, justice of the peace, or to any town office, if the number to be elected is an even one, the ballot may contain half the number of names for such office, and if an odd one, then one more than half that number, and no more; the polls shall be kept open at least four hours, and not more than eight hours; and when the polls are closed, the votes shall be counted, and the number received by each person for each office, certified by the judge and inspectors, or a majority of them, and the clerk, and the several persons having a plurality of votes for each office respectively, to the number to be elected for each, shall be declared to be elected; and in case any of the officers, whose duty it is to hold or assist at such election, shall be absent, or a vacancy occur from any cause, the place of such officer or officers may be supplied in the same manner as vacancies in such offices are supplied at elections for state and county offices; *provided*, that the said judge and inspectors, or any person or persons acting as such, shall severally, before they proceed to receive any votes, take an oath or affirmation faithfully and impartially to execute the duties and services required of him by law in said election, and not to receive, or assent to receive, the vote of any person who is not duly qualified to vote, agreeably to the restrictions and provisions prescribed by law; and the clerk, or person acting as such, shall, in like manner, take an oath or affirmation faithfully and impartially to serve as clerk of such election, and execute the duties and services required of him by law; which oaths or affirmations the said judge, inspectors, and clerk are hereby authorized and required to administer to each other in a public manner.

Inspectors, &c.,
to take oath.

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

Vacancies, how
to be supplied.

Common council, how constituted.

SEC. 7. The mayor and common councilmen shall constitute the common council of said town; and the said common council shall meet at such times and places as the inhabitants of the town, at their annual town meetings, may designate, or the said common council may by their by-laws appoint; and special meetings of the common council may be called by the mayor, or by any three members, by giving such notice as the by-laws may require; at the meetings of the common council the mayor shall preside, but in his absence the other members may appoint any one of their number chairman pro tempore; four members shall constitute a quorum to do business, and each member present shall be entitled to a vote; the said common council and its members, collectively and individually, shall possess the powers and perform the duties which by law belong to, or are imposed upon the township committees, the commissioners of appeal in cases of taxation, and the school committees of the townships, and the members of each, collectively and individually; and when performing the duties which belong to the said township committees, commissioners of appeal in cases of taxation, or school committees, shall receive the compensation allowed by law for the performance of such duties, but shall not be allowed compensation in more than one character for any day's service; and they shall be entitled to no pay or compensation for their services as members of the common council, except for their actual and necessary expenses in discharge of their duties.

Powers and duties of common council.

SEC. 8. It shall and may be lawful for the said common council, by not less than four concurring votes, to pass and enforce all such by-laws and ordinances as they shall judge proper for regulating, cleaning, and keeping in repair the streets, side-walks, highways, and public alleys in said town, preventing and removing all obstructions and encroachments in and upon the same, preventing immoderate riding or driving through the streets, and riding or driving on the side-walks; for regulating and preventing the running at large of cattle, horses, sheep, goats, swine, and geese, and imposing a reasonable tax on the owners or possessors of dogs; for preventing, abating, and removing nuisances; for lighting the streets; for preventing and restraining riots, routs, disturbances, disorderly assemblages, noisy, disorderly, or indecent conduct, and drunkenness; for suppressing disorderly or gambling houses and grogeries, and for suppressing vice and immorality; for gravelling and paving streets and side-walks; for protecting shade and ornamental trees on the streets, highways, and public grounds; for protecting public property and property belonging to the corporation; for providing a supply of water, and preventing and suppressing fires; for regulating

and prescribing the duties of fire engineers and firemen, which engineers and firemen shall be exempt from serving as jurors in the courts for the trial of small causes, and in the militia in time of peace, and after serving ten years, successively, as firemen, shall be exempt from duty as such, and also remain exempt from serving as jurors in said courts, and in the militia in time of peace; for compelling the cleaning of chimneys; for regulating or preventing the carrying on of dangerous or noxious manufactures; for appointing watchmen, and prescribing their powers and duties, and regulating the police of the town; for establishing and regulating public pounds; for restraining vagrants, mendicants, and street beggars; for establishing and regulating public markets; and such other by-laws and ordinances for the peace and good order of said town, as they may deem expedient, not repugnant to the constitution or laws of this state or of the United States; and to enforce the observance of all such by-laws and ordinances, by enacting penalties for the violation thereof, either by imprisonment, not exceeding seven days, or by fine, not exceeding fifty dollars, recoverable, with costs, in an action of debt, in the name of the treasurer of the town of Belvidere, for the use of the inhabitants of the town of Belvidere, without specifying the individual name of the treasurer for the time being, before any justice of the peace residing in said town or in the township of Oxford, in which action it shall be lawful to declare generally in debt for such penalty, and give the special matter in evidence; and further, the said mayor and the justices of the peace in said town, are hereby constituted and declared to be conservators of the peace for the same, and each of them is authorized and empowered to enforce the penalty of imprisonment for violations of the laws and ordinances, passed as aforesaid, by warrant, under his hand and seal, directed to the keeper of the Warren county jail, who is hereby authorized and required to receive and safely keep the persons so committed, but the costs and expenses of committing and keeping such persons shall be paid by said corporation; and every person thinking himself aggrieved by the decision of such mayor or justice of the peace, may immediately appeal to the common council, who are hereby required to hear the cause of complaint, and do therein what to them shall appear just and reasonable; *provided always*, that each and every by-law and ordinance so passed as aforesaid, shall be published for the space of twenty days, in at least one newspaper published and circulating in said town, before such by-law or ordinance shall go into effect; *and provided also*, that no such ordinance or by-law shall be enacted or passed, unless the same shall have been introduced before the common council at a previous meeting.

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Expense of paving, embankments, &c., to be assessed.

SEC. 9. Whenever a majority in number of the persons owning property in any district of the town subject to injury from overflow of water, who are also owners of the greater part in value of said district, shall deem it necessary to protect the same by embankments or other fixtures, or a majority in number of the persons owning any block or side of a square, who are also owners of the greater part in extent and value of said block or side of a square, shall desire to have the side-walk in front of the same paved, flagged, or gravelled, or the majority in number who shall also be owners of more than one half in value of any particular district or locality shall desire to have any improvement, which the common council are authorized to make for the benefit of such particular district or locality, and shall make application in writing, under their hands, to the common council, the said common council may appoint three competent and disinterested citizens of the town to examine the property to be protected or benefited by such embankment, side-walk, or other improvement, and assess the proportion of the expense to be borne by each owner thereof, in proportion to the benefit to each, respectively; and if after such assessment made, a majority in number of the owners of said property, who are also assessed for more than half the expense, shall declare to the common council by writing, under their hands, that they desire such embankment, side-walk, or other improvement to be made, the said common council, or a majority of them, may cause the same to be made, and the expense thereof, together with all necessary charges, to be assessed upon the owners of the property benefited thereby, in the proportion aforesaid; and the amount so assessed on each, shall be a legal lien and encumbrance upon his property so benefited until paid, and may be recovered, with costs, against such person, in any court of record having jurisdiction thereof, by action of debt, in the manner directed in the eighth section of this act; or the said common council, after giving at least one month's notice in writing to such person, or if the owner be unknown or cannot be found, then, after giving at least one month's notice by advertisement in one of the newspapers published in the town, may sell the use of said property for a term of years, not exceeding ten, to pay such assessment, together with the necessary costs, charges, and expenses.

Inhabitants of township to be competent witnesses, &c.

SEC. 10. Upon the trial of any issue, or upon the judicial investigation of any fact in which the said corporation is a party, or in which it is interested in any way, no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant or freeholder of said town; and if any person shall be sued or impleaded by reason of anything done by virtue of this act, it shall be lawful for such person to plead

the general issue, and give this act and the special matter in evidence at the trial.

SEC. 11. The mayor and common councilmen shall each, before entering upon the duties of his office, take and subscribe an oath or affidavit, before a justice or commissioner of the supreme court, or a judge of the court of common pleas or justice of the peace of the county of Warren, faithfully and impartially to execute the duties of his office; which oath shall be filed and kept by the town clerk.

Officers of town-
ship to take
oath.

SEC. 12. The mayor of the said town of Belvidere is hereby authorized and empowered to administer oaths and affirmations in all cases where they are directed to be taken before him, or are prescribed by law, without designating before what officer, or are necessary and proper in the discharge of his duties; and the said mayor may authorize and require the constables of the town to execute all warrants or other process issued by him, in the discharge of his duty, under the same liabilities and penalties as said constables are subject to in case of warrant or other process issued by a justice of the peace.

Mayor author-
ized to adminis-
ter oaths.

SEC. 13. The common council shall choose annually a suitable person for treasurer, who shall serve until his successor is appointed and sworn into office, whose duty it shall be to demand and receive all moneys and other property belonging to, or due, or owing in any way to the said corporation, from the collectors and other officers or persons who may have collected or received, or who may hold the same, and safely to keep the same, and all vouchers therefor, to pay out said moneys on the warrants of the common council, to account to the common council for the same, and at the expiration of his office to pay over and deliver to his successor all such moneys, property, and vouchers therefor, as may be in his hands, and at least once in each year to make out a full and true account of all moneys raised and received, by tax or otherwise, for the use of said corporation, and of the application and expenditure of the same, and deliver the said account to the town clerk, at least ten days previous to the annual town meeting; and the said clerk shall file the same in his office, and cause a copy thereof to be published in one or more newspapers published and circulating in said town, at least five days previous to such meeting; and the accounts of the treasurer shall at all times be subject to examination by the common council, who, in case of default or violation of duty, may remove him from office, and appoint another in his stead for the remainder of the year and until a successor is appointed and sworn into office.

Duties of trea-
surer.

SEC. 14. Such treasurer, whenever appointed, shall execute a bond to the inhabitants of the town of Belvidere, in such sum and with such securities as the common council shall ap-

Treasurer to
give bond.

prove, conditioned for the faithful performance of the duties of his office; and shall also take and subscribe an oath or affirmation before the mayor, or before a judge of the court of common pleas or justice of the peace of Warren county, faithfully to perform said duties; which oath shall be filed and kept by the town clerk.

Duties of clerk. SEC. 15. The clerk of the said town, besides performing the duties required by law of a clerk of a township, unless where otherwise directed by this act, shall also be the clerk of the common council, and shall keep an exact and true record of the votes and proceedings and of all by-laws and ordinances passed by the said common council, which record shall, at all reasonable and proper times, be open to the inspection of any inhabitant of said town, on the payment of a fee of ten cents to the clerk; *provided*, that in case of the absence of the clerk from any meeting of the common council, the members may appoint any one of their number clerk pro tempore, who shall, in like manner, keep an exact record of their proceedings, and sign his name thereto.

Compensation to officers. SEC. 16. It shall be lawful for the common council to pay unto the treasurer, clerk, and other officers and agents of the town, such compensation for their services as the said common council shall deem reasonable and proper.

Common council to license taverns. SEC. 17. The said common council, or a majority of them, in common council met, shall have the sole, only, and exclusive right and power of licensing and assessing every innkeeper, tavernkeeper, and retailer of spirituous liquors within said town, subject to the same provisions, and in like manner as the same is or may be lawfully done by the courts of common pleas in this state.

Money may be raised by town meeting. SEC. 18. The citizens of said town qualified to vote at town meeting shall be, and hereby are empowered, at their annual town meetings, or at any other meeting duly held for the purpose, to vote, grant, and raise such sum and sums of money for the purposes for which the townships in this state are authorized to vote, grant, and raise the same, and for such other purposes as are in this act specified, as the majority of them so assembled shall deem necessary and proper, which votes may be by ballot or otherwise, as such majority may from time to time determine; and the money so voted and granted shall be assessed (except as herein after mentioned), and levied, and collected, with the state and county taxes, by the proper town officers, in the same manner, and under the like fees, fines, and penalties as in the townships, and such fees, fines, and penalties shall, when recovered, be paid to the treasurer of the town, for the use of said town; *provided*, that all

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the taxes assessed and levied for town purposes, exclusive of schools and purposes of education, shall not in any year exceed one mill on the dollar of the assessed value of the property in the town, and that of all sums voted, granted, and raised for schools and purposes of education, one half shall be assessed in the same manner as the taxes for other town purposes, and the remaining half shall be assessed by an equal capitation tax upon all persons subject to assessment and taxation in said town.

SEC. 19. The said town shall be entitled to its just proportion of the school fund of this state, to be ascertained in the manner in which the quotas of the townships are or may be ascertained, which shall from time to time be paid over to the treasurer of the town, or such other person as the common council may authorize to receive it, and applied, under the direction of the common council, in the manner prescribed by law; the said town shall also be subject to its just and equitable proportion of all debts and liabilities to which the inhabitants of the township of Oxford, in the county of Warren, are now subject, and be entitled to its just and equitable proportion of the money and property now belonging to the inhabitants of the township of Oxford, in the county of Warren; which said debts and liabilities, and also said money and property, shall be divided between the said town of Belvidere and the said township of Oxford, in proportion to the taxable property and ratables, as taxed by the assessor at the last assessment, within the respective limits of the said town and township, as established by this act; and any money or property to which the said town may so be entitled, shall be applied, under the supervision of the common council, for the purpose and in the manner for and in which they are now authorized to be used by said township; and the said town shall also be entitled to receive its just quota of the proceeds of the surplus revenue apportioned to the state of New Jersey, in the same manner as the several townships of Warren county.

Division of property, &c., of Oxford and Belvidere.

SEC. 20. The town of Belvidere shall constitute one election ward, and all elections hereafter held for officers of the county of Warren, of the state of New Jersey, and of the United States, shall be held within said town, at the place appointed by the inhabitants for the next annual town meeting; and every person resident in said town entitled to vote at such elections shall give his vote in said town, and not elsewhere; at all such elections the judge of elections, the two inspectors of elections, and the clerk, chosen as aforesaid, shall be, respectively, judge of elections, inspectors of elections, and clerk; and in case of the absence or incapacity to act of any of them, their places shall be supplied in the manner prescribed

Election of county officers.

by law; and they and each of them, or the persons appointed to act in their places, shall possess the powers, perform the duties, and be subject to the provisions of the laws regulating such elections.

SEC. 21. The inhabitants within the bounds of the contemplated town of Belvidere qualified to vote at any town meeting shall hold an election on the first Monday of April next, at ten o'clock in the forenoon, at the court house in Belvidere; and the people so assembled, at ten o'clock on said day, shall proceed and choose a judge or judges of said election, who shall keep the poll open until the hour of three o'clock in the afternoon; and in case the majority of the votes cast be in favour of the said town of Belvidere being incorporated, then this act shall go into immediate effect, and shall be deemed, taken, and referred to as a public act, in all courts and places and by all persons; but the legislature may at any time hereafter alter, modify, amend, or repeal the same, whenever in the judgment of the legislature such alteration, modification, amendment, or repeal shall be required for the public good.

Approved, March 19, 1845.

AN ACT to ascertain the fees of assessors and collectors.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. The assessors and collectors of the several townships, cities, wards, and boroughs of this state, shall each be entitled to receive eight cents, and no more, for each name on their respective duplicates, for assessing, levying, and collecting the township, city, ward, borough, county, and state taxes.

SEC. 2. The fourth section of the act entitled, "An act respecting taxes for county and township purposes," passed the fifteenth day of March, in the year eighteen hundred and thirty-seven, is hereby repealed.

SEC. 3. This act shall take effect as soon as it becomes a law.

Approved, March 19, 1845.

Act to be submitted to inhabitants of township.

Fees of collectors.

Part of former act repealed.

AN ACT to incorporate the New Jersey Magnetic Telegraph Company.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. Samuel F. B. Morse, Daniel Dodd, junior, Ralph H. Shreve, Joseph C. Potts, Alfred Vail, Jesper Harding, George Vail, and William P. Sherman, and such other persons as may hereafter be associated with them, or with any five of them, in the manner herein after provided for, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the New Jersey Magnetic Telegraph 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, complaining and defending, answering and being answered unto, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same to alter at pleasure; and they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, goods, and chattels whatsoever, necessary or expedient to the objects of this incorporation.

Names of corporators.

Style of incorporation.

SEC. 2. The capital stock of said company shall be fifty thousand dollars, with liberty to increase the same, from time to time, at the discretion of the directors, to one hundred thousand dollars, which shall be divided into shares of twenty-five dollars each; said shares shall be deemed personal property, and shall be transferable in such manner as the said corporation shall, by their by-laws, direct.

Amount of capital stock.

SEC. 3. The persons named in the first section of this act, or a majority of them, may open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper, giving, at least, twenty days' notice thereof, by advertisements to be inserted in two of the newspapers published in the city of Trenton; and, after a sufficient amount of said stock shall be subscribed, may give notice of a meeting of the stockholders, for the election of nine directors, by advertisement of thirty days in one of the newspapers printed in Trenton; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named persons, or a majority of them, shall appoint inspectors of the

Commissioners to receive subscriptions.

Mode of election of directors.

first election of directors, which inspectors shall certify, under their hands, the names of the persons duly elected; 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; and the directors for the time being shall appoint inspectors of the next election; and the time and place of holding the first meeting of directors shall be fixed by the persons named in the first section of this act, or a majority of them, and at such meeting the subscription books shall be delivered to said directors; and said directors shall annually, as soon as may be after their 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, by the board of directors; and in case of the absence of the president, the said board of directors may appoint a president pro tempore, who shall have such powers and functions as the by-laws of the said corporation shall provide.

Corporation not dissolved for failure to elect on day prescribed.

SEC. 4. In case it should at any time happen that an election of directors should not be made at the time when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time; and the directors for the time being shall continue to hold their offices until new ones shall have been chosen in their places.

Directors may make by-laws.

SEC. 5. Five directors of said company shall constitute a quorum for transacting business; and the board of directors shall have power to call in the capital of said company by instalments, as the same shall be required, on thirty days' notice, by advertisements inserted in one of the newspapers published in Trenton, and in case of the non-payment of any of said instalments within ten days of the time specified, to declare forfeited to the company the share or shares on which such default shall have occurred, with the previous payments thereon; and they shall also have power to appoint such officers as may be necessary, and to make, from time to time, such by-laws, rules, and regulations, as to them shall seem meet, touching the management and regulation of the stock, property, estate, and effects of said corporation; *provided*, that such by-laws, rules, and regulations shall not be repugnant to this act or to the constitution and laws of this state or of the United States.

Objects of incorporation.

SEC. 6. The directors of said company shall be, and they are hereby invested with all the rights and powers necessary to survey, lay out, construct, and use a line of magnetic telegraph across the state of New Jersey, for the purpose of transmitting intelligence between the cities of New York and Phila-

delphia, on the most eligible route; and it shall be lawful for said company, or their agents, to enter, at all times, upon all lands and waters, for the purpose of exploring, surveying, or laying out the route of such line of telegraph, and of locating the same, doing no unnecessary injury to private or other property; and when said route shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for said company to contract for and acquire the fee-simple, or any lesser estate or interest in the lands which may be needed for said work, and upon obtaining such lands, or such interest therein as shall be requisite, may proceed to construct and use said telegraph; and said company may construct their said telegraph either over or under public roads or over or under navigable streams, not interfering with the travel on said roads, or the navigation on such streams; and they may use either one continuous line of wires across the state, or wires terminating at intermediate places, or both, at their discretion.

SEC. 7. If any person or persons shall wilfully injure, destroy, or obstruct the use of any telegraph constructed by virtue of this act by the said company, or any of their necessary works, such person or persons so offending shall forfeit and pay to the said company the sum of one hundred dollars, to be by them recovered in any court of competent jurisdiction, in an action of debt; and further, shall be liable for all damages.

Penalty for injuring works of company.

SEC. 8. It shall be the duty of said company, at all proper times, without charge, on the request of any public officer of this state, to transmit (confidentially, if required,) messages relating to the public business thereof, and also at all times to assist the police officers of the state by the transmission of intelligence; and no other tax or duty shall be imposed on said company.

Public intelligence to be transmitted free of charge.

SEC. 9. No part of the funds of the company shall at any time be used in banking operations, or for any purpose whatever inconsistent with the provisions of this act.

Funds not to be used in banking.

SEC. 10. This act shall be a public act, and shall be judicially referred to and taken notice of by all courts and persons, without being specially pleaded; and the legislature may at any time hereafter alter, modify, or repeal the same.

Act to be a public act.

Approved, March 19, 1845.

AN ACT to authorize the enclosure of a certain tract of salt meadow and woodland in the township of Lodi, in the county of Bergen.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Boundaries of tract.

SEC. 1. It shall and may be lawful for the owners and possessors of all that tract of salt meadow and woodland, situate in the township of Lodi, in the county of Bergen, and comprised, as near as may be, within the following boundaries, to wit: bounded on the north by the public road (commonly called the Moonochy road) leading from what is known as the Depyster, or Little Ferry farm, to the farm late of Nathaniel Budd, deceased; on the west in part by said road, and in part by lands of Hezekiah Alburts; on the south by a tract of meadow land, authorized to be enclosed by an act of the legislature of this state, entitled, "An act to authorize the enclosure of a certain tract of salt meadow in the township of Lodi, in the county of Bergen," passed February fourteenth, A. D. eighteen hundred and forty-three; and on the east in part by Hackensack river, and in part by said Depyster, or Little Ferry farm, to fence the same in common, with such fences as are deemed and declared lawful by an act entitled, "An act regulating fences," passed the twenty-third of January, seventeen hundred and ninety-nine, and to erect and maintain such gates, and build and keep in repair such bridges across ditches and creeks bounding the same, as the managers thereof, herein after mentioned, may deem proper; and from and after enclosing the same as aforesaid, no person or persons whatsoever shall drive or let in any horses, cattle, or sheep, with intent to let them run at large in said tract; *provided always*, that nothing in this act contained shall be construed so as to prevent any person or persons from turning horses, cattle, or sheep on such part of the said tract as may belong to him, her, or them, and as shall be kept enclosed by a sufficient and lawful fence separate from the remainder of said tract.

Proviso.

Owners of land to keep up fences.

SEC. 2. The fences between the tract hereby authorized to be enclosed, and the lands of the said Hezekiah Alburts, bounding the same, in part on the west, and also those between said tract and the Depyster, or Little Ferry farm, shall be kept up and maintained sufficient and lawful by the owner or owners of said lands and of said farm, respectively, at his, her, and their own proper costs; and in case of neglect or refusal so to do, the managers of said tract, herein after mentioned, may keep up and maintain the same as aforesaid, and

the expenses thereof may be recovered, in an action of debt, with costs, in the name of any one of said managers for the time being, against the owner or owners so neglecting or refusing to keep up and maintain such fences as aforesaid.

SEC. 3. If any person or persons, whatsoever, shall drive or let any horses cattle, or sheep, into the said tract, after the same shall have been enclosed as aforesaid (except as is provided for in the first section of this act), or shall wilfully break down, destroy, or injure any part of the fence enclosing the same, or any of the gates or bridges aforesaid, such person or persons shall be liable to a penalty of ten dollars for each offence; and if any person or persons shall leave open any bars or gates in the fence enclosing said tract, either negligently or wilfully, such person or persons shall be liable to a penalty of two dollars for each offence; any of which penalties may be recovered, by and in the name of any owner or owners of any part of the said tract, in any court of competent jurisdiction in this state, in an action of debt, besides costs of suit; and the proceeds thereof, after paying the expenses of suing for and recovering the same, shall be applied to repairing the fences gates, and bridges, which are authorized by this act to be made.

Penalty for
breaking down
fences, &c.

SEC. 4. If any horses, cattle, or sheep shall be found running at large on any part of the tract enclosed as aforesaid (except as is provided for in the first section of this act), it shall and may be lawful for any owner or possessor of any part of the said tract to take and drive the same to any public pound in the township of Lodi, and if there be no public pound in said township, then to any public pound in the township of New Barbadoes; and shall, as soon as may be, make an affidavit, to be taken before any justice of the peace in said county of Bergen, stating that the same were taken running at large in the said tract; and such affidavit shall state a description of the horses, cattle, or sheep so taken, which affidavit shall be delivered to the pound-keeper where the horses, cattle, or sheep are impounded; and the person impounding the said horses, cattle, or sheep shall be entitled to receive, for every head so taken and impounded, the sum of thirty-seven cents, if not exceeding four, if more, then for every head so taken and impounded, the sum of twenty-five cents, to be collected by the pound-keeper of the owner, or from the sale of the said horses, cattle, or sheep, and the same shall be the measure of damages to be paid on such occasion; and the pound-keeper is directed to receive such beasts, and to proceed in the same manner, after the receipt of the same, as is directed in the case of distress for damage feasant, by the twelfth section of the act entitled, "An act regulating fences,"

Cattle found
running at large
how disposed of.

passed the twenty-third day of January, seventeen hundred and ninety-nine; and he shall be entitled to the same fees, and subject to the same penalties for neglect of duty, as are allowed and imposed in and by the said act.

Time and mode
of election of
managers.

SEC. 5. It shall and may be lawful for any owner or possessor of any part of the said tract, to call a meeting of the owners and possessors thereof, by putting up advertisements in three public places, specifying the time of meeting, one whereof shall be in the township of Lodi, and two in the township of New Barbadoes, at least ten days previous to the time of meeting; on which notice being given, the owners and possessors of the said tract shall convene at the house now kept by David D. Demarest, innkeeper, in the village of Hackensack; which owners and possessors, or such as shall assemble in pursuance of the said notice, shall, when met, proceed to elect, by a plurality of votes, five persons, being owners of some part of the said tract, who shall be managers thereof, and who shall make, repair, and maintain the fences necessary to enclose the said tract, gates, and bridges aforesaid, make assessments, and superintend the expenditure of all moneys to be received and paid for the purposes aforesaid; and shall also, at the same time, proceed to elect, by a plurality of votes, three judicious freeholders of the county of Bergen, not interested in the said tract, as commissioners of appeal, which said managers and commissioners of appeal shall continue in office for one year from the first Saturday in April next, and until others shall be chosen; and all elections for managers and commissioners of appeal shall be held on the first Saturday in April in each year after the present, between the hours of one and five o'clock in the afternoon, at such place as shall be designated by the managers for the time being, or a majority of them, of which place of meeting, so designated, ten days' notice shall be given, previous to the time of meeting, by advertisements signed by the said managers, or a majority of them, and put up in three public places, one whereof shall be in the township of Lodi, and two in the township of New Barbadoes; and all such elections shall be conducted in the same manner as that mentioned in the first part of this section.

Managers to ascertain the number of acres owned by each person.

SEC. 6. The persons so elected as aforesaid to make, repair, and maintain the fences, gates, and bridges, make assessments and superintend the expenditure of money, or a majority of them, shall, by virtue of this act, be authorized to ascertain the number of acres of land which each person owns or possesses therein, as accurately as they can, either by an actual survey or otherwise, as shall be agreed on by a majority of the owners and possessors met at their first or any subsequent meeting; and shall fairly enter in a book, to be provided by them

for that purpose, the names of all who may own or possess any land lying within said tract, together with the number of acres owned or possessed by each, and the amount of money assessed to each; also, the names of the persons from time to time elected to superintend the expenditure of moneys assessed for making and repairing the fences, gates, and bridges aforesaid, the names of the persons from time to time elected commissioners of appeal, and the proceedings relative to enclosing of the said tract; which book shall be kept by the persons elected to superintend the expenditure of money as aforesaid.

SEC. 7. As soon as the managers aforesaid, or a majority of them, shall have ascertained the number of acres which each person may own or possess in said tract, they, or a majority of them, shall proceed to make an estimate of the probable amount of money which may be required to defray the expenses of enclosing the said tract, in the manner herein before mentioned; and shall assess and collect the same from the several owners and possessors of the said tract, ratably, in proportion to the number of acres which each may own or possess therein, that is to say: the amount to be assessed against and paid by each owner or possessor of any part of the said tract, shall bear the same proportion to the whole number of acres which each owner or possessor may have therein, that the whole amount proposed to be raised bears to the whole number of acres contained in said tract; and if the amount so assessed and collected shall be found to be insufficient to defray the expenses of enclosing the said tract, and to keep the fences, gates, and bridges as aforesaid in repair, the said managers, or a majority of them, are hereby authorized and empowered to make such further assessments, upon the principle herein before mentioned, as they, or a majority of them, shall from time to time think necessary for that purpose.

Managers to
assess expenses

SEC. 8. As soon as the said managers, or a majority of them, shall have ascertained the number of acres each individual may own or possess in the said tract, and the amount assessed against each, it shall be their duty to advertise the same, by setting up statements containing the names of all who may own or possess any land within the said tract, the number of acres owned or possessed by each, and the sum which each has been assessed to pay, for the space of twenty days, in five public places, two whereof shall be in the township of Lodi, and three in the township of New Barbadoes; to which said statements they shall subjoin a written notice, specifying the time (which shall be on some day after the expiration of the said twenty days, and fixed upon by the said managers, or a majority of them,) and place when and where the commissioners of appeal will meet for the purpose of discharging their

Amount of assessment to be
advertised.

duties under this act; and shall also furnish each of the said commissioners of appeal with a copy of the said statement and notice, at least five days before the time appointed for their meeting as aforesaid.

Persons aggrieved may appeal.

SEC. 9. It shall be the duty of the said managers to attend before the said commissioners of appeal, at the time and place mentioned in said notice, with the book herein before directed to be provided by them; and it shall be lawful for the owners and possessors of the said tract, or such of them as shall think themselves aggrieved by the said assessment, to attend, at the same time and place, before the said commissioners of appeal, and to state their objections, either as to the number of acres for which such owner or possessor thinking himself aggrieved has been assessed, the amount assessed against him, or as to the number of acres for which any other owner or possessor has been assessed, or the sum assessed against such owner or possessor; and the said commissioners, after hearing the objections and allegations of the person or persons thinking himself or themselves aggrieved of the managers, and of all other parties interested in said tract who may appear before them, if any shall be offered, and inquiring into such facts as they shall deem necessary to enable them to form a correct judgment, and duly considering the same, shall ascertain the number of acres each owner or possessor may have in said tract, and adjust and fix the amount to be paid by each, according to the principle mentioned in section seventh of this act, and shall make a written statement thereof; which said adjustment, both as to the number of acres which each owner or possessor may have in said tract, and the amount to be paid by each, shall be final and conclusive; and their statement shall be entered in the said book, and certified in writing in the said book, under the hands of the said commissioners, to be a true statement of the number of acres which each owner or possessor may have in said tract, and of the sum to be paid by each, respectively, as finally fixed and adjusted by them at the time aforesaid.

Assessment allowed, if no objection.

SEC. 10. If, at the meeting of the said commissioners as aforesaid, no objection shall be taken to the assessment, as first made by the managers aforesaid, the same shall be allowed by the commissioners without alteration, and shall be entered in the said book as final and conclusive, and be certified in the manner aforesaid.

Manner of collecting assessment.

SEC. 11. As soon as any assessment is finally adjusted and fixed, entered, and certified, as aforesaid, it shall be the duty of the said managers to demand from each individual his or her proportion, as finally fixed and adjusted as aforesaid, either personally, or by leaving a statement of the sum he or she is

to pay with some white person resident at his or her dwelling-house or place of abode; and on failure of payment thereof for thirty days after such demand, they shall make out a list of the names of such delinquents residing in the county of Bergen as shall have neglected or refused to pay their respective proportions, together with the amount due from each, respectively, thereto annexed, and shall deliver the same to some justice of the peace of said county, who, on due proof being made to him that the amount due from each delinquent, respectively, had been demanded, as is herein mentioned, more than thirty days previous thereto, (which said proof may be made by the person making the demand, who shall be a competent witness for that purpose,) and also, on due proof being made to him that the amount demanded of such delinquent was fixed and adjusted by the commissioners of appeal aforesaid, (which may be proved by the oath of one of said managers) to make out and deliver to any constable of the said county a warrant or warrants, commanding him to levy said amount due from each delinquent, respectively, mentioned therein, with costs, by distress and sale of the goods and chattels of the delinquents, giving at least four days' notice of the time and place of such sale, by advertisements set up in three of the most public places in the township in which such delinquent resides; and it shall be the duty of such constable to pay the amount raised under any warrant issued as aforesaid, to the justice issuing the same, within twenty days after the date thereof, and such justice shall forthwith pay the same to the managers aforesaid; and if any delinquent as aforesaid shall reside in any other county, then it shall be the duty of the said managers to deliver the name of such delinquent, with the amount due from him, over to any justice of the peace residing in such county, who, together with any constable of such county, shall proceed, in all things, in the manner aforesaid in collecting and paying over the amount due from such delinquent; and the justice who shall issue any such warrant, shall be allowed the sum of twelve cents for every delinquent's name contained therein, and the constable to whom the same may be delivered, thirty-seven cents for every distress and sale as aforesaid.

SEC. 12. If any constable to whom any such warrant shall be delivered, shall neglect or refuse to pay the amount collected under such a warrant, to the justice issuing the same, he shall forfeit and pay for every such neglect or refusal ten dollars, to be recovered, with costs, by action of debt, by and in the name of any one of the managers aforesaid, in any court of competent jurisdiction, besides being liable for the amount so collected as aforesaid, and which he shall refuse or neglect to pay over to the said justice; which said amount

Penalty for constable refusing payment collected.

may be recovered by and in the name of any one of the managers aforesaid, besides costs, in an action of debt, in any court of competent jurisdiction.

Vacancies, how
to be supplied.

SEC. 13. In case of the death, removal, inability, or refusal to serve of any of the said persons who shall have been elected managers, or of and or either of the persons who shall have been elected commissioners of appeal, before the next annual election, or before others shall have been chosen, then it shall and may be lawful for any three of the owners or possessors of the said tract to call a meeting of the owners and possessors of the same, at such time and place (within the townships of Lodi or New Barbadoes) as they shall appoint, giving at least ten days' previous notice of the time and place of such meeting in writing, under their hands, and put up in three public places, one whereof shall be in the township of Lodi, and two in the township of New Barbadoes; and the owners and possessors, or such as shall assemble in pursuance of the said notice, shall proceed to elect, by plurality of votes, a fit person or persons qualified, as is required by this act, to fill such vacancy or vacancies until such annual election, and until others shall be chosen, whose names shall be entered in the book aforesaid.

Commissioners
to take oath.

SEC. 14. The aforesaid commissioners of appeal, when convened for the discharge of their duties under this act, and before they proceed in the execution of the same, shall be sworn, before some justice of the peace of the county of Bergen, well and faithfully to execute the duties of commissioners of appeal under this act, according to the best of their knowledge and understanding, without favour or partiality.

Compensation,
to managers.

SEC. 15. The commissioners of appeal elected by virtue of this act, and the persons elected as managers, shall be entitled to receive, each, at the rate of one dollar per day for every day necessarily spent in executing the duties of their offices under this act, the moneys necessary for defraying the same, to be included in and raised by the assessment to be made in manner aforesaid.

Managers to ac-
count to owners.

SEC. 16. The persons elected as managers of said tract, shall account to the owners and possessors of the same, at the time of holding their election for officers, for all moneys which have come to their hands as aforesaid, and shall pay over the balance remaining in their hands, if any, to their successors, and shall deliver to them the book or books directed to be kept as aforesaid, and all vouchers and other papers relating to the execution of their duties under this act, immediately on their going out of office, under the penalty of one hundred dollars on the defaulter, to be sued for and recovered by and in the name of any of their successors, with costs of

suit, in any court of competent jurisdiction, and to be applied by them, when received, to the purposes contemplated by this act.

SEC. 17. The legislature shall have power, at any, time to alter, modify, or repeal this act. Act may be altered, &c.

SEC. 18. This act shall go into effect immediately after the me shall become a law. Act, when to take effect.

Approved, March 19, 1845.

AN ACT to incorporate the Rope and Bagging Company at Somerville.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. David Heran, Luther Loomis, Samuel P. Lyman, William Thomson, Thomas A. Hartwell, David Sanderson, and Allan Clarke, and their associates and 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 Rope and Bagging Company," for the purpose of manufacturing rope, bagging, and duck, and for converting hemp and flax, in all forms, into merchandise, in the townships of Bridgewater and Hillsborough, in the county of Somerset, in this state; and, by that name, they and their successors shall be, and they are hereby made capable, in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever; and to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors and assigns, in their corporate name, shall be, and are hereby made capable, in law, to purchase, receive, have, hold, and enjoy any lands, tenements, water-power, and water privileges, in the townships aforesaid, and any goods, chattels, and other real and personal estate necessary, useful, and proper for carrying on the manufacturing purposes aforesaid, and the same to use and employ, grant, demise, pledge, lease, and convey and dispose of, as they shall deem proper; and to have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies, necessary for the purposes of their incorporation; *provided always*, that the funds of the said corporation, or any part thereof, shall not be applied, used, or employed, at any time, in bank-

Names of corporators.

Style of incorporation.

Restrictions.

ing operations or for any purpose or purposes inconsistent with the provisions of this act; and the said David Heran, Luther Loomis, Samuel P. Lyman, William Thomson, Thomas A. Hartwell, David Sanderson, and Allan Clarke, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of the said company.

Amount of capital stock.

SEC. 2. The capital stock of the said company shall not exceed two hundred thousand dollars, to be subscribed in shares of fifty dollars each; and as soon as five hundred shares of the said stock shall be subscribed, the individuals above named, or any three of them, may, by public notice published in one or both of the newspapers printed in the village of Somerville, for a period of not less than thirty days, call a meeting of the stockholders of the said company for an election of five directors.

Time and mode of annual election.

SEC. 3. 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; 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 on each share of the capital stock that 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 individuals above named, or any two 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 election.

Powers and duties of directors.

SEC. 4. A majority of the directors of the said corporation shall constitute a board, and be competent to the transaction of all the business of the said corporation; and all questions before them shall be decided by a majority of votes; and they shall have power to appoint a secretary, and such other officers, clerks, and servants, as they shall deem expedient and proper for the well conducting and transacting their business; and they shall also have power, at such times as to them shall seem meet, to make and declare dividends of such part of the clear profits resulting from the business of the said corporation as they shall deem expedient; and shall have power to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, respecting the management and disposition of the stock, property, estate, and effects of the said corporation, the compensation of wages, and the duties,

powers, and conduct of the officers and servants thereof, the election and meeting of directors, the transfer of shares, the management and conducting of the business of the said corporation, and all matters appertaining thereto, and such by-laws, rules, and regulations, at their discretion, to repeal, alter, or modify; *provided*, that such by-laws, rules, or regulations shall not be repugnant to the constitution or laws of this state or of the United States.

SEC. 5. The said corporation shall not go into operation until twenty-five thousand dollars of the capital stock shall be first paid in gold and silver coin or current bank notes, and an affidavit thereof shall be made by a majority of the associates named in this act, and filed in the office of the secretary of state; 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 to prescribe, not exceeding ten dollars on each share for any one instalment, giving thirty days' notice, as aforesaid; and if any stockholder or stockholders shall neglect or refuse to pay his or their respective instalment or instalments on his or their respective share or shares, so called for as aforesaid, the stock of such stockholder so neglecting or refusing, and all previous payments thereon, shall be absolutely forfeited to the said company, for the use and benefit of the said company.

Corporation,
when to go into
operation.

SEC. 6. The president and directors, with the treasurer and clerk, if such be, of the said company, shall, within thirty days after the payment of the sum of fifty thousand dollars of the capital stock, make a certificate, stating the amount of the capital so paid in, which certificate shall be signed and sworn to by the president, treasurer, and clerk, and a majority of the directors; and they shall, within the said thirty days, cause the same to be recorded in the record of deeds for the county wherein this manufactory is established.

Certificate of
amount of capital
paid in to be
made.

SEC. 7. If any of the said officers shall refuse or neglect to perform the duties required of them in the preceding section, 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.

Penalty for not
making certificate.

SEC. 8. The stock and property of the said company, of whatever nature or kind the same may be, shall be deemed personal property, and shall be transferable on the books of the said company, in such manner as shall be prescribed by the by-laws of the said corporation.

Stock personal
estate.

SEC. 9. 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

Books to be
open to inspection
of stock-
holders.

said corporation, which books shall be subject at all times to the inspection of the stockholders of the company.

Stockholders
liable for debts
of company.

SEC. 10. All the stockholders of this company shall be jointly and severally liable for all debts and contracts made by said company, until fifty thousand dollars of the capital stock shall have been paid in or satisfactorily secured.

Company, how
dissolved.

SEC. 11. The said company may be dissolved at a general meeting of the stockholders, specially summoned for that purpose; *provided* at least three-fourths in value of the stockholders shall be present or represented therein, and shall vote in favour of such dissolution; 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 said company, disposing of its effects, recovering, 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, the survivors or survivor of them, shall be trustee or trustees for the purpose aforesaid; *provided*, that no part of the capital stock shall be withdrawn or refunded to the stockholders, at the time of its dissolution, until all debts and liabilities of the company are fully paid; and in case of any violation of the provisions of this section, the president, directors, and stockholders of this corporation shall be personally liable, in their own estate, jointly and severally, for all debts previously contracted and due from said company.

Election of di-
rectors to be by
ballot.

SEC. 12. 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, by ballot, determine which of such stockholders shall be director or 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.

SEC. 13. In case it should happen that an election for directors should not be held or made on the day that 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.

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

SEC. 14. This act shall continue in force twenty years, and the legislature may alter, modify, or repeal the same, whenever in their opinion the public good requires it.

Limitation.

Approved, March 19, 1845.

AN ACT to incorporate the Sussex Iron Company.

WHEREAS, a number of the citizens of Morris and Sussex counties have, by their petition to this legislature, represented that they are desirous of establishing a manufacturing company at Stanhope, in said county, for manufacturing of iron in its several and various branches, and praying to be incorporated for that purpose; and whereas the prayer of the said petition appears to be reasonable and proper, inasmuch as it will be beneficial to this state, by the introduction and employment of considerable capital therein—therefore,

Preamble.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Edwin Post, William Nelson Wood, Jacob Lowrance, and such other persons as now are or hereafter may be associated with them, and their successors, be, and they are hereby constituted a body politic and corporate in this state, by the name and style of "the Sussex Iron Company," for the sole purpose of manufacturing iron; and that, by that name, they and their successors shall have power, and continue to be a body corporate, for the term of twenty years, and be capable, in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all manner of actions, suits, complaints, causes, and matters whatsoever; and they and their successors may have a common seal, and the same may make, alter, and change at their pleasure; and they and their successors, by their corporate name, shall, in law, be capable of buying, holding, and conveying any goods,

Names of incorporators.

Style of incorporation.

wares, and merchandise whatsoever, and also any lands, tenements, or hereditaments necessary or useful for the said corporation to carry on the manufacturing operation above mentioned, and all other real estate which shall have been bona fide mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealing, or purchased at sales upon judgments or decrees which shall have been obtained for such debts; *provided always*, that the funds of said corporation, or any part thereof, shall not be applied, used, or employed, at any time, in banking operations.

Proviso.

Amount of capital stock.

SEC. 2. The capital stock of the said corporation shall be three hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each; but so 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 said business, and with that capital 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.

Payment of instalments.

SEC. 3. 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, not exceeding ten dollars on each share at any one time, under the pain of the forfeiture of his, her, or 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 one of the newspapers printed in Morris and Sussex counties.

Mode of election of directors.

SEC. 4. The stock, property, affairs, and concerns of the said corporation shall be managed and conducted by five directors, a majority of whom shall be citizens and residents of this state, who may, respectively, hold their offices for one year, and until others may be chosen; which directors shall at all times during their continuance in office be stockholders in the said company, in their own right, to the amount of at least five shares; and the said directors shall hereafter be elected on the first Monday in March, in each and every year, at such hour of the day and at such place as the board of directors for the time being shall appoint, of which election, public notice shall be given in one of the newspapers printed in Morris and Sussex counties, at least twenty days immediately preceding such election; and such election shall be

holden under the inspection of three stockholders, not being directors, to be appointed previously to every election by the board of directors; and such election shall be made by ballot, and by a plurality of the votes of the stockholders then present, or their proxies, allowing one vote for every share of the said stock; but no share shall entitle the holder to vote unless the same shall have been held by him at least sixty days immediately next preceding such election; and in case any vacancy or vacancies should occur in the board of directors, by death, resignation, or incapacity, such vacancy to be supplied by the remainder of the directors for the time being.

SEC. 5. Jacob Lowrance, William Nelson Wood, and Charles Lewis shall be commissioners, whose duty it shall be, at some suitable place in the counties of Morris and Sussex, to open books to receive subscriptions to the capital stock of the said corporation; and twenty days' public notice shall be given by the said commissioners of the time and place of the opening of such books, and also of the amount of the first instalment to be then paid, in one of the newspapers printed in each of the said counties; and, as soon as the same shall be subscribed, to give a like notice for the meeting of stockholders to choose five directors; and the said commissioners shall be inspectors of the first election of directors of the said company, and shall certify, under their hands, the names of those duly elected, and deliver over to them the subscription books and the moneys and securities received for subscriptions; and the time and place of holding the first meeting of directors shall be fixed by said commissioners.

Commissioners
to receive sub-
scriptions.

SEC. 6. The directors first chosen, or that may thereafter be chosen, shall, as soon as may be after their election, proceed to choose out of their body one person to be president, who shall preside until the next annual election thereafter; and in case of the death, resignation, or inability to serve of the president or any director of the said corporation, such vacancy or vacancies may be filled for the remainder of the year by the board of directors; and in the case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation provide.

Vacancies, how
supplied.

SEC. 7. If it should at any time happen that an election of directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day, to hold and make an election of directors, in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

Corporation not
dissolved for
failure to elect
on day prescribed.

Stock to be personal estate.

SEC. 8. The stock of the said corporation shall be assignable and transferable, according to such rules, and subject to such restrictions and regulations, as the board of directors shall from time to time make and establish, and shall be considered personal property.

Dividends not to be made from capital stock.

SEC. 9. 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, nor to divide, withdraw, or in any way pay to the stockholders, or any of them, any part of the capital stock of the company, or 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 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, or were not present when the same did happen, 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.

Powers and duties of directors.

SEC. 10. A majority of the directors of said corporation shall constitute a board, and be competent to the transaction of all the business of said corporation; and all questions before them shall be decided by a majority of the voices; and they shall have power to appoint a secretary and such other officers, clerks, and servants as they shall deem expedient and proper for the well conducting and transacting their business; and they shall also have power, at such times as to them shall seem meet, to make and declare dividends of such part of the profits resulting from the business of the said corporation as they shall deem expedient; and shall have the power to make and prescribe such by-laws, rules, and regulations as to them shall appear needful and proper respecting the management and disposition of the stock, property, estate, and effects of the said corporation, the compensation of wages, and the duties, powers, and conduct of the officers and servants thereof, the election and meeting of directors, the transfer of shares, the management and conducting of the business of the said corporation, and all matters appertaining thereto, and such by-laws, rules, and regulations, at their discretion, to repeal, alter, or modify; *provided*, that such by-laws, rules, or regulations

shall not be repugnant to the constitution or laws of this state or of the United States.

SEC. 11. The directors shall at all times keep, or cause to be kept, books of account, in which shall be regularly entered all the transactions of said corporation, which books shall be subject, at all times during regular business hours, to the inspection of the stockholders of the company.

Books of account to be kept.

SEC. 12. The legislature may alter, modify, or repeal this act, whenever in their opinion the public good requires it.

Act may be repealed, &c.

Approved, March 20, 1845.

AN ACT to set off from the townships of Newton and Frankford, in the county of Sussex, a new township, to be called the township of Lafayette.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Those parts of the townships of Newton and Frankford, in the county of Sussex, lying within the boundaries and description following, to wit: beginning in the middle of the road leading from Thomas House's to Merrit Pinckney's, at the south-west corner of the township of Sparta; thence running in a direct line to a black-oak tree standing on the east side of the great road leading from Newton to Lafayette, north-east of the dwelling-house of Jacob Snook, which tree stands near the forks of the road leading from said Newton and Lafayette road to the Newton and Deckertown turnpike; thence, continuing the same course from said black-oak tree, until it strikes the aforesaid turnpike; thence, along the centre of said turnpike, until it strikes the line of the townships of Newton and Frankford; thence, in a direct line, to a corner of the townships of Frankford and Wantage, south-east of the dwelling-house of John Clay; thence, along the line of the townships of Frankford and Wantage, to a corner of the townships of Hardyston and Frankford, north of the dwelling-house now occupied by Jonathan A. Dusenberrie; thence, along the line of the townships of Frankford and Hardyston, until it strikes the line of the township of Sparta; thence, along the line of the township of Sparta, to the beginning,

Boundaries of township.

shall be, and the same is hereby set off from the townships of Newton and Frankford, in the county of Sussex, and made a separate township, to be called and known as "the township of Lafayette."

Inhabitants of township incorporated.

SEC. 2. The inhabitants of the said township of Lafayette shall be, and the same are hereby constituted a body politic and corporate, and shall be styled and known by the name of "the Inhabitants of the township of Lafayette, in the county of Sussex," and vested with, and entitled to all the powers, privileges, authorities, and advantages, and subject to the like regulations and government, as other townships of this state.

First annual town meeting.

SEC. 3. The inhabitants of the township of Lafayette shall hold their first annual town meeting at the house of Hazlet Slater, innkeeper, in the village of Lafayette, in said township of Lafayette, on the second Monday in April next.

Committees to apportion property.

SEC. 4. The township committees of the townships of Newton, Frankford, and Lafayette shall meet on the third Monday of April next, at ten o'clock in the forenoon, at the house of Hazlet Slater, innkeeper, in the village of Lafayette, 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 money on hand or due, in proportion to the taxable property and ratables, as valued and assessed by the assessors, within the respective limits of said townships, at the last assessment, and may adjourn the said meeting from time to time, and to such time and place as a majority of those present may think proper; and the township of Lafayette shall be liable to pay their just proportion of the debts, if any there be; and if any of the members of said township committees shall neglect to meet as aforesaid, those present may proceed to make such division; and their decision, or the decision of a majority of them, shall be final and conclusive.

Inhabitants, where to vote.

SEC. 5. All persons residing within the limits of the said township of Lafayette, who would have been entitled to vote at the next annual town meeting of either of the townships of Newton and Frankford, if this act had not been passed, shall be entitled to vote at the next annual town meeting of the township of Lafayette.

Commissioners to survey lines.

SEC. 6. Moses Woodruff, Alexander Boyles, and John Snyder, or any two of them, be, and they are hereby appointed commissioners, to run, survey, mark, and ascertain said lines herein before mentioned; which said commissioners shall, before the second Monday in April next, execute and discharge the duties of their said appointment, in the same manner, and in all respects, as if they had been appointed commissioners for the

purpose aforesaid by the inferior court of common pleas in the county of Sussex, upon the application of chosen freeholders of the said county, except, only, it shall not be necessary for the said commissioners to give notice of the time and place to perform the duties of their said appointment; and that the charges and expenses of said commissioners shall be taxed and paid as is by law directed in case of commissioners appointed by the court of common pleas, upon the application of the board of chosen freeholders.

SEC. 7. The sixth section of this act shall go into effect immediately after the passage thereof, and the remaining sections shall go into effect on the second Monday of April next.

Act, when to take effect.

Approved, March 20, 1845.

Supplement to an act entitled, "An act respecting bridges," passed November fifth, seventeen hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. When it shall be necessary to erect, rebuild, or repair any bridge in a township, or between any two townships in the same county, the expense whereof shall exceed fifty dollars, and be less than five hundred dollars, it shall be the duty of the overseer of the highway within whose limits or division the same may be, or of either of the overseers of the highways of the adjoining townships, to give notice thereof in writing, under his hand, to the chosen freeholders of such township and of the two next adjacent townships, and in such notice to appoint the time and place of their meeting, for the purpose of taking the same under their consideration; and the said chosen freeholders, or a majority of them, are hereby authorized to order, if they think proper, the said bridge to be built, rebuilt, or repaired, and to superintend or contract for the doing thereof; and for defraying the expense thereby incurred, the director of the board of chosen freeholders shall draw upon the county collector, who is hereby empowered and required forthwith to pay the same out of any county moneys in his hands.

Overseers of highways to give notice of building or repairing bridges.

SEC. 2. When the expense of erecting, rebuilding, or repairing such bridge shall not exceed fifty dollars, inclusive of the

Expense of building bridge, how defrayed.

necessary materials, it shall and may be lawful for the overseer of the highways within whose limits and division the same may be, and the two chosen freeholders of the said township, or the major part of them, to direct such bridge to be built, rebuilt, or repaired, and to superintend or contract for the doing thereof; and for defraying the amount of the said expense, not exceeding the sum aforesaid, the director of the said board of chosen freeholders shall draw on the county collector, who is hereby authorized and directed to pay such order out of any county moneys in his hands.

Part of former
act repealed.

SEC. 3. So much of the first section of the act to which this is a supplement, as conflicts with the provisions of this act, and also the whole of the second and third sections of the said act, are hereby repealed.

SEC. 4. This act shall go into operation on the second Wednesday of May next.

Approved, March 20, 1845.

A supplement to the act entitled, "An act concerning justices of the peace and courts of general quarter-sessions," passed the twenty-second day of November, seventeen hundred and ninety-four.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Courts of general
quarter-sessions,
how constituted.

SEC. 1. The judges for the time being of the respective inferior courts of common pleas in and for the several counties of this state, or any three or more of them, shall, by virtue of this act, constitute the courts of general quarter-sessions of the peace in and for said counties, respectively; and such courts shall have the same power and authority as heretofore.

Parts of former
acts repealed.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Act, when to
take effect.

SEC. 3. This act shall take effect as soon as it becomes a law.

Approved, March 20, 1845.

AN ACT to continue county collectors in office, until successors are elected.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

All county collectors hereafter elected, and who shall give bond as required by law, shall continue in office and exercise all the rights, and discharge all the duties appertaining thereto, until their successors are lawfully elected; subject, however, to all laws in force applicable to, or affecting their said office of county collector.

County collectors to continue in office in certain contingencies.

Approved, March 20, 1845.

A supplement to "An act to establish a uniform standard of weights and measures in this state."

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

The time mentioned in the second section of the act to which this is a supplement, passed March thirteenth, eighteen hundred and forty-four, shall be, and is hereby extended to the term of one year from the passage of this act.

Time of former act extended.

Approved, March 20, 1845.

A supplement to "An act respecting the court of chancery."

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. Hereafter whenever an execution against the property of a defendant shall have been issued on a judgment at law, and shall have been returned unsatisfied, in whole or in part, leaving an amount or balance remaining due exceeding

Bill may be filed in chancery for discovery of property.

one hundred dollars, exclusive of costs, the party suing out such execution may file a bill in chancery to compel the discovery of any property or thing in action belonging to the defendant in such judgment, and of any property, money, or thing in action, due to him or held in trust for him, except such property as is now reserved by law, and to prevent the transfer of any such property, money, or thing in action, or the payment or delivery thereof to the defendant, except when such trust has been created by, or the fund so held in trust has proceeded from some person other than the debtor himself.

The court to
have power to
compel discovery.

SEC. 2. The court shall have power to compel such discovery, and to prevent such transfer, payment, or delivery, and to decree satisfaction of the sum remaining due on such judgment out of any personal property, money, or things in action belonging to the defendant, or held in trust for him, with the exception above stated, which shall be discovered by the proceedings in chancery; *provided*, that if the personal property, money, or thing in action, which shall be discovered as aforesaid, does not amount to the sum of one hundred dollars, no costs shall be recovered by the plaintiff against the defendant in such proceeding.

Approved, March 20, 1845.

AN ACT to establish the township of Franklin, in the county of Hunterdon.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Boundaries of
township.

SEC. 1. All that part of the township of Kingwood, in the county of Hunterdon, lying north of a line to begin at a stone standing in the Kingwood and Delaware line, in the great road near Elisha Warford's farm, and from thence in a straight line to the Alexandria and Kingwood line, in the middle of the great road opposite the school-house near the episcopal church, known by the name of the St. Thomas church, shall be, and the same is hereby set off from the said township of Kingwood, into a separate township, to be called and known by the name of "the township of Franklin."

Commissioners
to survey lines.

SEC. 2. Wilson Bray, Peter Sigler, and Adams C. Davis, or any two of them, are hereby appointed commissioners, to run, survey, mark, and ascertain the said lines, as herein

before mentioned; which said commissioners shall, before the first Monday in April next, execute and discharge the duties of their said appointment, in the same manner, and in all respects, as if they had been appointed commissioners for the purpose aforesaid by the inferior court of common pleas of the county of Hunterdon, upon the application of chosen freeholders of the said county, except, only, that it shall not be necessary for the said commissioners to give notice of the time and place to perform the duties of their said appointment; and that the charges and expenses of said commissioners shall be taxed and paid, as is by law directed in the case of commissioners appointed by the court of common pleas upon the application of the board of chosen freeholders.

SEC. 3. The inhabitants of the said township of Franklin 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 Franklin, in the county of Hunterdon," and shall 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.

Inhabitants incorporated.

SEC. 4. The inhabitants of the said township of Franklin shall hold their first annual town meeting at the inn of Samuel Trimmer, in the village of Quakertown, in the said township of Franklin, on the day appointed by law for holding the annual town meetings in the other townships in the said county of Hunterdon.

First annual town meeting.

SEC. 5. The town committees of the townships of Kingwood and Franklin shall meet on the first Monday after the next annual town meetings in the said townships of Kingwood and Franklin, at the inn now occupied by Jacob Moore, in the village of Baptistown, in the said township of Kingwood, 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 Kingwood and Franklin 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 Kingwood at the last annual assessment; and the inhabitants of the said township of Franklin shall be liable to pay their just proportion of the debts, if any there be.

Committees to allot property, &c.

SEC. 6. The said township committees of Kingwood and Franklin shall, at their first meeting, or as soon after as may be, make division by writing, signed by a majority of the

Settlement of
paupers.

members of each township committee, of the paupers at that time chargeable to the said townships, in proportion to the taxable property and ratables, as taxed by the assessor of the said township of Kingwood at the last annual assessment.

Act, when to
take effect.

SEC. 7. This act shall take effect and be in force on and after the first Monday in April next.

Approved, March 21, 1845.

AN ACT to authorize and require John Hall, of the township of Howell, in the county of Monmouth, to pay Catharine Frizaleer certain moneys, therein named.

Preamble.

WHEREAS Catharine Frizaleer, of the township of Howell, in the county of Monmouth, in and by her petition, verified by affidavit, represents that her son, the late William Clark, died seized of real and personal estate in said county; and that Samuel Hall, late of said county, deceased, as administrator to the estate of said William Clark, deceased, did sell and dispose of all his said estate according to law, and after paying all the claims against the said estate, there remained in the hands of the said administrator a balance of three hundred and forty-two dollars and fifty cents; and the said William Clark, leaving no issue or lawful heirs to claim, or who have claimed, the said balance, and the said Samuel Hall having paid to the said Catharine Frizaleer the interest and part of the principal of the said balance, to the amount of ninety-two dollars and fifty cents, in his lifetime; and since the death of the said Samuel Hall, the administrator to his estate, to wit, John Hall, of said county, having doubts of the propriety of paying any further of the moneys coming to his hands from the estate of the said William Clark, deceased, to the said Catharine Frizaleer, and it appearing right and proper that she should be benefited by the estate of her son, the said William Clark, deceased, inasmuch as the same remains in the hands of the said John Hall unclaimed by any other person—therefore,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

John Hall, administrator of Samuel Hall, late of the township of Howell, in the county of Monmouth, deceased, pay

over to Catharine Frizaleer the amount being or remaining in his hands of the estate of William Clark, late of said county, deceased, or so much thereof, from time to time, as may be necessary for her comfortable support and maintenance during her natural life.

Administrator
authorized to
pay over amt't
due.

Approved, March 21, 1845.

AN ACT to ascertain the time of holding certain courts in this state.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. The first term of the court of errors and appeals in the last resort shall commence and be held on the first Tuesday of May next, and thereafter the regular terms of said court shall commence and be held annually on the third Tuesdays of April, July, October, and January, respectively.

Courts of errors
and appeals.

SEC. 2. After the term of May next, of the supreme court, the regular terms of the said court shall commence and be held annually, at Trenton, on the first Tuesdays in January, April, July and October, respectively, and not otherwise.

Supreme court.

SEC. 3. After the term of April next, of the court of chancery, the regular terms of the said court shall commence and be held annually, on the third Tuesdays in March, June, September, and December, respectively, and not otherwise.

Court of chan-
cery.

SEC. 4. After the first day of June next, the regular terms of the several courts held in and for the county of Bergen, shall commence and be held annually, on the first Tuesdays in February, May, August, and November, respectively, and not otherwise.

Bergen.

After the term of June next, of the several courts held in and for the county of Hudson, the regular terms of said courts shall commence and be held annually, on the second Tuesdays in February, May, August, and November, respectively, and not otherwise.

Hudson.

After the first day of June next, the regular terms of the several courts held in and for the county of Essex, shall commence and be held annually on the fourth Tuesdays in Fe-

Essex.

bruary, May, August, and November, respectively, and not otherwise.

Monmouth. After the first day of June next, the regular terms of the several courts held in and for the county of Monmouth, shall commence and be held annually, on the first Tuesdays in February, May, August, and November, respectively, and not otherwise.

Middlesex. After the term of June next, of the several courts held in and for the county of Middlesex, the regular terms of said courts shall commence and be held annually, on the third Tuesdays in February, May, August, and November, respectively, and not otherwise.

Somerset. After the first day of June next, the regular terms of the several courts held in and for the county of Somerset, shall commence and be held annually, on the fourth Tuesdays in February, May, August, and November, respectively, and not otherwise.

Warren. After the term of June next, of the several courts held in and for the county of Warren, the regular terms of said courts shall commence and be held annually, on the first Tuesdays in March, June, September, and December, respectively, and not otherwise.

Sussex. After the term of May next, of the several courts held in and for the county of Sussex, the regular terms of said courts shall commence and be held annually, on the first Tuesdays in February, May, August, and November, respectively, and not otherwise.

Morris. After the first day of May next, the regular terms of the several courts held in and for the county of Morris, shall commence and be held annually, on the third Tuesdays in February, May, August, and November, respectively, and not otherwise.

Passaic. After the first day of July next, the regular terms of the several courts held in and for the county of Passaic, shall commence and be held on the first Tuesdays in March, June, September, and December, respectively, and not otherwise.

Hunterdon. After the first day of June next, the regular terms of the several courts held in and for the county of Hunterdon, shall commence and be held annually, on the second Tuesdays in February, May, August, and November, respectively, and not otherwise.

Mercer. After the term of March of the present year, of the several courts held in and for the county of Mercer, the regular terms of said courts shall commence and be held annually, on the first Tuesdays in March, June, September, and December, respectively, and not otherwise.

After the term of May next, of the several courts held in and for the county of Burlington, the regular terms of said courts shall commence and be held annually, on the third Tuesdays in February, May, August, and November, respectively, and not otherwise.

After the term of June next, of the several courts held in and for the county of Camden, the regular terms of said courts shall commence and be held annually, on the first Tuesdays in February, May, August, and November, respectively, and not otherwise.

After the term of June next, of the several courts held in and for the county of Cumberland, the regular terms of said courts shall commence and be held annually, on the second Tuesdays in February, May, August, and November, respectively, and not otherwise.

After the term of June next, of the several courts held in and for the county of Salem, the regular terms of said courts shall commence and be held annually on the third Tuesdays in February, May, August and November, respectively, and not otherwise.

After the term of March, of the present year, of the several courts held in and for the county of Gloucester, the regular terms of said courts shall commence and be held annually, on the fourth Tuesdays in February, May, August, and November, respectively, and not otherwise.

After the first day of July next, the regular terms of the several courts held in and for the county of Atlantic, shall commence and be held annually, on the second Tuesdays of June, September, and December, respectively; and the inferior court of common pleas and court of general quarter-sessions of the peace and orphans' court, in and for said county, shall hold annually one other term, commencing on the first Tuesday in March.

After the term of May, of the several courts held in and for the county of Cape May, the regular terms of said courts shall commence and be held annually, on the second Tuesday in March and the first Tuesday in August; and the inferior court of common pleas and the court of general quarter-sessions of the peace and orphans' court, in and for said county, shall hold annually two other terms, commencing on the first Tuesdays in June and December, respectively.

SEC. 5. All writs, process, recognizances, and other proceedings of the above mentioned courts, shall be made returnable at, and in conformity to the terms and times hereby established; and all causes, suits, actions, indictments, rules, and other proceedings, remaining undetermined in any of the above men-

Suits, &c., to be continued.

tioned courts, at the time when this act shall take effect, thereupon shall be continued, and further proceedings may be had thereon and therein in the said courts respectively, at the terms and times hereby established, in the same way and manner, in every particular, as by law they could and might have been continued and proceeded upon in the said several courts, if this act had not been passed.

Parts of acts
repealed.

SEC. 6. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved, April 4, 1845.

AN ACT to reannex a part of the township of Millstone, in the county of Monmouth, to the township of Monroe, in the county of Middlesex.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Part of Mill-
stone reannexed
to Monroe.

SEC. 1. All that part of the township of Millstone, in the county of Monmouth, which formerly belonged to the township of Monroe, in the county of Middlesex, and which was set off from the county of Middlesex, and attached to the county of Monmouth, by an act entitled, "An act to set off a new township in the counties of Monmouth and Middlesex, to be called the township of Millstone," passed February twenty-seventh, eighteen hundred and forty-four, be, and the same is hereby set back, restored, reannexed, and attached to the township of Monroe, in the county of Middlesex; and the boundary line which was established and existed before the passage of the act above mentioned, is hereby declared and re-established as the boundary line between the counties of Middlesex and Monmouth, the same as if such act had never been passed.

Officers to hold
appointments,
and courts to
exercise juris-
diction, for a
certain time.

SEC. 2. The township officers within the limits of the territory hereby attached to the county of Middlesex, shall continue to hold, exercise, and enjoy their several respective offices and appointments, with the powers and privileges thereto belonging, within the limits of said county of Monmouth, until the second Tuesday in March, instant; and all courts at the time of the passing of this act existing and being within the limits of said territory, shall continue to have and exercise

jurisdiction within the same, until the second Monday of May next, in the same manner as if this act had not been passed; and on and after the second Tuesday in April next, and until their respective terms of office in the county of Monmouth shall expire, all persons in county office at the time of the passing of this act, resident within the said territory, and all and every of them, shall hold, exercise, and enjoy their respective offices, with all the powers, privileges, and emoluments thereto belonging, within the limits of the county of Middlesex, as officers of said county, as fully and effectually, to all intents and purposes, as if they had been elected and appointed to their said offices, respectively, within the said county of Middlesex; *provided*, that all judges of the court of common pleas and all justices of the peace shall take and subscribe the official oaths or affirmations required by law, within the said county of Middlesex, on or before the first day of May next, and before they act in their respective offices as officers of the county of Middlesex.

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

Actions, &c., in Monmouth, not to be affected.

SEC. 4. All judgments obtained, or that may hereafter be obtained, in any of the courts of the county of Monmouth, upon any action, suit, or proceeding actually commenced or depending before the second Tuesday of April next, shall be of the same force and effect, within the territory mentioned in the first section of this act, as if this act had not been passed; and writs of execution or other legal process may be issued thereon, and directed to the sheriff or other lawful officer of said county, who is hereby authorized and directed to execute the same within the limits of said county of Middlesex, in the same manner as he should by law have done in case this act had

Judgments, &c., obtained in Monmouth, to be of same effect in Middlesex.

not been passed; and upon such judgment or judgments a writ of scire facias may issue, as allowed by law in other cases, directed as aforesaid; and thereupon such further proceedings shall be had therein, as the party prosecuting the same would have been entitled to in other cases, and in the same manner as if this act had not been passed.

Orders for sale
by orphans'
court not affect-
ed.

SEC. 5. All orders for the sale of real estate by the orphans' court of the county of Monmouth, when the same shall lie within the said district, shall not be affected, but the same may be completed, and titles made by the order of the court aforesaid, as if this act had not been passed.

Act, when to
take effect.

SEC. 6. This act shall go into effect immediately after the passage thereof.

Approved, March 21, 1845.

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A supplement to an act entitled, "An act concerning distresses," passed March sixteenth, seventeen hundred and ninety-five.

Preamble.

WHEREAS, by the laws of this state, the remedy to recover rent by distress is only authorized in cases where the relation of landlord and tenant exists at the time the remedy is sought to be enforced, by reason whereof, landlords are frequently defrauded of the arrears of rent due at the expiration of the tenancy—therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

When landlords
may distrain for
rent.

SEC. 1. It shall and may be lawful for any person or persons, having any rent in arrear and due upon a lease for term of life or lives, year or years, or at will, ended or determined, to distrain for such arrears, after the determination of the said respective leases, in the same manner as they might have done if such lease or leases had not been ended or determined; and that, notwithstanding the said tenant may have removed from the leasehold premises, and notwithstanding the relation of landlord and tenant may have ceased to exist between the parties, anything in the seventeenth section of the act to which this is a supplement to the contrary notwithstanding; *provided*

such distress be made within the space of ten days after the end and determination of such term or tenancy.

SEC. 2. The proviso in the eighth section of the act to which this is a supplement shall be so construed as that the distress therein mentioned and limited to be made within six months after the rent shall have become due, may be made within six months after a year's rent shall have become due, although such rent may, by the terms of the tenancy, have been payable monthly, quarterly, or semi-annually.

Construction of
part of former
act.

Approved, March 22, 1845.

A further supplement to an act entitled, "An act respecting the court of chancery," passed the thirteenth of June, seventeen hundred and ninety-nine.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. When any bill shall be exhibited in the court of chancery of the state of New Jersey, to stay proceedings at law in any personal action, after verdict or judgment, it shall be lawful for the chancellor to grant an injunction, staying proceedings at law in the action or actions complained of in such bill, after verdict or judgment at law shall have been given; provided the party exhibiting such bill, and praying such injunction, shall give such security, by bond, as the chancellor shall deem good to the party or parties at law against whom such injunction is prayed, in double the amount of such verdict or judgment and costs at law, with condition to abide such order or decree as the chancellor shall make in the premises.

Injunction to be
granted in cer-
tain cases.

SEC. 2. When any injunction shall be granted upon bond as aforesaid, and the party against whom the same has been granted shall think the said bond not sufficient security, such party may apply to the chancellor to have the security made sufficient, whereupon the chancellor, if he shall deem it expedient to hear such applicant, shall direct notice to be given to the party making said bond to appear before him, at such time and place as he shall appoint; and upon proof that the notice directed has been duly served, the chancellor shall hear the matter, if moved so to do, with power to adjourn; and if, upon the hearing of the matter, it shall appear that the said

Chancellor may
order further
security, &c.

bond is not sufficient security, then the chancellor shall have power to order further security; and if such further security shall not be given, according to the order made for that purpose, then, for that cause, the chancellor shall have power to dissolve the injunction granted on such bond.

Case may be referred to a master.

SEC. 3. The chancellor shall have power to refer the whole matter of the second section to a master in chancery, and such master to whom the same may be referred, shall hear the parties, after at least six days' notice to the party making the said bond, and make report to the chancellor with all convenient speed.

Injunctions may be granted in mixed actions.

SEC. 4. If the action at law be a mixed action, it shall be lawful for the chancellor, after verdict or judgment therein, to grant an injunction staying proceedings at law, provided the party applying for such injunction shall give such security, by bond, to the party against whom the injunction is prayed, as the chancellor shall direct; which bond, in this section mentioned, when given, shall be subject to the provisions of the second and third sections hereof.

Approved, March 22, 1845.

A further supplement to an act entitled, "An act to regulate the fisheries in the river Delaware, and for other purposes," passed November twenty-sixth, eighteen hundred and eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Number of nets to be used with in certain limits

SEC. 1. If any person or persons, whomsoever, shall cast, draw, or otherwise use, for the purpose of catching fish, more than one seine or net in any pool or fishing place in the river Delaware, within the jurisdiction of this state, at any place opposite to or above the lower mouth of Rancocus creek, in the county of Burlington, in the state of New Jersey, and more than two seines or nets in any one pool or fishing place from thence as far down as the concurrent jurisdiction of this state and the state of Pennsylvania extends, within any one term of twenty-four hours, beginning at sunrise, and ending at sunrise the day following, or shall be aiding or assisting therein, contrary to the true intent and meaning of this act or the act entitled, "An act further supplementary to an act entitled, an act

to regulate fisheries in the river Delaware, and for other purposes," passed the twenty-eighth day of November, A. D. eighteen hundred and twenty-two, he, she, or they so offending shall forfeit and pay the sum of two hundred and fifty dollars, together with costs of suit, for each and every such offence; *provided always*, that it shall and may be lawful for any person or persons who, by accident or otherwise, may be deprived of the seine or net first used in any pool or fishing place, in any term of twenty-four hours, to withdraw the same, and substitute another seine or net in the place of the one so withdrawn.

SEC. 2. The second section of the act entitled, "An act further supplementary to an act entitled, an act to regulate the fisheries in the river Delaware, and for other purposes," passed the twenty-eighth day of November, A. D. eighteen hundred and twenty-two, be, and the same is hereby repealed; *provided*, that the said repeal shall in no wise affect, invalidate, or make void any proceedings legally had or commenced under the said second section of the act aforesaid, but the same shall be prosecuted to judgment and execution, as though the provisions of the said section were still remaining in force.

Part of former
act repealed

SEC. 3. This act shall go into operation on the fourth day of July next, and not before, or at any time thereafter whenever the legislature of the state of Pennsylvania shall approve of the same, by enacting a similar section, proviso, or act, in whole or in part; and the governor of this state is hereby requested to transmit an attested copy of this act to the governor of the state of Pennsylvania, requesting him to submit the same to the legislature of that state.

Act, when to
take effect.

Approved, March 22, 1845.

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.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. The supreme court, in term time, or any two justices thereof, in vacation, whenever in their opinion the ends of justice and the public interest require it, may order a special

Special circuit
court, how or-
dered.

circuit court to be holden in any county in this state, for the trial of any indictment or indictments for murder or manslaughter, which have been, or may be removed into the supreme court, and which may require to be tried in the circuit court of such county; but such order shall designate the indictment or indictments to be tried at such special court, and whether to be tried by a jury or juries of the county in which such special court is to be held, or by a foreign jury or juries; and upon the service of a copy of such order upon the sheriff, of said county, at least twenty-five days before the time appointed for holding such special circuit, it shall be his duty to cause to be selected, and to summon in the manner now directed by law, a sufficient number of petit jurors to serve at such court, unless the indictment or indictments to be tried at such special court is or are to be tried by a foreign jury or juries; and all process of venire and subpoena made returnable thereat, shall be as good and effectual as if the same were made returnable to a stated term of said courts.

Indictments
may be tried by
foreign juries.

SEC. 2. The supreme court, whenever in their opinion a fair and impartial trial cannot be had before a jury of the proper county, may, upon motion in behalf of the state, or on the part of any defendant or prisoner, order any indictment, found and presented at any court of oyer and terminer and general jail delivery, or at any court of general quarter-sessions of the peace, in this state, except such indictments as by law are triable in the court of general quarter-sessions of the peace, to be tried by a foreign jury, in the court and county in which such indictment was found.

SEC. 3. In cases arising under the foregoing sections, foreign juries shall be obtained, and special circuit courts held, upon such terms, and subject to such rules and regulations, as the supreme court shall from time to time order and direct; *provided* the same be consistent with this act, the constitution of this state, and of the United States.

Hearing of com-
mon business,
&c.

SEC. 4. It shall be lawful for the justices of the supreme court, at every term thereof, to designate, in such way as to them may seem proper, one or more of their number to sit during term time in a separate apartment from that in which the regular term is held, for the purpose of hearing and deciding all such matters as, by the rules of the said court, are or may be denominated common business; whose decisions and judgments shall be as good and effectual as if they had been rendered at the bar of said court; and all rules made and granted, and judgments or decisions pronounced by such justice or justices, so sitting apart from the other judges, shall be entered in a separate book of minutes, to be kept for that pur-

pose, and be of the same force and effect as if entered in the regular minutes of the term.

SEC. 5. This act shall take effect immediately.

Approved, March 24, 1845.

A supplement to the act entitled, "An act for the preservation of cranberries," passed the sixteenth of February, eighteen hundred and thirty-two.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

If any person shall take or gather, and carry away from the vines, at any times after the first day of June, and before the fifth day of October, any cranberries, within this state, on any land not the property of such person or persons, or for which they pay no tax, such person or persons so offending shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding ten dollars.

Penalty for gathering cranberries in certain cases.

Approved, March 24, 1845.

AN ACT to authorize Zebedee M. Wills, of the county of Burlington, to convey certain lands, late of Hope Haines, deceased.

WHEREAS certain of the heirs and devisees of Hope Haines, late of the township of Northampton, in the county of Burlington, in this state, deceased, have presented their petition to the legislature, setting forth that the said Hope Haines, in her lifetime, authorized Zebedee M. Wills, as her agent, to make sale of divers lots and parcels of pine land, situate in the county of Burlington, belonging to her, the said Hope Haines; and that the said Zebedee M. Wills, in pursuance of such authority, did make sale of the said lands to Charles

Preamble.

Collins, junior, Samuel Stackhouse, William Cowperthwaite, and Isaac Glover, Robert B. Stokes, and Joseph E. Troth, and John S. Cowperthwaite, and that the said Hope Haines departed this life before the time agreed upon for executing deeds of conveyance for the same, and without having executed such deeds; and in and by her last will and testament appointed Charles Stokes and Thomas F. Budd her executors, but did not clothe them with power to execute any conveyances of lands; and whereas said petitioners have prayed that an act may be passed, authorizing the said Zebedee M. Wills to make and execute deeds of conveyance of said lots of land to said purchasers, respectively, upon their severally complying with the conditions of sale, and to pay over the purchase money to the said executors, to be disposed of agreeably to the directions of the said will; and whereas the contracts for the sale of said lands were made before the adoption of the present constitution of this state—therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Z. M. Wills
authorized to
make deeds, &c.

SEC. 1. Zebedee M. Wills, of the county of Burlington, shall be, and he is hereby authorized, in fulfilment of the said contracts of sale heretofore mentioned, to make, execute, and deliver to the said Charles Collins, junior, Samuel Stackhouse, William Cowperthwaite, and Isaac Glover, Robert B. Stokes, and Joseph E. Troth, and John S. Cowperthwaite, good and sufficient deeds, conveying unto them, respectively, their, and each of their heirs and assigns, all the right, title, interest, and estate of which the said Hope Haines died seized of, in, and to the said several lots or parcels of pine land, so sold to them as aforesaid, and to receive from them, respectively, upon delivery of said deeds, the purchase money mentioned in the said contracts of sale.

Purchase money to be paid
to executors.

SEC. 2. The said Zebedee M. Wills, before he proceeds to execute and deliver said deeds, and receive the said purchase moneys as aforesaid, shall enter into bond, to the ordinary, or surrogate general of this state, in double the amount of moneys so to be received, with such sureties as shall be approved by the surrogate of the county of Burlington, conditioned for the payment of the said purchase moneys, when received, to the executors of the said Hope Haines, deceased; which bond shall be filed with the said surrogate, in his office, there to remain for the benefit of such person or persons as shall or may be interested therein.

Approved, March 25, 1845.

A supplement to the act entitled, "An act to ascertain the time of holding certain courts in this state," passed April fourth, eighteen hundred and forty-five.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. After the term of April, of the present year, of the court of chancery, the regular terms of the said court shall commence, and be held annually, on the third Tuesdays in March, June, September, and December, respectively, and not otherwise.

Terms of court of chancery.

SEC. 2. The act to which this is a supplement, shall take effect in the county of Cape May, immediately after the term of May next, of the several courts held therein.

Act, when to take effect in Cape May.

SEC. 3. The third section of the act to which this is a supplement, is hereby repealed.

Part of former act repealed.

SEC. 4. This act shall take effect immediately.

Approved, April 4, 1845.

AN ACT to regulate the proceedings of the court of errors and appeals.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. The court of errors and appeals in the last resort in all causes, consists of the chancellor, the justices of the supreme court, and six judges, appointed for that purpose, or a major part of them.

Court, how constituted.

SEC. 2. When an appeal from an order or decree in chancery shall be heard, the chancellor shall inform the court of the reasons for his decree; but shall not sit as a member, or have a voice in the hearing or final sentence.

Appeal from chancery.

SEC. 3. When a writ of error shall be brought, the justices or judges who have given judicial opinions in the cause, in favour of or against any error complained of, shall assign their reasons for their judgment; but shall not sit as members, or have a voice on the hearing, or for its affirmance or reversal.

Writ of error.

Reasons assigned to be in writing. SEC. 4. The reasons so to be assigned by the chancellor, justices of the supreme court, or judges of the circuit court, shall be submitted in writing, before the argument of the appeal or writ of error, as the case may be.

Clerk. SEC. 5. The secretary of state is clerk of this court; the seal shall be that heretofore used, until otherwise ordered by the court.

Court to appoint officers. SEC. 6. The court shall have power to appoint, from time to time, such subordinate officers as may be necessary for the convenient transaction of business, and to fix their compensation.

Compensation. SEC. 7. The compensation of the members of this court, and of the clerk, shall be the sum of three dollars by the day, for every day they shall, respectively, attend the court; and the sum of one dollar for every ten miles they shall travel, in going to and returning from the place of holding the court, on the most usual route.

How paid. SEC. 8. The compensation aforesaid shall be paid by the treasurer of the state, upon a certificate signed by the president of the court.

Writs, &c., how tested. SEC. 9. The writs and process shall be signed by the clerk, and tested in the name of the president, and may be returned at any of the stated terms of this court.

Judgments in circuit courts. SEC. 10. Final judgments in any circuit court may be brought, by writ of error, directly into this court, in the same manner, and subject to the same rules, as are now provided by law in case of a writ of error to the supreme court.

Causes now pending to be continued. SEC. 11. All causes depending in the court of appeals in the last resort, at and immediately before the time when the present constitution of this state went into effect and operation, shall be continued, and further proceedings therein may be had in the court of errors and appeals established by said constitution; and the said court of errors and appeals may, from time to time, make rules and regulations of practice, and alter, amend, or revoke any rule of practice, so as to obviate doubts, advance justice, and expedite suits; *provided* the same be not contrary to this act, the constitution of this state, or of the United States.

Vacancies, how supplied. SEC. 12. When a vacancy happens in the office of any of the six appointed judges of this court, before his term of office as such judge has expired, his successor shall be appointed, and hold for the unexpired term only.

Oaths. SEC. 13. The oath of office and of allegiance may be administered to the president by any member, and by the president to each of the other members of the court.

SEC. 14. The chancellor, when present, shall be the president of this court; in case of his absence, the chief justice of the supreme court; and in case of his absence, the senior in office of the justices of the supreme court who may be present. President.

SEC. 15. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Former acts repealed.

SEC. 16. This act shall take effect immediately.

Approved, April 5, 1845.

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

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. The engineers and firemen of the said city of Newark shall be exempt from tax, not exceeding the sum of three dollars; and all persons who shall serve ten years, successively, as firemen, shall be exempt from further duty, as firemen, and shall be and remain thereafter exempt from serving as jurors, or in the militia in time of peace; *provided however*, that if any person serving as a fireman shall leave said city, he shall obtain from the foreman of his company, at or before the time of his leaving, a certificate of the length of time he has regularly served as a fireman in said city, and cause the same to be recorded in a book for that purpose, to be kept by the clerk of the common council of said city, which certificate, when duly recorded, or the record thereof, shall be evidence of his service as aforesaid; and the time of service, so mentioned in his said certificate, or the record thereof, upon his return at any time to the said city of Newark, and resuming the duties of a fireman of said city, shall be reckoned and computed as part of the said ten years. Firemen exempt from tax.
Proviso.

SEC. 2. When any person, being an engineer in the fire department of the city of Newark, shall not be re-elected, or shall resign his situation as such engineer, the time of his service as such engineer or fireman, or both, shall be computed and reckoned as part of his ten years of service; *provided* he shall be elected as an engineer, or admitted as a fireman, within the space of three months after such loss of re-election, Time of engineers, how computed.

or his resignation, as aforesaid; and the certificate of the chief engineer, of the time of his service as a fireman and engineer, duly obtained, and recorded by the clerk of the common council of said city within the said three months, or the record thereof, shall be evidence of the time of his aforesaid service.

Commissioners
to designate
lines of streets.

SEC. 3. Whereas, there are several roads, highways, and streets within the said city of Newark, the lines of which have not been, and cannot be certainly ascertained, by reason of the indefinite surveys and plots or maps thereof, for the better fixing upon and settling the lines and courses of said streets, roads, and highways, the common council of the said city shall and may appoint four disinterested freeholders, one from each ward in said city, as commissioners, who, together with the city surveyor for the time being, shall constitute a commission, to run, mark, lay out, and designate the lines and courses of all such streets, roads, and highways, within the said city, as are not, and have not been ascertained and clearly designated; which said commission shall have full power and authority to run, mark, lay out, and designate the lines and courses of such streets, roads, and highways within said city, and shall make a full and clear map and profile of said street, road, or highway, or such part thereof as they shall run, mark, and lay out, designating, by some notable and permanent marks or monuments, the beginnings and endings of said street, or part thereof, as aforesaid; which said map or profile, certified under the hands of said commissioners and surveyor, or a majority of them, shall be recorded in the clerk's office of the county of Essex, there to remain as a public record; and the original map or profile shall be filed in the office of the clerk of the common council of said city; which said record, or original map or profile, so filed as aforesaid, shall be full evidence of the street, road, or highway, or part thereof, as the case may be, and of its lines and courses; and the said four commissioners shall receive for their services such compensation as shall be made and granted by the said common council.

Approved, March 26, 1845.

AN ACT to prescribe and declare the mode of appointing certain officers.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. 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.

Mode of appointment of certain officers.

SEC. 2. The power of appointing masters in chancery continues in the chancellor, and may be exercised by him as heretofore.

Masters in chancery.

SEC. 3. This act shall take effect immediately after it becomes a law.

Act, when to take effect.

Approved, March 26, 1845.

AN ACT to facilitate the collection of claims and demands against townships, cities, and boroughs.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. Whenever a writ of execution shall be issued against the inhabitants of any township, city, or borough of this state, by any court authorized to issue the same, in case there should be no property belonging to said township, city, or borough sufficient to satisfy the same, whereon to levy, then the officer authorized to execute said process, shall serve a copy of the same on the collector of said township, city, or borough, who is hereby required to pay and satisfy the same out of the first moneys belonging to said township, city, or borough, which shall come into his hands.

Mode of collecting demands against townships.

SEC. 2. This act shall go into effect immediately.

Approved, March 26, 1845.

Act, when to take effect.

A further supplement to an act entitled, "An act to incorporate the city of Trenton," passed March seventh, eighteen hundred and thirty-seven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Boundaries of wards.

SEC. 1. From and after the passage of this act, the city of Trenton shall be divided into two wards, in manner following, to wit: all that part of the said city lying and being on the eastern side of a line beginning on the Assanpink creek, at the point where the centre of Warren-street intersects the same, and running thence, along the centre of Warren-street, to the Princeton turnpike; thence, along said turnpike, to the city line, shall constitute one ward of said city, to be called "the East Ward of the city of Trenton;" and all that part of the said city lying and being on the western side of the line aforesaid, shall constitute the other ward of said city, and be called "the West Ward of the city of Trenton."

Officers of wards.

SEC. 2. The same number of officers now required by law to be elected in the several wards of said city, shall be elected annually in each of the wards constituted by this act, except that there shall be two members of the common council, two school committee men, and two commissioners of appeal in cases of taxation, elected annually in each of the wards of said city created by this act.

Proceedings in case of non-payment of tax.

SEC. 3. In case any tax or assessment, which shall have been heretofore made, or may hereafter be made, under and by virtue of the act to which this is a supplement, against any person not resident in the city of Trenton, or against any house, lot, or real estate of any such person or persons, or of any corporation, shall remain unpaid for the space of sixty days after the time prescribed by law or the ordinances of the common council of said city of Trenton for the payment of the same; and also, in case it shall be made to appear to the common council, by the oath or affirmation of the constable to whom the tax warrant or execution for any tax or assessment shall have been delivered, that any person or persons or body corporate named in said tax warrant or execution, hath not sufficient visible personal property in said city of Trenton, out of which such tax or assessment can be made and levied, and that such person or persons or body corporate hath neglected, for the space of sixty days after the time prescribed by law, or the ordinances aforesaid, to pay the said tax or assessment, and that said person or persons or body corporate hath a house, lot, or real estate in the city of Trenton, in all and every

such case it shall be lawful for the common council to cause the said amount of said tax or assessment to be advertised in one or more of the public newspapers printed in said city, for the space of two months, requiring the owner or owners of such houses, lots, or real estate, respectively, to pay said tax or assessment to the treasurer of the said city; and if default be made in such payment, that such houses and lots will be sold at public auction, at a day and place to be specified therein, for the lowest term of years at which any person will offer to take the same, in consideration of paying the sum assessed on the same, with the interest thereof, and the expenses of such advertisement and sale; and if, notwithstanding such notice, the owners or occupants shall refuse or neglect to pay such assessment, and the interest thereon, and the expenses of the said advertisement, then it shall be lawful for the said common council to cause such houses, lots, or real estate to be sold at public auction, for a term of years, for the purposes and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said city; and such purchaser, his executors, administrators, or assigns shall, by virtue thereof, and of this act, lawfully hold and enjoy the same, for his and their own proper use, against the owner or owners thereof, and all persons claiming under him or them, until his term shall be complete and ended; and such purchaser shall be at liberty, at or before the end of his term, to remove the buildings and materials erected and placed by him thereon, taking care to leave the same in as good order and condition as the same was when it came into his possession.

SEC. 4. This act shall go into effect immediately after it becomes a law; and the present officers of election in the First Ward of said city of Trenton, may hold the first election in the East Ward of said city as constituted by this act; and the officers of election in the Second Ward of said city, may hold the first election in the West Ward of said city, as constituted by this act; and the first section of an act entitled, "A further supplement to the act entitled, an act to incorporate the city of Trenton," passed March seventh, eighteen hundred and thirty-seven, passed March ninth, eighteen hundred and forty-four, and all acts and parts of acts repugnant to the provisions of this act, be, and the same are hereby repealed.

Officers of election.

Approved, March 26, 1845.

AN ACT to authorize the establishment of the New Jersey
State Lunatic Asylum.

BE IT ENACTED *by the Senate and General Assembly of the
State of New Jersey, as follows:*

Commissioners
to select site for
asylum.

SEC. 1. Daniel Haines, of Sussex, Thomas Arrowsmith, of Monmouth, John S. Condit, of Hudson, Joseph Saunders, of Gloucester, and Maurice Beesley, of Cape May, are hereby appointed and constituted commissioners for the purpose of selecting a suitable site on which may be erected the State Lunatic Asylum of New Jersey.

To purchase
land, &c.

SEC. 2. The said commissioners, or a majority of them, shall have power to purchase, at any price not exceeding ten thousand dollars, or receive by gift, a site for the location of said asylum, and so much land, under assured title, as shall be deemed necessary for farming and gardening purposes; and there shall be on the premises facilities for obtaining ample and unfailing supplies of pure soft water.

Treasurer au-
thorized to pay
purchase mo-
ney.

SEC. 3. Whenever the said commissioners shall procure a site for said asylum, and a good and sufficient title therefor shall be duly executed and delivered, the treasurer of the state is hereby directed to pay, on the warrant of the governor, to the grantor or grantors of whom the said site shall have been purchased or obtained as aforesaid, such sum or sums of money as may be required to pay for the said site, agreeably to the contract of said commissioners, not exceeding said sum of ten thousand dollars.

Commissioners
to contract for
building asy-
lum.

SEC. 4. At any time after said site shall be obtained by said commissioners, not exceeding three months, the governor shall appoint three commissioners to contract for the erection of said asylum, on such plan and terms as they shall deem just and proper, always providing that said plan shall embrace the most approved construction for such buildings, conducing to the comfort and economical management of the institution; and further providing, that said plan and terms of the said contracts shall be approved by the governor; and it shall be the duty of said commissioners, or one or more of them, to superintend the building of said asylum, with a view to the due execution of the work on the part of those with whom they shall contract for the erection thereof; and in case of the death, inability, or refusal to serve of one or more of said commissioners, the governor shall have power to fill such vacancy.

To give bond.

SEC. 5. The said last named commissioners, before entering on the duties of their office, shall give their bonds, with two or

more sufficient sureties, to be approved by the governor, jointly and severally to the state, in the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties required of them by this act.

SEC. 6. The treasurer of the state is hereby directed to pay to the said commissioners, on the warrant of the governor, out of any moneys in the treasury not otherwise appropriated, such sum or sums of money as they may require for the building of said asylum, not exceeding twenty-five thousand dollars; the secretary of state shall audit the accounts of said commissioners.

Treasurer to pay money required for building.

SEC. 7. It shall be the duty of the commissioners to make a detailed report of all the moneys expended by them by virtue of this act, and of the progress which shall have been made in the erection of said buildings, to the governor of the state, on or before the first day of January next, and as often thereafter as the governor shall or may from time to time require.

Commissioners to make report.

SEC. 8. Each of said commissioners first mentioned in this act shall be allowed for his services, while actually employed in the duties of his appointment, the sum of three dollars per day.

Compensation to commissioners.

SEC. 9. Each of said commissioners, appointed by virtue of this act to contract for and superintend the building of the said asylum, shall be allowed for his said services, while actually employed in the duties of his office, the sum of two dollars per day.

Compensation to commissioners to superintend building.

SEC. 10. The secretary of state shall audit the accounts of the commissioners for services, and, upon his certificate, the treasurer shall pay the same.

Secretary of state to audit the accounts.

SEC. 11. This act shall take effect immediately.

Act, when to take effect.

Approved, March 26, 1845.

A supplement to the act entitled, "An act for granting letters of administration of the estates of intestates residing out of this state at the time of their decease."

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Provisions of former act extended.

SEC. 1. The several provisions of the act to which this is a supplement, are hereby extended to all cases where any person died intestate previous to the passage of said act, who did not reside in this state at the time of his or her decease.

Letters of administration de bonis non in certain cases.

SEC. 2. Whenever any administrator, heretofore appointed by virtue of the act to which this is a supplement, or hereafter to be appointed by virtue of said act or of this act, has died, or shall die, or become incapable of acting before fully administering the estate of his or her intestate, it shall and may be lawful for any surrogate of any county in this state to grant letters of administration de bonis non to any person or persons, in the manner prescribed by the act to which this is a supplement for granting letters of administration to the first administrator.

SEC. 3. This act shall go into effect immediately after it becomes a law.

Approved, March 26, 1845.

AN ACT to amend an act entitled, "An act relative to insurance companies," passed December twenty-sixth, eighteen hundred and twenty-six.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Provisions of former act extended.

SEC. 1. The act to which this is a supplement shall extend to, and embrace within its provisions, and render liable to all the penalties contained therein, or in this act, any person who now or hereafter may procure any insurances to be made for any person or persons, by such individuals, or associations of individuals, or companies, as are contemplated by said act.

Proceedings in case of neglect to make statement.

SEC. 2. Whenever the statement or account of insurances required by the third section of the act to which this is a supplement, shall not be made within the periods respectively men-

tioned therein, it shall be the duty of the collector of the county wherein such person shall act as agent in procuring, or causing to be procured insurances, to apply to such agent, within thirty days from the expiration of the period as aforesaid for delivering the same to the collector, and obtain such statement or account, which shall be rendered and verified under the oath of such agent, and by the production of the original books of such agent; and if it shall appear that no bond shall have been given, as required by the second section of the said act, the person so neglecting to give bond shall forfeit the sum of one hundred dollars, to be recovered in an action of debt, to be brought by said collector in the name of the board of chosen freeholders of said county, for the use of said county.

SEC. 3. If any person or persons shall make, or effect, or cause or procure to be made or effected, any insurance by or in behalf of any insurance company or association of individuals not incorporated under and by virtue of the laws of this state, without having first given bond in the manner prescribed by the said act to which this is a supplement, such person or persons shall forfeit and pay, for any policy or contract of insurance so made or effected, or caused or procured to be made and effected, the sum of fifty dollars, to be sued for and recovered by the said collector, in the name of the board of chosen freeholders of said county, for the use of said county. Penalty for not giving bond.

SEC. 4. This act shall not extend to such foreign mutual insurance companies, as by their charters or by-laws do not contemplate the making of dividends or a division of profits.

SEC. 5. The provisions of this act, and of the act to which this is a supplement, shall apply and be extended to insurance of lives and to every insurance connected with life risks, of whatever kind.

SEC. 6. This act shall go into effect immediately after it becomes a law. Act, when to take effect.

Approved, March 26, 1845.

AN ACT to incorporate the Newark Gas Light Company.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Names of corporators.

Style of incorporation.

General powers.

Proviso.

Corporation authorized to lay down pipes.

SEC. 1. James Keen, Isaac Baldwin, John H. Stephens, John Ogden, William Wright, Silas H. Kitchell, Jeremiah C. Garthwaite, John Morrison, Lewis A. Hall, and all and every person or persons who may become subscribers, according to the mode herein after prescribed, and their successors, are hereby created a body politic and corporate in fact, by the name of "the Newark Gas Light Company;" and, by that name, they and their successors may have perpetual succession, and shall, in law, be capable of suing and being sued, in any courts and places whatsoever; and may have a common seal, with power to alter the same; and, by the said name, the said corporation shall have power and authority to manufacture, make, and sell gas, to be made of bituminous coal or other materials, for the purpose of lighting the streets, buildings, manufactories, and other places, situated in the city of Newark; and to enter into and execute contracts, agreements, or covenants, in relation to the objects of this corporation, and of enforcing the same; and be capable of purchasing, taking, and holding any estate, real or personal, necessary to give effect to the specified purposes of this corporation, for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold, for the purpose of securing debts which have become due to them in the regular business of the said corporation; *provided*, that the said real estate shall not exceed what may be necessary for the purpose mentioned; and no private lands shall be any way injured or defaced, without permission being first obtained, in writing, from the owner or owners thereof.

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

SEC. 3. James Keen, Isaac Baldwin, John Ogden, Silas H. Kitchell, John Morrison, Jeremiah C. Garthwaite, John H. Ste-

phens, William Wright, and Lewis A. Hall are hereby appointed commissioners for receiving subscriptions for the sum of one hundred thousand dollars, to constitute the capital stock of the said corporation, in shares of fifty dollars each; and the said commissioners, or a majority of them, shall open books for that purpose at such time and in such place or places within this state as they shall designate by a public advertisement, to be previously inserted, for at least three weeks, in a public newspaper printed in the said city of Newark, and shall continue the same open until the said capital stock shall be subscribed, or at their discretion close the same, after they shall have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof, as aforesaid; and the sum of ten per centum upon each share so subscribed shall be paid in specie, or in the bills of banks which redeem their bills with specie, by each subscriber, at the time of subscription, to the said commissioners, or a majority of them, and each subscriber shall be entitled to receive a certificate for such stock from said commissioners; and the amount so received by the said commissioners, at the time of subscription, shall by them, or a majority of them, be paid over to the directors of the said company, to be appointed as herein after directed; and all the powers of the said commissioners shall cease and determine on the appointment of such board of directors; and the said board, when so appointed, shall have power, and they are hereby authorized from time to time, under the foregoing regulations, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the sum of one hundred thousand dollars; and are also authorized to call upon the said subscribers for the payment of further instalments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures, as they may deem expedient, until the whole amount of said shares so subscribed shall have been fully paid.

Commissioners
to receive sub-
scriptions.

SEC. 4. The management of the concerns of the said company shall be vested in nine directors, to be selected from the stockholders; and the said directors shall choose, by plurality of votes, a president from among themselves; and, as soon as conveniently may be after fifty thousand dollars shall have been subscribed, the before named commissioners, or a majority of them, shall convene the said stockholders, by public notice to be given as aforesaid, and at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their offices until the second Monday in June, eighteen hundred and forty-six; and the said directors and president shall hold their offices, from the second Monday of June in every year, for one year, and shall be elected on the

Time and mode
of election of
directors.

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

Corporation not dissolved for failure to elect on day prescribed.

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

Powers and duties of directors.

SEC. 6. The directors for the time being shall form a board, and they, or a majority of them, shall be a quorum for transacting business, and have power to make by-laws, rules, and regulations, not repugnant to the constitution or laws of the United States or of this state, or the provisions of this act, for the government of the said corporation, the management and disposition of the stock and the property thereof, and the duty of the officers, clerks, and persons employed therein, the election of directors, and all other matters appertaining to their business or concerns; and may appoint as many officers, clerks, and servants, and with such salaries and allowances as shall to them seem necessary; and the said board of directors shall have power to make and declare such dividend and dividends among the stockholders, from time to time, as the net profits and earnings of the business of the said company shall enable them to do.

Stock to be personal estate.

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

Penalty for injuring works.

SEC. 8. If any person or persons shall wilfully do, or cause to be done, any act or acts whatsoever, thereby to injure any conduit, pipe, cock, machine, or structure whatsoever, or anything appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed, or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and, being thereof convicted, shall be punished by fine, not exceeding three hundred dollars, or imprisonment at hard labour, not exceeding two years, or both; *provided* such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit, hereby authorized

to be brought for any such injury as aforesaid, by and in the name of the said corporation, in any court of this state having cognizance of the same.

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

SEC. 10. This shall be a public act, and shall be judicially referred to by all judges, justices, and others, without being specially pleaded. Act to be public act.

SEC. 11. This act shall continue in force for twenty years, and the legislature may at any time alter, amend, or repeal the same. Limitation.

Approved, March 27, 1845.

A supplement to the act entitled, "An act to authorize Robert Annett, of Fort Lee, in the township of Hackensack, to extend his wharves, already erected upon and in front of his lands, farther into the Hudson river, and for other purposes," passed March ninth, A. D. eighteen hundred and forty-four.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows :*

SEC. 1. It shall not be lawful for any owner, captain, or other person, having the charge or command of any steamboat, to land, unload, or discharge from such steamboat, or to receive or take into the same, any passengers, goods, wares, or merchandise, upon or from the wharves now built, erected, kept up, and maintained, or which may hereafter be built, erected, kept up, and maintained by Robert Annett, his heirs and assigns, at Fort Lee, in the township of Hackensack, by virtue of the power and authority given to him and them by the act to which this act is a supplement, after the said Robert Annett, his heirs and assigns, shall have notified such owner, captain, or other person as aforesaid, not to do so; and if any such owner, captain, or other person as aforesaid, shall offend against the provisions of this act, he shall, for every such of- Penalty for unloading at wharf of R. Annett.

fence, forfeit and pay to the said Robert Annett, his heirs or assigns, the sum of one hundred dollars, to be recovered in an action of debt, with costs, in any court of competent jurisdiction in this state.

Act, when to
take effect.

SEC. 2. This act shall go into effect immediately after the same shall become a law.

Approved, March 27, 1845.



AN ACT to change the name of "the First Presbyterian Congregation in the township of Chatham," in the county of Morris, to that of "the Presbyterian Church of Madison."

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Name of congrega-
tion changed.

SEC. 1. The name of "the First Presbyterian Congregation in the township of Chatham," is hereby changed to that of "the Presbyterian Church of Madison," by which name it shall hereafter be called and known; and the estate, real and personal, the rights, privileges, and immunities of the said corporation, shall be continued therein, in the same manner as if the name of the said corporation had not been changed.

Part of former
act repealed.

SEC. 2. The act, passed January twenty-second, eighteen hundred and eighteen, constituting "the First Presbyterian Congregation in the township of Chatham," is hereby repealed, so far as its provisions conflict with the provisions of this act.

Approved, March 27, 1845.

AN ACT to incorporate Wood's Shingle Machine Company, at Somerville.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. Simeon Wood, Carmi Hart, Edward F. Loomis, Allan Clarke, Barney Sterns, and their associates and successors, shall be, and they are hereby incorporated and made a body politic and corporate, in fact and in name, by the name of "Wood's Shingle Machine Company," for the purpose of manufacturing machines, called "Wood's patent double knife shingle machine," for sawing and splitting timber of all kinds, and for shaving shingles, at, or near, or upon the Somerville Water-power, at Somerville, in the county of Somerset, in this state; by that name they and their successors shall be, and they are hereby made capable, in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever; and to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors and assigns, in their corporate name, shall be, and they are hereby made capable, in law, to purchase, receive, have, hold, and enjoy any lands, tenements, water-power, and water privileges, in the said township, upon, at, or near the said Somerville Water-power, together with any machinery, tools, goods, or chattels, and other real and personal estate necessary, useful, and proper for carrying on the business aforesaid, and the same to use and employ; grant, demise, pledge, convey, lease, and dispose of, as they shall deem proper; and to have, exercise, and enjoy all the rights, powers, and privileges pertaining to corporate bodies, and necessary for the purposes of their incorporation; *provided always*, that the funds of the said corporation, or any part thereof, shall not be applied, used, or employed, at any time, in banking operations or for any purpose or purposes inconsistent with the provisions of this act; and the said Simeon Wood, Carmi Hart, Edward F. Loomis, Allan Clarke, and Barney Sterns, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of the said company.

Names of corporators.

Style of incorporation.

Restrictions.

SEC. 2. The capital stock of the said company shall not exceed fifty thousand dollars, to be subscribed in shares of fifty dollars each; and as soon as two hundred shares of the said stock shall be subscribed, the individuals above named, or any three of them, may, by public notice published in one or both of the newspapers printed in the village of Somerville, for a period of not less than thirty days, call a meeting of the

Amount of capital stock.

stockholders of the said company for an election of five directors.

Time and mode
of annual elec-
tion.

SEC. 3. 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; and a majority of such directors and the president shall reside in the state of New Jersey; 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 on each share of the capital stock that 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 individuals above named, or any two 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 election.

Powers and du-
ties of directors.

SEC. 4. A majority of the directors of the said corporation shall constitute a board, and be competent to the transaction of all the business of the said corporation; and all questions before them shall be decided by a majority of votes; and they shall have power to appoint a secretary, and such other officers, clerks, and servants, as they shall deem expedient and proper for the well conducting and transacting their business; and they shall also have power, at such times as to them shall seem meet, to make and declare dividends of such part of the clear profits resulting from the business of the said corporation as they shall deem expedient; and shall have power to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, respecting the management and disposition of the stock, property, estate, and effects of the said corporation, the compensation of wages, and the duties, powers, and conduct of the officers and servants thereof, the election and meeting of directors, the transfer of shares, the management and conducting of the business of the said corporation, and all matters appertaining thereto, and such by-laws, rules, or regulations, at their discretion, to repeal, alter, or modify; *provided*, that they shall not be repugnant to the constitution or laws of this state or of the United States.

Corporation,
when to go into
operation.

SEC. 5. The said corporation shall not go into operation until ten thousand dollars of the capital stock shall be first paid in gold and silver coin or current bank notes, and an affidavit thereof shall be made by a majority of the associates named in this act, and filed in the office of the secretary of

state; 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 to prescribe, not exceeding ten dollars on each share for any one instalment, giving thirty days' notice, as aforesaid; and if any stockholder or stockholders shall neglect or refuse to pay his or their respective instalment or instalments on his or their respective share or shares, so called for as aforesaid, the stock of such stockholder so neglecting or refusing, and all previous payments thereon, shall be absolutely forfeited to the said company, for the use and benefit of the said company.

SEC. 6. The president and directors, with the treasurer and clerk, if such there be, of the said company, shall, within thirty days after the payment of the last instalment of the capital stock, make a certificate, stating the amount of the capital so fixed and paid in, which certificate shall be signed and sworn to by the president, treasurer, and clerk, and a majority of the directors; and they shall, within the said thirty days, cause the same to be recorded in the record of deeds for the county wherein this manufactory is established.

Certificate of amount of capital paid in to be made.

SEC. 7. The stock and property of the said company, of whatever nature or kind the same may be, shall be deemed personal property, and shall be transferable on the books of the said company, in such manner as shall be prescribed by the by-laws of the said corporation.

Stock personal estate.

SEC. 8. If any of the said officers shall refuse or neglect to perform the duties required of them in the sixth section, 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.

Penalty for not making certificate.

SEC. 9. 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 be subject at all times to the inspection of the stockholders of the company.

Books to be open to inspection of stockholders.

SEC. 10. All the stockholders of this company shall be jointly and severally liable for all debts and contracts made by said company, until twenty thousand dollars of the capital stock shall have been paid in or satisfactorily secured.

Stockholders liable for debts of company.

SEC. 11. The said company may be dissolved at a general meeting of the stockholders, specially summoned for that purpose; *provided* at least three-fourths in value of the stockholders shall be present or represented therein, and shall vote in favour of such dissolution; and upon such dissolution, the directors for the time being, and the survivors and survivor of

Company, how dissolved.

them, shall be trustees for settling all the affairs of said company, disposing of its effects, recovering, 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, the survivors or survivor of them, shall be trustee and trustees for the purpose aforesaid; *provided*, that no part of the capital stock shall be withdrawn or refunded to the stockholders, at the time of its dissolution, until all the debts and liabilities of the company are fully paid; and in case of any violation of the provisions of this section, the president, directors, and stockholders of this corporation shall be personally liable, in their own estate, jointly and severally, for all debts previously contracted and due from said company.

Election of directors to be by ballot.

SEC. 12. 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 elections 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, by ballot, determine which of such stockholders shall be director or 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 office or their offices until the next annual election.

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

SEC. 13. In case it should happen that an election for directors should not be held or made on the day that pursuant to this act it ought to have been held and made, the corporation shall not for that cause be deemed 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.

SEC. 14. This act shall continue in force twenty years, and the legislature may alter, modify, or repeal this act, whenever in their opinion the public good requires it.

Approved, March 27, 1845.

A supplement to "An act incorporating the Rahway Fire Company," passed December third, eighteen hundred and twenty-three.

WHEREAS the members of the Rahway Fire Association have, by their petition, represented to the legislature, that they have raised the sum of three thousand dollars, the amount of the capital stock limited by their act of incorporation, and have expended the same agreeably to the provisions of the said act, that there is yet a deficiency in their means of protecting against loss and destruction by fire, and have prayed the legislature to pass an act authorizing the said association to assess and raise, by tax, a further sum of money, for the purpose of effecting the object of said corporation—therefore,

Preamble.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. The said Rahway Fire Association be, and they are hereby authorized and empowered, at their next annual meeting, and at any subsequent annual meeting, to raise, by a tax, for the object of said corporation, any sum not exceeding one thousand five hundred dollars; *provided however*, that the capital stock of said corporation shall at no time exceed the value of five thousand dollars.

Corporation authorized to raise money by tax.

SEC. 2. The managers of the said incorporation shall, at the next, and at every subsequent annual meeting, make an inventory of all the property of the fire company, which inventory, at a fair cash valuation, shall be taken as the amount of capital stock paid in; the inventories shall be recorded by the secretary upon the books of the company; and the fire company are authorized to raise such sums of money, under the limitations of this act, as the necessities of the company require until their fire engines, engine houses, reservoirs, ladders, buckets, fire-hooks, and other implements and machines belonging to the association, and used for the purpose of extinguishing fires, shall amount, at a fair cash valuation, to the sum of five thousand dollars.

Inventory of property to be made.

SEC. 3. The several stores of goods, wares, and merchandise, which are or may be kept within the limits prescribed in the first section of the act to which this is a supplement, shall be liable to be assessed and taxed, to raise the said money, according to their respective value, in addition to the other property mentioned in, and liable to be assessed by the fourth section of the act to which this is a supplement; and it is hereby

Stores of goods &c., to be assessed.

made the duty of the assessor or assessors, in addition to the duties prescribed in the fourth section of the said act, to assess such sum of money on the said several stores of goods, wares, and merchandise, as may be deemed just and equitable, in proportion to the whole sum ordered to be raised by said corporation, at their annual meeting, making all just allowances for the various dangers and hazards to which such stores of goods, wares, and merchandise may be subject.

SEC. 4. The managers of the said corporation shall give notice of the sum they may deem necessary to be raised, in the newspapers published in Rahway, at least two weeks previous to the annual meeting.

SEC. 5. The assessment hereafter ordered to be made, it shall be the duty of the assessor or assessors to make, within twenty days from the first day of April next ensuing the annual meeting; and it shall be the duty of the treasurer, and he is hereby required, on the receipt of the duplicate of said assessment, to give notice, by printed or written tickets, of the sum so assessed on each individual residing within the limits of the said association, at least five days before the meeting of the commissioners of appeal, in person or by notice left at his or her usual place of residence, or, in case of non-residence, to the tenant in possession, and also the time and place of the meeting of the commissioners of appeal; and after the commissioners of appeal shall have met and disposed of the appeals, it shall be the duty of the treasurer of the association to demand of the person or persons, bodies politic or corporate, owning or occupying property so assessed, the amount of such assessment; and in case of non-payment thereof, for sixty days, he is hereby required to give notice, by public advertisement set up within the limits of the corporation, that if the taxes be not paid to him within thirty days from the date thereof, that the names of the delinquents, with their respective taxes, will be returned to a justice of the peace for collection.

SEC. 6. In cases of the non-payment of the taxes at the time so as aforesaid appointed, the treasurer shall make out a list of the names of the delinquents, both individuals and corporations, with the sums respectively payable by them thereto annexed, and he shall deliver the same to some justice of the peace, those residing in the county of Essex, to any justice residing in the county of Essex, and those residing in the county of Middlesex, to any justice residing in the county of Middlesex, accompanied with his oath or affirmation, that the moneys therein mentioned have been duly demanded, or due notice of the amount given or left at the usual place of residence of each individual delinquent who could be found within the lim-

Managers to
give notice of
amount to be
raised.

Time and mode
of making as-
essment.

Proceedings in
case of non-pay-
ment of taxes.

its of the corporation, and also, that he has given the public notice required in the preceding section.

SEC. 7. It shall be the duty of the said justice of the peace, within five days after the receipt of the list of the names of the delinquents, to make out and deliver to the constable or constables a warrant or warrants, requiring him or them to levy the tax so in arrears, with costs, by distress and sale of the goods and chattels of the delinquents; in case any of the buildings so assessed shall belong to non-resident proprietors, the tenants in possession shall be liable for the sum so assessed; and it is hereby made the duty of the said justice of the peace, and he is hereby authorized and required to make it the duty of the constable or constables, in his warrant or warrants, to levy the tax so in arrears by distress and sale of the goods and chattels of the tenant or tenants in possession, giving at least five days' notice of the time and place of such sale, by advertisement set up in three of the most public places within the limits of said association; and it shall be the duty of the said constable or constables to make return to the said justice, and pay over the money to him, or to the treasurer, within forty days after the date of his warrant.

Tax, how collected from delinquents.

SEC. 8. The justice who shall issue a warrant or warrants, and any constable who shall execute the same, shall be entitled to like fees and compensation as is provided for like services in the "Act concerning taxes," to be collected in the same manner; and every such constable, and his sureties, shall be liable, for neglect of duty in executing and returning any such warrant, and paying over the moneys collected, in the same manner, and to the same extent, as if execution had been issued for the amounts out of the court for the trial of small causes, upon judgment regularly and legally rendered against such delinquents, and had been directed and delivered to such constable.

Compensation to justices, &c.

SEC. 9. The owners of goods, wares, and merchandise, liable to be assessed by virtue of this act, shall also be members of this association, and shall be, as members thereof, subject to assessment for fire tax the same as other persons mentioned in the first section of the act to which this is a supplement.

Persons assessed to be members.

SEC. 10. The managers, and all other officers mentioned in the third section of the act to which this is a supplement, shall be elected; and all assessments for the purpose of raising money authorized by that act, shall be made by plurality of votes, by ballot, and not otherwise; and no person shall be entitled to vote or hold any office mentioned in the said third section, unless he is a member of said association.

Mode of election of officers.

Penalty for illegal voting.

SEC. 11. If any person shall vote at the said annual election who is not qualified as aforesaid, he shall be subject to a fine of five dollars, to be recovered before any justice of the peace of the county, and which action shall be brought in the name and for the use of said association.

Whereas it is represented, in behalf of the association, that many of the taxes already assessed remain unpaid, to their great embarrassment, and that the delinquents withhold payment upon the allegation that the corporation have no power to collect their taxes, and it appearing to be just and equitable that all who enjoy the protection of the fire department should contribute to its maintenance—therefore,

Notice to be given to delinquents.

SEC. 12. The treasurer of the association shall give public notice, by printed handbills put up within the limits of the corporation, that all taxes now due must be paid to him within a period therein to be mentioned, not less than thirty days from the date of the notice; and in default of payment, that he shall hand over a list of the persons, with their respective taxes for which they are liable, to a justice of the peace in the county where the delinquents respectively reside, who shall issue a warrant or warrants, as directed in the preceding part of this act; which shall be proceeded upon in all respects as herein before provided.

Part of former act repealed.

SEC. 13. All the provisions of the act, entitled, "An act to incorporate the Rahway Fire Association," passed December third, eighteen hundred and twenty-three, coming within the purview of this act, and contradictory thereto, shall be, and the same are hereby repealed.

Act, when to take effect.

SEC. 14. This act shall go into operation immediately after it becomes a law.

Approved, March 27, 1845.

A supplement to an act entitled, "An act to prevent and punish frauds by public officers," passed March twelfth, eighteen hundred and forty-four.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Penalty for refusal to deliver papers, &c.

SEC. 1. If any officer or agent of this state, into whose hands or possession any money, books, papers, evidences of

debt, or other instruments of writing, or other property, of whatever nature, real or personal, belonging to the state, may have come, or shall hereafter come, by virtue of his office or agency, shall refuse or neglect, on demand, to deliver the same to his successor in office, or other person or persons authorized by law to receive or have charge of the same, he shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall be punished by fine, not exceeding five hundred dollars, or imprisonment at hard labour not exceeding two years, or both, at the discretion of the court before which such conviction shall be had.

SEC. 2. This act shall take effect immediately.

Act, when to
take effect.

Approved, March 27, 1845.

AN ACT to extend the charter of the State Bank at Trenton, for the purpose of enabling the directors to close up and settle its affairs.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. An act entitled, "An act to establish state banks in New Jersey," passed January twenty-eighth, one thousand eight hundred and twelve, with the supplements thereto, be, and the same is hereby extended and declared to be continued in regard to the State Bank at Trenton, so far as may be necessary to enable the president, directors, and company of the said the State Bank at Trenton to collect the debts, demands, and damages which have accrued or become due, or which may hereafter accrue or become due to them, and to settle up and close their concerns; *provided*, that the time shall not exceed the term of twelve years from and after the twenty-eighth day of January, one thousand eight hundred and forty-two; *and also provided*, that the said president and directors are not hereby privileged, during the extension aforesaid, to issue any bills of credit, bank bills, or other circulation of money, by loan or otherwise, in the form or style of banking business.

Provisions of
former act ex-
tended.

Proviso.

SEC. 2. The said president and directors shall annually, after the passing of this act, until its concerns be finally closed, make out and lay before the legislature an accurate statement

Annual state-
ment to be made

of the property, debts, and credits of the said banking company, under the oath or affirmation of the president and cashier thereof.

Act may be repealed, &c.

SEC. 3. It shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify, or repeal this act.

Approved, March 27, 1845.

AN ACT to authorize the inhabitants of the township of Orange, in the county of Essex, and of the township of Bridgewater, in the county of Somerset, and of the township of Shrewsbury, in the county of Monmouth, and of the township of Monroe, in the county of Middlesex, and of the township of Springfield, in the county of Essex, and of the township of Clinton, in the county of Essex, and of the township of Hamilton, in the county of Mercer, to vote by ballot at their town meetings.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Certain townships authorized to vote by ballot.

SEC. 1. The inhabitants of the township of Orange, in the county of Essex, and of the township of Bridgewater, in the county of Somerset, and of the township of Shrewsbury, in the county of Monmouth, and of the township of Monroe, in the county of Middlesex, and of the township of Springfield, in the county of Essex, and of the township of Clinton, in the county of Essex, and of the township of Hamilton, in the county of Mercer, are hereby authorized and required to elect by ballot, and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are or may be fixed by law, viz: 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 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.

SEC. 2. 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 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.

Officers of election.

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

Elections, how conducted.

SEC. 4. 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 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, 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.

SEC. 5. 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.

Clerk of township to be clerk of town committee.

Overseers of the highways, how elected.

SEC. 6. 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 each 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 poor to make annual report.

SEC. 7. 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 time 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 and road meeting to be posted up in some conspicuous place in such district, at least five days before the time of holding such meeting.

Reports to be filed.

SEC. 8. 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.

SEC. 9. This act shall take effect as soon as it becomes a law. Act, when to take effect.

Approved, March 28, 1845.

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

WHEREAS, by the act to which this is a supplement, it was made the duty of the managers of the Cedarville Meadow Company, and they were thereby authorized and empowered to make good and sufficient banks, dams, sluices, and every other work necessary and proper to keep out the tide at all times, and prevent the marsh, meadow, and swamp therein mentioned from being overflowed; and to begin the bank at or near the Goose landing on Cedar creek, and thence across said creek to such part of the fast land, on the opposite side thereof, as to them should seem most prudent, in which said creek it was directed that there should be erected a sluice or gates sufficient to stop the tide from flowing up the said creek, and to discharge, at low tide, all the back water; and whereas sundry citizens of said township of Fairfield, by their petition, have set forth, that, in consequence of the erection of the said dam and floodgates, the creek is rapidly filling up, and will soon be rendered impassable for vessels,

Preamble.

thereby producing great loss and inconvenience to every person in the vicinity, and have prayed that the said dam may be cut—therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Commissioners
to cut dam.

SEC. 1. The said dam may and shall be cut, and James B. Parvin, William Moore, and Benjamin Rush Bateman are appointed commissioners for that purpose, and are authorized and empowered to cut the said dam, so as to allow the flowing of the tide without obstruction; and such commissioners shall, in so doing, be exempt from all liability to the penalties or damages set forth and contained in the eleventh section of said act.

Act, when to
take effect.

SEC. 2. This act shall go into effect immediately after it becomes a law.

Approved, April 1, 1845.

AN ACT to incorporate the Rancocus Steamboat Company.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Names of corpo-
rators.

SEC. 1. William Irick, Edward B. Thomas, Barclay Haines, David B. Coles, William Springer, Benjamin Deacon, Caleb Shreve, Charles Bispham, Allen Fenimore, Joseph Davis, and John W. Middleton, and all such persons as are now members or partners of an association called and known by the name of the Rancocus Steamboat Company, and their successors, are hereby made and declared to be a corporation and body politic, by the name, title, and designation of "the Rancocus Steamboat Company;" and, by that name, may have continual succession, may make and have a common seal, and shall have power 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.

Style of incor-
poration.

General pow-
ers.

SEC. 2. 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.

Stocks, &c., of former association vested in new corporation.

SEC. 3. The capital stock of said corporation shall not exceed forty thousand dollars, which shall be divided into shares of twenty-five dollars each; the capital stock of the said association is to be taken as a part of the said sum of forty 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 Lumberton, in the county of Burlington, 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, renting, repairing, or building of suitable landings, wharves, and store-houses; and 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.

SEC. 4. William Irick, Edward B. Thomas, Barclay Haines, David B. Coles, William Springer, Benjamin Deacon, Caleb Shreve, Charles Bispham, Allen Fenimore, Joseph Davis, and John W. Middleton shall be the directors of the said corporation until the election is held as is herein after provided; 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 by this act granted to said corporation, and to allow such compensation as shall be agreed upon, and, if they judge it necessary, to exact and take from their officers and agents bonds for the proper and faithful execution of their several duties and trusts, to and for the faithful performance of their several contracts; and the directors of said corporation shall have power to make, ordain, and establish such by-laws, rules, and regulations for the said company, as to them shall seem expedient, not inconsistent with the constitution or laws of this state or of the United States.

First directors.

Books for subscription to be opened.

Proviso.

SEC. 5. 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 directors, by direction of three-fourths of the whole number, shall deem it necessary and proper, who are authorized to open books of subscription for said stock, at such time or times, and place or places, as they, or a majority of them, shall think proper, giving at least fifteen days' notice of the time and place of their meeting; and at the time of subscription, the sum of five dollars on each share shall be paid to the directors, and the remainder of such subscriptions 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 instalments shall exceed the sum of ten 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 fifteen 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 Burlington and in the city of Philadelphia.

Time and mode of election of directors.

SEC. 6. 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 seven 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 directors, and in all other cases, each share shall be entitled to one vote, up to ten shares, and above ten shares, each five additional shares 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 election for directors under this charter shall be held at Lumberton, on the first Saturday of March next, ten days' notice being first given thereof, in a newspaper published in the county of Burlington and the city of Philadelphia; and the stockholders, when met, to 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.

Dividends to be declared, &c.

SEC. 7. The president shall preside at all meetings of said corporation, and if absent his place shall be supplied, for the time he is absent, by the election of any one of the directors; the directors shall have power to fix, determine, and regulate the 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 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.

SEC. 8. 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.

Corporation not dissolved for failure to elect on day prescribed.

SEC. 9. 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.

Restriction.

SEC. 10. This act shall continue in operation twenty years, and the legislature may at any time hereafter alter, amend, or repeal this act.

Limitation.

Approved, April 1, 1845.

AN ACT modifying the charter of the Hudson and Ramapo Railroad Company.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. It shall be the duty of the treasurer of the Hudson and Ramapo Railroad Company to pay to the treasurer of this state, annually, a tax of one half of one per centum upon their capital stock expended, until the net earnings of the railroad shall amount, annually, to six per centum upon the costs thereof, and from and after that time a tax of one per centum; and that such payments shall be received and taken in full discharge and satisfaction of the transit duties of five cents a passenger, and eight cents a ton, provided for in the twenty-second section of their act of incorporation.

Amount of tax to be paid by company.

Cost of road to be filed in office of secretary of state.

SEC. 2. As soon as the road of said company shall be completed, it shall be the duty of the said company to make out a statement, to be verified by the oath or affirmation of the president and treasurer, showing the actual amount of the capital stock expended in the construction thereof; and file the same in the office of the secretary of state; and it shall be the duty of the treasurer of said company to make to the treasurer of this state an annual statement, under oath or affirmation, at the end of each and every year from the completion of said road, during the continuance of the charter of the said company, of the amount of the net earnings of the railroad for the next preceding year.

Act may be altered, &c.

SEC. 3. The legislature, at any time hereafter, may alter, modify, or repeal this act.

Approved, April 1, 1845.

AN ACT to incorporate the Somerville Mutual Fire Insurance Company.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Names of corporations.

Style of incorporation.

General powers.

SEC. 1. Thomas A. Hartwell, Joshua Doughty, Pethuel Mason, Eugene S. Doughty, John W. Vanarsdale, William G. Steele, and others, their associates and successors, are hereby constituted and declared to be a body corporate and politic, by the name of "the Somerville Mutual Fire Insurance Company;" and, by that name, they and their successors shall and may have succession during the continuance of this act; and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions, suits, complaints, matters, and causes whatever; and 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 Somerville Mutual Fire 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.

SEC. 2. 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 ensuring to be members.

SEC. 3. 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 one or more newspapers printed in Somerville, 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 one or more newspapers printed in Somerville, for at least two weeks.

Time and mode of election of directors.

SEC. 4. 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.

SEC. 5. 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 corporation, and of valuation of property ensured or to be ensured thereby, and to

Powers and duties of directors.

Proviso.

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 to 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.

President and treasurer, how chosen.

SEC. 6. 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.

Assessments on members, when and how made.

SEC. 7. 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 assessment 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 right and claim 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 assessment, by action of debt, with costs of suit, in any court of competent jurisdiction.

Money not to be drawn from treasury, except for damages.

SEC. 8. 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.

SEC. 9. 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.

Policy may be transferred.

SEC. 10. 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.

Company may be sued in case payment is withheld.

SEC. 11. 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.

Act may be altered, &c.

SEC. 12. This act shall take effect immediately after it becomes a law.

Act, when to take effect.

Approved, April 1, 1845.

A supplement to an act entitled, "An act to establish a new township in the county of Gloucester, to be called the township of Spicer," passed January twenty-sixth, eighteen hundred and forty-four.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. The name of the township of Spicer, in the county of Gloucester, shall be changed to Harrison, and the inhabitants of said township shall hereafter be styled and known by

Corporate name of township changed.

the name of "the Inhabitants of the township of Harrison, in the county of Gloucester."

SEC. 2. All parts of the act to which this is a supplement, not consistent herewith, shall be, and the same are hereby repealed; and this act shall take effect immediately after it becomes a law.

Approved, April 1, 1845.

AN ACT modifying the charter of the Paterson and Ramapo Railroad Company.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows :

SEC. 1. It shall be the duty of the treasurer of the Paterson and Ramapo Railroad Company to pay to the treasurer of this state, annually a tax of one half of one per centum upon their capital stock expended, until the net earnings of the railroad shall amount, annually, to six per centum upon the cost thereof, and from and after that time a tax of one per centum; and that such payments shall be received and taken in full discharge and satisfaction of the transit duties of five cents a passenger, and eight cents a ton, provided for in the twenty-second section of their act of incorporation.

SEC. 2. As soon as the road shall be completed, it shall be the duty of the said company to make out a statement, to be verified by the oath or affirmation of the president and treasurer, showing the actual amount of the capital stock expended in the construction thereof, and file the same in the office of the secretary of state; and it shall be the duty of the treasurer of said company to make to the treasurer of this state an annual statement, under oath or affirmation, at the end of each every year from the completion of said road, and during the continuance of the charter of the said company, of the amount of the net earnings of the railroad for the next preceding year.

SEC. 3. The legislature, at any time hereafter, may alter, modify, or repeal this act.

Approved, April 1, 1845.

Part, of former
act repealed.

Annual tax to
be paid.

Statement of
cost of road to
be made.

act may be re-
pealed, &c.

A supplement to "An act to establish a new township in the county of Burlington, to be called the township of Coaxen," passed February twenty-eighth, eighteen hundred and forty-five.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. The name of the township of Coaxen, in the county of Burlington, shall be changed to Southampton, and the inhabitants of said township shall hereafter be styled and known by the name of "the Inhabitants of the township of Southampton, in the county of Burlington." Corporate name of township changed.

SEC. 2. All parts of the act to which this is a supplement, not consistent herewith, shall be, and the same are hereby repealed; and this act shall take effect immediately. Part of former act repealed.

Approved, April 1, 1845.

A further supplement to the act entitled, "An act for the government and regulation of the state prison," passed February twenty-seventh, eighteen hundred and thirty-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. The bond required to be given by the keeper, in the fifth section of the act to which this is a supplement, shall hereafter be in the sum of five thousand dollars, instead of two thousand dollars, as therein prescribed. Amount of bond

SEC. 2. The inspectors shall make their report of the state of the prison, to the legislature, as required in the sixth section of the same act, on or before the third Tuesday of January, in each year, instead of the first Tuesday in November, as therein provided. Time of making annual report.

SEC. 3. The inspectors shall have power to remit the costs of prosecution of any prisoner, and any debt due from him to the state for his support in said prison, upon a recommendation from the keeper, certifying that such prisoner is, in his opinion, unable to earn more than is sufficient for his clothing Costs of prosecution may be remitted.

and maintenance, or that such prisoner has conducted himself in an orderly and proper manner.

When annual accounts may be closed.

SEC. 4. The keeper of the prison shall have his accounts ready for examination and settlement on the second Tuesday of January, in every year, and for that purpose may close his accounts for the year on the thirty-first day of December previous.

Annual statement of expenditures to be made.

SEC. 5. He shall prepare, on or before the second Tuesday of January, annually, an abstract of all expenditures and receipts of money for the prison, the amount of labour done, the raw materials purchased, the articles manufactured or prepared and sold, all the bills of transportation, and the taxed bills of costs which have been certified by him, and shall lay the same before the committee annually appointed by the legislature to settle the accounts of the state prison, and before the legislature itself, at such times as it shall direct.

Part of former act repealed.

SEC. 6. So much of the act to which this is a supplement, as is inconsistent with the provisions of this act, is hereby repealed.

Act, when to take effect.

SEC. 7. This act shall take effect immediately after it becomes a law.

Approved, April 1, 1845.

Preamble.

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.

WHEREAS Robert Cook (a coloured man), late of the county of Bergen, died intestate, possessed of a certain house and lot of ground, containing about one acre, situate in the township of Saddle River, in said county, and of some personal property; and whereas Robert S. Gould, esquire, of the said county of Bergen, hath taken out letters of administration upon the estate of said decedent, who hath exhausted all the personal property of said intestate in the payment of his debts, and there are other debts still remaining unpaid; and whereas it is represented that the said Robert Cook left

no heirs capable of inheriting the said real estate, and that the same has escheated to the state of New Jersey, under and by virtue of the laws in such case made and provided; and whereas it is also represented that the said real estate is sufficient to satisfy said debts, and leave a small surplus; and whereas the said Robert Cook has left a widow, without the necessary means of support and maintenance; and it being right that said debts should be paid out of said real estate, and the balance secured for the benefit of said widow; and whereas it is also represented that the said Robert Cook, in his lifetime, conveyed away, by deed, said house and lot, and that said conveyance was made and executed by way of mortgage, and that the said Robert S. Gould, as administrator as aforesaid, paid off and satisfied the debt for which the same had been so conveyed, and, upon such payment being made, the person to whom the said real estate had been conveyed, as aforesaid, reconveyed the same to the said Robert S. Gould, as administrator as aforesaid, in whom the legal title is now vested—therefore,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. All the right, title, interest, property, claim, and demand of the state of New Jersey, of, in, and to the said house and lot of land, with the appurtenances; situate in the township of Saddle River, in the county of Bergen aforesaid, of which the said Robert Cook died seized and possessed, is granted, remised, released, and confirmed unto the said Betsey Cook, widow of the said Robert Cook, and to her heirs and assigns for ever; and said administrator is hereby authorized to execute a good and sufficient deed therefor, to the said Betsey Cook; *provided nevertheless*, that said deed shall not be executed to, nor the legal title vest in the said Betsey Cook, as aforesaid, until she shall have fully paid off and satisfied all the debts lawfully contracted by the said Robert Cook, in his lifetime, and now remaining unpaid; *and provided also*, in case the said Betsey Cook shall neglect or refuse to pay and satisfy said debts and expenses of administration within one year from the time this act becomes a law, the said administrator is authorized and empowered to sell the said land and real estate, at public vendue, after giving the notice required by law to be given in cases of sales of real estate made by order of the orphans' court for the payment of debts, and shall execute a conveyance to the purchaser therefor, and, after satisfying said debts and all necessary expenses, pay the surplus, if any remain, to the said Betsey Cook, her executors or administrators.

Right of state in certain lands released.

Act, when to
take effect.

SEC. 2. This act shall take effect immediately after it shall become a law.

Approved, April 2, 1845.

AN ACT to incorporate the Camden Water Works Company.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Names of corpo-
rators.

SEC. 1. Isaac Cole, Benjamin W. Cooper, Charles Kaighn, Henry Allen, William Folwell, Nathan Davis, Benjamin T. Davis, John W. Mickle, and James Elwell, and their associates, are hereby authorized and empowered to introduce into, and supply the city of Camden, in this state, with pure water, under such terms, regulations, and conditions as the city council of said city shall, by ordinance, ordain and establish; and the said Isaac Cole, Benjamin W. Cooper, Charles Kaighn, Henry Allen, William Folwell, Nathan Davis, Benjamin T. Davis, John W. Mickle, and James Elwell, and their associates, are hereby incorporated, as a body politic and corporate in law, under the name of "the Camden Water Works Company," with a capital of fifty thousand dollars; and may have a common seal, and may have, hold, occupy, and possess real estate, in the city of Camden, sufficient for erecting water works necessary to supply said city with water; and shall have full power to lay pipes for conducting the water, and erecting their water works on and through the public streets, lanes, and alleys of said city, under such regulations as the city council shall direct, as aforesaid; *provided* the consent of the owner or owners of any property to be taken for the erection of said works shall first be obtained.

Style of incor-
poration.

Subscription
books to be
opened.

SEC. 2. Subscription books to the capital stock of the said company shall be opened, within thirty days after this act shall become a law, by the said Isaac Cole, Benjamin W. Cooper, and Henry Allen, who are hereby appointed commissioners to receive subscriptions of the said stock, at such times and places as they, or a majority of them, shall direct, giving at least two weeks' notice thereof in the newspapers printed in said city of Camden.

Capital stock to
be divided into
shares.

SEC. 3. The said capital stock of fifty thousand dollars shall be divided into shares of one hundred dollars each, and shall

be held as personal estate; five dollars shall be paid to the said commissioners, or some one of them, upon each share at the time of subscribing; and when two hundred shares shall be subscribed, the said commissioners shall call a meeting of the stockholders, at such time and place, in the city of Camden, as they, or a majority of them, shall direct, giving at least three weeks' notice of such meeting in the newspapers printed in said city of Camden; and the stockholders shall, at such meeting, choose five directors, being stockholders, to manage the affairs of said company; the said commissioners shall appoint some fit person to be judge of such election; said directors are hereby empowered to appoint a president, treasurer, secretary, and all such officers, agents, workmen, and labourers as may be necessary to carry into effect this act, and to take such bonds and security as said board of directors may deem proper; in the election of directors, each share shall have one vote; all future elections shall be held at such times, in the city of Camden, as the by-laws of said company may prescribe and establish.

Five directors
to be chosen.

SEC. 4. The said company shall not employ any part of their capital in banking operations. Restriction.

SEC. 5. The legislature may at any time hereafter alter, amend, or repeal this act. Act may be repealed.

Approved, April 2, 1845.

AN ACT to authorize the sale of the school house and lot, in school district number seven, in the township of Orange, in the county of Essex, known as the Academy District.

WHEREAS Abraham Harrison, Moses B. Canfield, Nelson Lindsley, Abner Winans, Edwin White, and Philip Kingsley, the president and trustees of said school district number seven, together with sundry others, inhabitants of said township of Orange, have by their petition set forth, that Matthew Condit, on the thirtieth day of December, A. D. seventeen hundred and eighty-five, by his deed of conveyance, duly executed, did convey unto the Rev. Jedediah Chapman, Col. John Condit, and Henry Squier, a certain lot of land in the township of Orange, in said county of Essex, in this state, of the dimensions following, to wit: one chain and thirty-six links front on Main-street in Orange aforesaid, and Preamble.

seventy-five links deep, to hold the same in trust, "to be and remain a place for an academy, which shall be for the use of a public school for all the inhabitants of Orange in general," upon which said lot a school house was erected immediately after the execution of said deed; and that after the decease of the Rev. Jedediah Chapman and Henry Squier, two of the above named trustees, Col. John Condit, the survivor, by his deed, dated November fourteenth, A. D. eighteen hundred and twenty-three, made a conveyance of the above described lot, not as surviving trustee, but as in his own right, to Stephen D. Day, Rev. Asa Hillyer, Daniel Babbit, John M. Lindsley, Daniel D. Condit, Abraham Wilians, and Samuel W. Tichenor, as trustees of said Orange Academy district, for the same use as specified in the original deed from Matthew Condit; and that it has become necessary to build a new school house in the district, the present one having been built about sixty years, and being in so dilapidated a condition as to be unfit for use, and that the lot is too small, being but eighty feet front by forty feet deep, and the building upon the line of the road in the most public part of the village, so as to have no conveniencies for a yard or play-ground; and that the said trustees, by reason of the death of the original trustees, to wit: Jedediah Chapman, John Condit, and Henry Squier, without a legal perpetuation of the trust by a proper conveyance, do not possess the power to make a good and sufficient title for the said lot of land—therefore,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Trustees authorized to sell land, &c.

The trustees of school district number seven, in the township of Orange, in Essex county, known as the Academy District, for the time being, upon giving a bond to the governor of this state for the time being, in the sum of twenty-five hundred dollars, conditioned for the faithful performance of the duties required of them by this act, which bond shall be approved by the governor, and may be prosecuted at his discretion, are hereby authorized and empowered to sell at public sale, upon giving one month's notice in the public newspapers circulating in said county, all that lot of land herein before described, with the building thereon, and to execute and deliver to the purchaser or purchasers thereof, a good and sufficient deed for the same, under the hand and seal of the president of the said board of trustees, upon the payment of the purchase money, by the purchaser or purchasers, to the trustees of said district, or a majority of them, and such purchaser or purchasers shall be vested with, and entitled to all the estate, right, title, interest, and possession, of, in, and to the said lot of land and

premises, with the appurtenances, which the said Matthew Condit conveyed to the grantees named in his said deed; and the said purchaser or purchasers, his or their heirs and assigns, shall hold the same, so conveyed, free and clear from all trusts whatsoever upon which the same was held, in pursuance of the trust contained in the said deed of conveyance from Matthew Condit, as aforesaid; and the purchase money paid by the said purchaser or purchasers, as aforesaid, when received by the trustees of said district, shall be faithfully appropriated to and for the purchase of a lot, as near the centre of said district as may or conveniently can be, and the erection of a suitable school house thereon, and for no other purpose.

Purchase money, how appropriated.

Approved, April 2, 1845.

AN ACT for the relief of Rachel Felter, widow of Tunis Felter, deceased, of the county of Morris.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

The treasurer of this state for the time being shall, and he is hereby authorized and required to pay Rachel Felter, widow of Tunis Felter, deceased, of the county of Morris, a soldier in the Revolutionary war of the United States, or to her order, the sum of thirty dollars per annum, in half-yearly payments, from the passage of this act, during the lifetime of the said Rachel Felter, the first payment to be made on the passage of this act; and the receipt of the said Rachel Felter, or her order, shall be a sufficient voucher to the treasurer, for such sums of money as he may pay by virtue of this act, in the settlement of his accounts.

\$30 per annum to be paid to R. Felter.

Approved, April 2, 1845.

AN ACT to provide for revising the statute laws of this state.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Revision of public laws authorized.

SEC. 1. Peter D. Vroom, Henry W. Green, William L. Dayton, and Stacy G. Potts shall be, and they are hereby authorized to collate and revise all such public acts of the legislature of this state, which shall be in force at the close of the present session, as are general and permanent in their nature; and, in the performance of such duty, they shall carefully collect and reduce into one act the different acts and parts of acts which, from similarity of subject, ought, in their judgment, to be so arranged and consolidated, distributing the same under such titles, divisions, and sections as they shall think proper, and omitting all such acts, and parts of acts, before passed, as shall have been repealed, or have expired by their own limitation, or be repugnant to the present constitution of this state; and, in every other respect, they shall complete the said revision in such a manner as to them shall seem most useful and proper, to render the said acts more plain and easy to be understood; and they shall lay before the legislature the acts so revised and arranged by them, at the next session, to be re-enacted, if the legislature shall so determine; *provided*, that no change shall be made, by the said revisors, in the phraseology or distribution of the sections of any statute that has been the subject of judicial decision, by which the construction thereof, as established by such decision, shall or can be affected or impaired.

Proviso.

Revisors may suggest amendments, &c.

SEC. 2. When the said acts shall be so presented to the legislature for re-enactment, the said revisors shall also suggest to the legislature such contradictions, omissions, or imperfections as may appear in the acts so to be revised, and the mode in which the same may be reconciled, supplied, or amended; and may also designate such acts or parts of acts, if any, as, in their judgment ought to be repealed, with their reasons for advising such repeal; and may also recommend the passage of such new acts, or parts of acts, as, in their judgment, may appear necessary; and may also examine the several acts composing the orphans' court system, as reported to the House of Assembly of this state, in the year eighteen hundred and thirty-five, and, if they deem it advisable, recommend the passage of any or all said acts, and assign their reasons therefor.

Revisors to prepare laws for press.

SEC. 3. After the laws so revised as aforesaid shall have been submitted to, and approved of by the legislature, the said revisors shall prepare the same for the press, with such marginal notes and references as shall appear best calculated for

the public information; and shall also prepare for publication, with the said laws, the constitution of the United States of America, and the former and present constitution of this state; and that the said revisors shall make an index of the matters contained in the said work.

SEC. 4. The revisors shall be, and hereby are allowed four hundred dollars, each, for the services hereby required of them; and the legislature may by law make provision for the payment of a further compensation, if they shall be deemed entitled thereto. Compensation.

SEC. 5. The treasurer of this state shall from time to time pay, on the warrant of the governor, to the revisors, or either of them, such sums of money as shall appear to the governor to be necessary for defraying the expenses incurred or contracted for by the revisors, or either of them, in the performance of the duties assigned them in and by this act. Treasurer authorized to pay expenses, &c.

SEC. 6. In case the persons before named, or either of them, shall refuse to act in the premises, or shall die, resign, or remove from the state before the completion of the duties assigned to them, it shall be the duty of the person administering the government of this state to appoint others, or another, in their or his stead, who shall have the like powers as aforesaid, and be entitled to a compensation, which shall be proportionably equal to that which is allowed by this act to the persons before named. Vacancies, how supplied.

SEC. 7. The revisors, in the execution of their duties, shall have free access to any public records, papers, or books of this state, and be permitted to examine the same without fee or reward. Revisors to have access to public records.

SEC. 8. This act shall take effect immediately after it becomes a law. Act, when to take effect.

Approved, April 2, 1845.

A further supplement to the act entitled, "An act to incorporate societies for the promotion of learning," passed November twenty-seventh, seventeen hundred and ninety-four.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

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

SEC. 1. No association of persons, in this state, for the promotion of learning, which has heretofore or shall hereafter become a body politic and corporate in law, under the provisions of the act to which this is a supplement, shall be considered as dissolved; for or by reason of its neglecting or failing, or having neglected or failed, to elect trustees yearly and every year, on the day designated by law; and any trustees that may heretofore have been, or that may hereafter be duly elected trustees of any such association, shall continue in office until others shall be duly elected in their place, with all the rights, powers, privileges, and duties vested in and devolving upon trustees duly elected, yearly and every year, on the day designated by law.

Property to con-
tinue vested in
society.

SEC. 2. Any property, whether real or personal, which any association, incorporated as aforesaid, may lawfully have acquired, by gift, alienation, devise, or otherwise, shall continue to be vested in and held by such association, in their corporate name, notwithstanding such association may have neglected or failed to elect, annually, trustees, as provided for by law, on the day when by law they ought to have been elected, as fully, to all intents and purposes, as if such association had elected trustees yearly and every year, on the day appointed by law, from the time of its incorporation, under the act to which this is a supplement.

Act, when to
take effect.

SEC. 3. This act shall go into effect immediately after it shall become a law.

Approved, April 2, 1845.

AN ACT to incorporate the Somerset Cotton Mill Company,
at Somerville.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. John A. Parker, Francis Bloodgood, Charles A. Stetson, Frederick Frelinghuysen, and John I. Gaston, and their associates and successors, are hereby incorporated and made a body politic and corporate, in fact and in name, by the name of "the Somerset Cotton Mill Company," for the purpose of spinning yarn and manufacturing cotton goods, and generally all articles manufactured from cotton, at Somerville, upon or near the Somerville Water-power, in Somerset county, in this state; by that name they and their successors are hereby made capable, in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever; and to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors, in their corporate name, are hereby made capable, in law, to purchase, receive, have, hold, and enjoy any lands, tenements, water-power, and water privileges, in the said township, upon, at, or near the said Somerville Water-power, together with any machinery, tools, goods, or chattels, and other real and personal estate necessary, useful, and proper for carrying on the business aforesaid, and the same to use and employ, grant, demise, pledge, convey, lease, and dispose of, as they shall deem proper; and to have, exercise, and enjoy all the rights, powers, and privileges pertaining to corporate bodies, and necessary for the purposes of their incorporation; *provided*, the funds of the said corporation, or any part thereof, shall not be applied, used, or employed, at any time, in banking operations, or for any purpose or purposes inconsistent with the provisions of this act; and the said John A. Parker, Francis Bloodgood, Charles A. Stetson, Frederick Frelinghuysen, and John I. Gaston, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of the said company.

Names of corporators.

Style of incorporation.

Restrictions.

SEC. 2. The capital stock of the said company shall not exceed one hundred thousand dollars, to be subscribed in shares of fifty dollars each; and as soon as five hundred shares of the said stock shall be subscribed, the individuals above named, or any three of them, may, by public notice published in one or both of the newspapers printed in the village of Somerville, for a period of not less than thirty days, call a meeting of the stockholders of the said company for an election of five directors.

Amount of capital stock.

Time and mode
of annual elec-
tion.

SEC. 3. 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; a majority of such directors and the president shall reside in this state, 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 on 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 individuals above named, or any two 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 election.

Powers and du-
ties of directors.

SEC. 4. A majority of the directors of the said corporation shall constitute a board, and be competent to the transaction of all the business of the said corporation; and all questions before them shall be decided by a majority of votes; and they shall have power to appoint a secretary, and such other officers, clerks, and servants, as they shall deem expedient and proper for the well conducting and transacting their business; and they shall also have power, at such times as to them shall seem meet, to make and declare dividends of such part of the clear profits resulting from the business of the said corporation as they shall deem expedient; and shall have power to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, respecting the management and disposition of the stock, property, estate, and effects of the said corporation, the compensation of wages, and the duties, powers, and conduct of the officers and servants thereof, the election and meeting of directors, the transfer of shares, the management and conducting of the business of the said corporation, and all matters appertaining thereto, and such by-laws, rules, and regulations, at their discretion, to repeal, alter, or modify; *provided*,¹ such by-laws, rules, or regulations shall not be repugnant to the constitution or laws of this state or of the United States.

Corporation,
when to go into
operation.

SEC. 5. The said corporation shall not go into operation until twenty-five thousand dollars of the capital stock shall be first paid in gold and silver coin or current bank notes, and an affidavit thereof shall be made by a majority of the associates named in this act, and filed in the office of the secretary of state; 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 to prescribe, not exceeding ten dollars on each share for any one instalment, giving thirty days' notice, as aforesaid; and if any stockholder or stockholders shall neglect or refuse to pay his or their respective instalment or instalments on his or their respective share or shares, so called for as aforesaid, the stock of such stockholder so neglecting or refusing, and all previous payments thereon, shall be absolutely forfeited to the said company, for the use and benefit of the said company.

SEC. 6. The president and directors, with the treasurer and clerk, if such there be, of the said company, shall, within thirty days after the payment of the last instalment of the capital stock, fixed and limited by said company, make a certificate, stating the amount of the capital so fixed and paid in, which certificate shall be signed and sworn to by the president, treasurer, and clerk, and a majority of the directors; and they shall, within the said thirty days, cause the same to be recorded in the record of deeds for the county wherein this manufactory is established.

Certificate of amount of capital paid in to be made.

SEC. 7. The stock and property of the said company, of whatever nature or kind the same may be, shall be deemed personal property, and shall be transferable on the books of the said company, in such manner as shall be prescribed by the by-laws of the said corporation.

Stock personal estate.

SEC. 8. If any of the said officers shall refuse or neglect to perform the duties required of them in the sixth section, 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.

Penalty for neglect of duty.

SEC. 9. 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 be subject at all times to the inspection of the stockholders of the company.

Books to be open to inspection of stockholders.

SEC. 10. All the stockholders of this company shall be jointly and severally liable for all debts and contracts made by said company, until fifty thousand dollars of the capital stock shall have been paid in or satisfactorily secured.

Stockholders liable for debts of company.

SEC. 11. The said company may be dissolved at a general meeting of the stockholders, specially summoned for that purpose; *provided* the owners of at least three-fourths in value of the stockholders shall be present or represented therein, and shall vote in favour of such dissolution; and upon such dissolution, the directors for the time being, and the survivor

Company, how dissolved.

and survivors of them, shall be trustees for settling all the affairs of said company, disposing of its effects, recovering, 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, the survivor or survivors of them, shall be trustee and trustees for the purpose aforesaid; *provided* no part of the capital stock shall be withdrawn or refunded to the stockholders, at the time of its dissolution, until all debts and liabilities of the company are fully paid; and in case of any violation of the provision of this section, the president, directors, and stockholders of this corporation shall be personally liable, in their own estate, jointly and severally, for all debts previously contracted and due from said company.

Election for directors.

SEC. 12. 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 elections 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, by ballot, determine which of such stockholders shall be director or 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 office or their offices until the next annual election.

Corporation not dissolved for failure to elect on day prescribed.

SEC. 13. In case it should happen that an election for directors should not be held or made on the day that pursuant to this act it ought to have been held and made, the corporation shall not for that cause be deemed 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.

SEC. 14. 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, April 3, 1845.

AN ACT to appoint commissioners to sell the state property, known as the government lot, on Second-street, in the city of Trenton, and to repair the state house, to build two fire-proof offices, and to grade and fence the public grounds.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. Samuel R. Gummere, Samuel R. Hamilton, and Stacy A. Paxson shall be, and they are hereby appointed commissioners, to make sale of the house and lot on Second-street, in the city of Trenton, conveyed to the state of New Jersey by Moore Furman, by deed bearing date March twelfth, A. D. seventeen hundred and ninety-eight, if a fair price can be obtained for the same; said sale to be made at public vendue, of which five weeks' notice shall be published, at least once in each week, in each of the newspapers printed in the city of Trenton, and in a newspaper published in each of the cities of New York and Philadelphia; and the said commissioners are hereby empowered to arrange and settle the terms of payment for the said house and lot.

Commissioners
to sell state prop-
erty.

SEC. 2. The attorney general of this state for the time being is hereby empowered and directed, upon the application of the said commissioners, to make a conveyance to the purchaser or purchasers of the house and lot aforesaid, and deliver the same to the said commissioners, to be by them delivered to the purchaser or purchasers, upon the receipt of the purchase money agreed to be paid therefor, or the securities for the same; and the said commissioners shall, without delay, deliver to the treasurer of this state the said purchase money or securities.

Attorney general
to make
deed, &c.

SEC. 3. The deed or deeds of conveyance, so to be made and executed by the attorney general, shall, when duly delivered to the purchaser or purchasers, convey to and vest in said purchaser or purchasers all the right, title, and interest of this state in and to the house and lot aforesaid.

Right and inter-
est of state vest-
ed in purchaser.

SEC. 4. The said commissioners shall cause a good and substantial roof to be put upon the state house; they shall cause the stucco work, or rough-casting, of said state house to be removed and replaced with new work, in the style of the Mercer county court house; they shall cause neat porticoes to be placed over the north and south doors of said house, and such other repairs to be made thereto, as they shall deem necessary; and they shall also have the grounds around the state house properly fenced, graded, and planted with suitable ornamental trees.

Repairs to state
house.

Offices to be erected.

SEC. 5. The said commissioners shall cause to be erected two buildings, fronting on Second-street, of forty feet front, by fifty-five feet deep, each; and each of said building shall be divided into two offices, with suitable fire-proof vaults, for the accommodation of the secretary of state, the clerk of the supreme court, the clerk of the court of chancery, and the state treasurer, and for the preservation of the records, documents, &c., pertaining to their said offices.

Commissioners to receive proposals, &c.

SEC. 6. The said commissioners are hereby authorized and directed, after due notice given, to receive proposals for making the repairs and erecting the buildings mentioned in the fourth and fifth sections of this act, by contract or otherwise, in the most economical and substantial manner; and it shall be the duty of said commissioners to superintend the building, repairs, and improvements specified in the fourth and fifth sections of this act, with a view to the due execution of the work, by those employed to perform it.

Governor to draw warrant for money, &c.

SEC. 7. The governor, or person administering the government, shall from time to time draw warrants upon the treasurer, in favour of said commissioners, for such sums of money as may be necessary to carry into effect the foregoing provisions of this act.

Commissioners to keep ac'ts, &c.

SEC. 8. The said commissioners shall cause all their accounts, in relation to the aforesaid repairs and the erections of the said buildings, to be accurately kept and stated; they shall deliver a copy of them, with their vouchers, to the treasurer of this state, to be filed in his office, and audited according to law; and they shall report to the next session of the legislature their proceedings under this act.

Compensation to commissioners.

SEC. 9. The sum of one hundred dollars, each, shall be appropriated as a compensation to the said commissioners; *provided*, that if circumstances prevent the making of the said repairs and the erection of the said buildings, the said commissioners shall receive no compensation, except for the necessary expenses of advertising, as directed in the foregoing sections of this act.

Act, when to take effect.

SEC. 10. This act shall take effect immediately after it becomes a law.

Approved, April 2, 1845.

AN ACT for the protection of oysters in the county of Atlantic.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. 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, within the limits or jurisdiction of the county of Atlantic, 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; *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 or from any natural banks or beds in any creeks within the limits of said county.

Penalty for removing shells, &c.

Proviso.

SEC. 2. This act shall go into effect immediately.

Act, when to take effect.

Approved, April 3, 1845.

AN ACT to incorporate the Morris and Hanover Manufacturing Company.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Ashbel Bruin, Job Brookfield, Jeremiah M. DeCamp, and Moses A. Brookfield, and such other persons as may be hereafter associated with them, and their successors, are hereby constituted a body politic and corporate, in fact

Names of corporators.

Style of incorporation.

General powers.

and in name, by the name of "the Morris and Hanover Manufacturing Company," for the purpose of manufacturing iron, steel, or brass, and generally all articles manufactured from all or either of those articles, and to establish and carry on any milling and manufacturing business that they may deem expedient, in Morris county; 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; to make and use a common seal, and the same to alter or renew at pleasure; 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, necessary or useful to carry on their manufacturing operations; and all other real estate, mortgaged to said corporation by way of security, or 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.

SEC. 2. The capital stock of said corporation shall be one hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and shall be transferable in such a manner as the by-laws of the said corporation shall direct; and books of subscription to the capital stock of the said corporation shall be opened by the above named persons, or a majority of them, at such time or times, place or places, 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 Morris; and at the time of subscribing for such stock, five dollars on each share subscribed shall be paid; as soon as two 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, 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 the directors, and shall hold their offices for one year and until others are elected; and annually thereafter, the stockholders shall meet to elect directors, upon notice given as aforesaid.

SEC. 3. The directors, or a majority of them, shall be com-

petent 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 Morris; 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, touching the management and regulations, not repugnant to the constitution or laws of this state or of the United States, of the stock, property, estate, and effects of the said corporation, 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.

Instalments,
how paid.

SEC. 4. As soon as the sum of fifteen 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
to commence
business.

SEC. 5. The president and directors, with the treasurer and clerk, if such there be of the said company, shall, within thirty days after the payment of the last instalment of the capital stock, so fixed and limited by the said company, make a certificate stating the amount of the capital so fixed and paid in; which certificate shall be signed and sworn to by the president, treasurer, and clerk, and a majority of the directors, and they shall, within the said thirty days, record the same in the record of deeds for the county wherein this manufactory is established.

Certificate of
amount of capital
stock paid in
to be made.

SEC. 6. 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
dissolved on
failure to elect
on day prescribed.

SEC. 7. 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, nor to divide, withdraw, or in any way pay to the stockholders, or any of them, any part of the capital stock of the company, or 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 have happened, except those who may have caused their dissent there-

Capital stock
not to be divid-
ed.

from to be entered at large on the minutes of the said directors at the time, or were not present when the same did happen, 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.

Capital stock
not to be with-
drawn.

SEC. 8. 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 shall be capable of holding their capital stock, and the increase and profits thereof, (after declaring a yearly dividend of six per centum,) 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 said company shall be divided or withdrawn during the continuance of this charter.

Limitation,

SEC. 9. This act shall not continue in force longer than twenty years, and it shall be lawful for the legislature, at any time, to alter, modify, or repeal the same.

Approved, April 3, 1845.

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A further supplement to an act entitled, "An act concerning sheriffs."

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Sheriffs to con-
tinue in office
until successor
is appointed.

Every sheriff hereafter duly elected and commissioned in any county in this state, shall continue in office, and exercise all the duties thereof, until his successor shall be duly commissioned according to law; *provided*, that nothing in this act shall be construed to authorize any sheriff to serve more than three years, nor to authorize any sheriff, who may be re-elected, to act under his commission of the previous year, after having made default in giving bond or taking the oath of office at the time prescribed by law.

Approved, April 3, 1845.

A further supplement to the act entitled, "An act securing to mechanics and others payment for their labour and materials, in erecting any house or other building within the limits therein mentioned," passed March third, eighteen hundred and thirty-five, and to the several supplements to said act.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. The lien given by the act to which this is a supplement, and by the several supplements to said act, is hereby declared to extend to all mills and manufactories of every description, for all debts contracted by the owner or owners thereof, or by any other person, with his, her, or their consent in writing, for machinery or fixtures furnished for said mill or manufactory, or work done and materials furnished for or about the erection, construction, or repairing machinery in the same.

Provisions of former act extended.

SEC. 2. This act shall be limited in its operation to the county of Mercer.

Limitation.

Approved, April 3, 1845.

AN ACT to incorporate the Mutual Fire Insurance Company of Passaic.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. Cornelius S. Van Wagoner, Robert Morrell, Henry Whitely, Cornelius G. Garrison, John Colt, Abraham Godwin, Andrew Parsons, Joseph Jackson, Charles H. May, David Roe, Samuel A. Van Saun, and others, their associates and successors, are hereby constituted and declared to be a body corporate and politic, by the name of "the Passaic Mutual Fire Insurance Company," for the purpose of ensuring their respective dwelling-houses, stores, shops, and other buildings, household furniture, merchandise, and other property, against loss or damage by fire; and, by that name, they and their successors may have perpetual succession, and shall have power to sue and be sued, and to defend and be defended, in all

Names of incorporators.

Style of incorporation and general powers.

courts, either in law or equity; and, by that name, may also have, purchase, possess, and enjoy, to them and to their successors, lands, tenements, and hereditaments, goods, chattels, and effects, of what nature and kind soever, necessary for the purpose of this corporation, and the same may grant, demise, alien, and dispose of, at pleasure, for the benefit of said company; and also may have a common seal, and alter and renew the same at pleasure; and also may make and establish such by-laws and regulations as to them shall seem necessary and expedient for the well ordering and government of said institution, and put the same in execution; *provided* they be not contrary to the constitution or laws of this state or of the United States.

Proviso.

Persons ensuring to be members.

SEC. 2. All persons who shall ensure with the said corporation, and also their heirs, executors, administrators, and assigns, continuing to be ensured in said corporation, as herein after provided, shall thereby become members thereof, during the period they shall remain ensured by the said corporation, and no longer.

Affairs of corporation to be managed by thirteen directors.

SEC. 3. All the affairs, property, and concerns of the said corporation shall be managed and conducted by thirteen directors, who shall continue in office for one year and until others shall be chosen in their place, all of whom shall be members of said corporation, and shall take an oath of office, and choose out of their body a president; all vacancies may be filled, for the remainder of the year, by such person or persons as a majority of the board of directors for the time being may appoint, and a majority of the whole shall constitute a quorum for the transaction of business; and the said Cornelius S. Van Wagoner, Robert Morrell, Henry Whitely, Cornelius G. Garrison, Abraham Godwin, Andrew Parsons, Joseph Jackson, John Colt, David Roe, Charles H. May, and Samuel A. Van Saun shall be the first directors of said corporation; which board of directors shall hereafter be elected in each year, at such time and place in Paterson, in the county of Passaic, as the said corporation in their by-laws shall appoint, of which election public notice shall be given in at least one of the public newspapers printed in said county, at least two weeks immediately preceding such election; which election shall be holden under the inspection of three members, not being directors, to be appointed previous to every election, by the boards of directors, and shall be made by ballot and by plurality of votes of the members, or their proxies, then present, allowing one vote for every five hundred dollars ensured in said company; *provided always*, each member shall have at least one vote, and that no member shall have more than five votes.

SEC. 4. The board of directors may appoint a secretary and such other officers and agents as may be requisite for effecting the business of said company, and allow them such compensation as they may deem reasonable, and also determine the rates of ensurance.

Directors to appoint officers.

SEC. 5. All policies, and contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president and attested by the secretary, and being so subscribed and attested, shall be binding and obligatory upon the said company; and the said company shall be liable for all loss or damage sustained by fire or other casualty, agreeably to, and on such terms and conditions, as shall be contained in the policy.

Policies, how made.

SEC. 6. Every person who shall become a member of said corporation, by effecting ensurance therein, shall, before he receives his policy, deposite his promissory note, with good security, for such a sum of money as shall be determined by the directors to be the premium for said ensurance, and a part, not exceeding twenty per centum of said note, shall be immediately paid, and the remainder of said deposite shall be payable, in part or the whole, at any time when the directors shall deem the same requisite for the payment of losses by fire and such incidental expenses as shall be necessary for transacting the business of said company; and at the expiration of the term of ensurance, the said note, or such part of the same as shall remain unpaid, if any, after all losses and expenses accruing during said term shall have been provided for, according to the provisions of this act, 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 on hand as may not be immediately wanted for the purposes of said corporation.

Terms of effecting ensurance.

SEC. 7. When any property ensured by the said corporation shall be alienated, by sale or otherwise, the policy of such ensurance may be surrendered to the directors of said company to be cancelled; and upon such surrender, the assured shall be entitled to receive his deposite note or notes, upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender; but the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him for his own use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security, to the satisfaction of said directors, for such portion of the deposite or premium note or notes as shall remain unpaid; and by such ratification and confirmation, such grantees or alienees shall be entitled to all the rights and privileges, and be subject

Policy may be surrendered when property is alienated.

to all the liabilities, to which the original party to whom the policy issued was entitled and subjected.

Suits may be maintained against members for deposit notes.

SEC. 8. Suits at law or in equity may be maintained by said corporation, against any of its members; for the collection of said deposit notes, or any assessment thereon, or for any cause relating to the business of said corporation; also, suits at law or in equity may be prosecuted and maintained by any member, against said corporation, for losses or damage by fire, if payment is withheld more than three months after the company are duly notified of such loss or damage; and no member of the corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness in any cause, on account of his being a member of said corporation.

Duties of directors in ascertaining loss by fire.

SEC. 9. The directors shall, after receiving due notice of any loss or damage by fire, sustained by any member, and ascertaining the same, or after the rendition of any judgment against said company for loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective proportion of such loss, and publish the same, in such manner as they shall see fit, or as the by-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice; and if any member shall, for the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed to him, as his proportion of any loss as aforesaid, in such case the directors may sue for and recover the whole amount of his deposit note or notes, with costs of suit; and the amount thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have accrued, or may thereafter accrue; and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the expiration or cancellation of his or her policy.

Assessment made when funds are insufficient.

SEC. 10. Whenever, and as often as it shall happen that the whole amount of the funds of the said company, and of the sums due on the deposit notes held by it, shall be insufficient to pay the whole loss occasioned by any fire, the directors shall assess upon, and demand from each member a further sum, in proportion to the original amount of his or her deposit note, and shall divide the whole amount of the said funds, deposit note, and assessment among the sufferers by such fire, who have been ensured by said company, in proportion to their losses and the amounts by them respectively ensured; but no such assessment, of a greater amount than one dollar on every hundred dollars, by the members respectively ensured, shall

at any time be made for the loss or damage occasioned by any one fire; and any member who shall pay the whole amount of his or her deposit note, and of any assessment then made, and surrender his or her policy of insurance, shall be discharged from all liability for any loss or damage that may occur after such payment and surrender.

SEC. 11. No transfer of any policy of insurance of the said corporation shall be valid until entered into the books of the company, and certified on such policy by the secretary.

Transfers to be entered on books

SEC. 12. It shall be the duty of the secretary to give notice of all meetings of the corporation, to attend the same, to keep a faithful record of their proceedings, also an account of profit and loss, fill up all policies of insurance, countersign and seal the same with the seal of the 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.

Duties of secretary.

SEC. 13. The operations and business of the corporation shall be carried on and conducted at such place in Paterson, as shall be designated by a majority of the directors present at any regular meeting.

Place of business.

SEC. 14. At every meeting of the said company, the directors for the time being shall make and exhibit a full and true statement of the affairs and business of the said company for the preceding year, for the general satisfaction of the members of the said company.

Directors to make annual statement.

SEC. 15. The said company shall not, by virtue of any of the provisions of this act, exercise banking privileges, directly or indirectly.

Restriction.

SEC. 16. This act shall not continue in force longer than twenty years, and the same may be, at any time hereafter, amended or repealed by the legislature.

Limitation.

Approved, April 3, 1845.

AN ACT respecting the fees of county collectors.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows :*

Compensation
to collectors.

SEC. 1. The county collectors of the several counties of this state shall be entitled to receive two cents, and no more, for each dollar of all taxes and other moneys which they shall receive and pay to the order of such corporation.

Board of free-
holders autho-
rized to fix fees.

SEC. 2. In case the board of chosen freeholders of any of the counties in this state are of opinion that the fees named in the foregoing section are too high, they are hereby authorized to fix the fees of the county collector, for receiving and paying county money, at a less rate ; *provided* the same be so fixed before the election of any county collector to be affected thereby.

Part of former
act repealed.

SEC. 3. The twenty-eighth section of the act entitled, "An act to incorporate the chosen freeholders in the respective counties of this state," passed the thirteenth day of February, seventeen hundred and ninety-eight, is hereby repealed.

Act, when to
take effect.

SEC. 4. This act shall take effect as soon as it becomes a law.

Approved, April 3, 1845.

A supplement to "An act prescribing certain oaths," passed the twentieth day of February, seventeen hundred and ninety-nine.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows :*

Time of swear-
ing into office.

SEC. 1. If any justice of the peace, elected or to be elected under the present constitution, shall neglect or refuse to qualify into office for the period of two months after the date of his commission, his said election shall thenceforth be void.

Act, when to
take effect.

SEC. 2. This act shall take effect immediately.

Approved, April 4, 1845.

AN ACT to incorporate the Somerville Woollen Company.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. Luther R. Marsh, Luther Loomis, Allan Clarke, David Sanderson, Thomas A. Hartwell, and their associates and 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 Somerville Woollen Company," for the purpose of manufacturing woollen yarn and woollen cloths, satinets, and generally all articles manufactured from wool, at Somerville, on or near the Water-power, in the county of Somerset, in this state; by that name they and their successors shall be, and they are hereby made capable, in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever; and to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors, in their corporate name, shall be, and they are hereby made capable, in law, to purchase, receive, have, hold, and enjoy any lands, tenements, water-power, and water privileges, in the said township, upon, at, or near the said Somerville Water-power, together with any machinery, tools, goods, or chattels, and other real and personal estate necessary, useful, and proper for carrying on the business aforesaid, and the same to use and employ, grant, demise, pledge, convey, lease, and dispose of, as they shall deem proper; and to have, exercise, and enjoy all the rights, powers, and privileges pertaining to corporate bodies, and necessary for the purposes of their incorporation; *provided always*, none of the funds of the said corporation, or any part thereof, shall not be applied, used, or employed, at any time, in banking operations, or for any purpose or purposes inconsistent with the provisions of this act; and the said Luther R. Marsh, Luther Loomis, Allan Clarke, David Sanderson, Thomas A. Hartwell, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of the said company.

Names of incorporators.

Style of incorporation.

Restrictions.

SEC. 2. The capital stock of the said company shall not exceed one hundred thousand dollars, to be subscribed in shares of fifty dollars each; and as soon as five hundred shares of the said stock shall be subscribed, the individuals above named, or any three of them, may, by public notice published in one or both of the newspapers printed in the village of Somerville, for a period of not less than thirty days, call a meeting of the stockholders of the said company for an election of five directors.

Amount of capital stock.

Time and mode
of annual elec-
tion.

SEC. 3. 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; a majority of such directors and the president shall reside in this state, 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 on each share of the capital stock that 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 individuals above named, or any two 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 election.

Powers and du-
ties of directors.

SEC. 4. A majority of the directors of the said corporation shall constitute a board, and be competent to the transaction of all the business of the said corporation; and all questions before them shall be decided by a majority of votes; and they shall have power to appoint a secretary, and such other officers, clerks, and servants, as they shall deem expedient and proper for the well conducting and transacting their business; and they also shall have power, at such times as to them shall seem meet, to make and declare dividends of such part of the clear profits resulting from the business of the said corporation as they shall deem expedient; and shall have power to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, respecting the management and disposition of the stock, property, estate, and effects of the said corporation, the compensation of wages, and the duties, powers, and conduct of the officers and servants thereof, the election and meeting of directors, the transfer of shares, the management and conducting of the business of the said corporation, and all matters appertaining thereto, and such by-laws, rules, or regulations shall, at their discretion repeal, alter, or modify; *provided* they shall not be repugnant to the constitution or laws of this state or of the United States.

Corporation,
when to go into
operation.

SEC. 5. The said corporation shall not go into operation until twenty-five thousand dollars of the capital stock shall be first paid in gold and silver coin or current bank notes, and an affidavit thereof shall be made by a majority of the associates named in this act, and filed in the office of the secretary of state; 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 to prescribe, not exceeding ten dollars on each share for any one instalment, giving thirty days' notice, as aforesaid; and if any stockholder or stockholders shall neglect or refuse to pay his or their respective instalment or instalments on his or their respective share or shares, so called for as aforesaid, the stock of such stockholder so neglecting or refusing, and all previous payments thereon, shall be absolutely forfeited to the said company, for the use and benefit of the said company.

SEC. 6. The president and directors, with the treasurer and clerk, if such be, of the said company, shall, within thirty days after the payment of the last instalment of the capital stock, fixed and limited by said company, make a certificate, stating the amount of the capital so fixed and paid in, which certificate shall be signed and sworn to by the president, treasurer, and clerk, and a majority of the directors; and they shall, within the said thirty days, cause the same to be recorded in the record of deeds for the county wherein this manufactory is established.

Certificate of amount of capital paid in to be made.

SEC. 7. The stock and property of the said company, of whatever nature or kind the same may be, shall be deemed personal property, and shall be transferable on the books of the said company, in such manner as shall be prescribed by the by-laws of the said corporation.

Stock personal estate.

SEC. 8. If any of the said officers shall refuse or neglect to perform the duties required of them in the sixth section, 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.

Penalty for neglect of duty.

SEC. 9. 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 be subject at all times to the inspection of the stockholders of the company.

Books to be open to inspection of stockholders.

SEC. 10. All the stockholders of this company shall be jointly and severally liable for all debts and contracts made by said company, until fifty thousand dollars of the capital stock shall have been paid in or satisfactorily secured.

Stockholders liable for debts of company.

SEC. 11. The said company may be dissolved at a general meeting of the stockholders, specially summoned for that purpose; *provided* at least three-fourths in value of the stockholders shall be present or represented therein, and shall vote in favour of such dissolution; and upon such dissolution, the directors for the time being, and the survivor and survivors of them, shall be trustees for settling all the affairs

Company, how dissolved.

of said company, disposing of its effects, recovering, 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 meetings, shall appoint other persons, not less than three, nor more than five in number, for such purpose, in which case the persons so appointed, the survivor or survivors of them, shall be trustee and trustees for the purpose aforesaid; *provided* no part of the capital stock shall be withdrawn or refunded to the stockholders, at the time of its dissolution, until all debts and liabilities of the company are fully paid; and in case of any violation of the provision of this section, the president, directors, and stockholders of this corporation shall be personally liable, in their own estate, jointly and severally, for all debts previously contracted and due from said company.

Election for directors.

SEC. 12. 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 elections 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, by ballot, determine which of such stockholders shall be director or 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 office or their offices until the next annual election.

Corporation not dissolved for failure to elect on day prescribed.

SEC. 13. In case it should happen that an election for directors should not be held or made on the day that pursuant to this act it ought to have been held and made, the corporation shall not for that cause be deemed 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.

SEC. 14. 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, April 3, 1845.

AN ACT to amend the several statutes of this state which refer to, or mention the Legislative Council.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. All acts and parts of acts, passed before the adoption of the present constitution, and which still remain in force in other respects, in which the Legislative Council or the Council is spoken of, shall be, and the same are hereby modified and amended, by substituting "the Senate" for "the Council;" and such acts and parts of acts shall have the like effect as if re-enacted in the form in which the same are hereby amended.

Former acts modified.

SEC. 2. This act shall take effect immediately.

Act, when to take effect.

Approved, April 4, 1845.

AN ACT for the protection of clams in the county of Atlantic.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

It shall not be lawful for any person or persons to sell, or offer for sale, by the bushel or otherwise, in any part of the county of Atlantic, 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 any person or persons shall so sell, or offer for sale, any such clams, four hundred of which will not make a bushel, in any part of the county of Atlantic, 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; and this act shall take effect immediately after it becomes a law.

Penalty for selling clams under certain size.

Approved, April 4, 1845.

AN ACT to regulate the election of justices of the peace in the city of Newark, and supplementary to "An act further to regulate the proceedings of the annual town and ward meetings."

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Made by election
of justices of the
peace.

SEC. 1. The election of justices of the peace in the several wards in the city of Newark, shall be under the direction of the same board of election and clerk, and shall open and close at the same hours as are prescribed in relation to the annual ward elections, by "An act to incorporate the city of Newark," passed the twenty-ninth day of February, eighteen hundred and thirty-six; anything in the eleventh section of the act to which this is a supplement to the contrary notwithstanding; and the officers of said election shall be eligible to any office to be voted for at such election, except that of justice of the peace.

Statements of
result.

SEC. 2. The statements of the result of the election for justices of the peace shall be separate and distinct from the certificates of the result of the election as to the other officers voted for at such ward election.

Act, when to
take effect.

SEC. 3. This act shall go into effect immediately.

Approved, April 4, 1845.

AN ACT to regulate the state library.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Election of li-
brarian.

SEC. 1. 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 take an oath for the faithful discharge of the duties of his office, which shall be filed in the office of the secretary of state; the first appointment by virtue of this act shall be made at the expiration of the term of the present librarian.

SEC. 2. 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, 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.

Library, when
to be opened,
&c.

SEC. 3. 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.

Fines, &c., how
collected.

SEC. 4. 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.

Catalogue of
books to be
made.

SEC. 5. There shall be expended, annually, 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

Amount of money to be annually expended.

increase of the state library; out of this fund they 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.

SEC. 6. 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.

Librarian to have charge of certain legislative papers.

SEC. 7. The librarian shall be allowed for his services the sum of two dollars for any 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 of librarian.

SEC. 8. 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 condition of library.

SEC. 9. This act shall go into effect immediately.

Approved, April 4, 1845.

Act, when to take effect.

AN ACT to incorporate the city of New Brunswick.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. The limits and boundaries of the said city of New Brunswick shall, from henceforth and in all time to come, be as follows, that is to say: beginning on the Raritan river, where Lawrence's brook empties into the same; thence running up said brook, following the several courses thereof, to the mouth of Cornell's brook, and where the said Cornell's brook falls into the said Lawrence's brook; thence running up Cornell's brook, following the several courses thereof, to George's road; thence on a straight line to the most westerly corner of a plantation formerly of Hermanus Cortleyou, now of John T. Hagerman, on the Franklin and Georgetown turnpike road; thence eastwardly along said turnpike road, on the north side thereof, to a brook known by the name of the Mile run; thence down said brook, as it runs, to the Raritan river; thence crossing the same on a straight line, continuing the last course of the Mile run, to high water mark, on the north side of the said river; thence down said river, on the north side thereof, by high water mark aforesaid, the several courses of the same, to a point opposite to the mouth of said Lawrence's brook; thence crossing the said river on a straight line to the place of beginning.

Boundaries of city.

SEC. 2. There shall henceforth be in the said city a mayor, who shall be keeper of the common seal; a recorder, who, besides the office of recorder, shall, in case of the absence, death, or disability of the mayor, have, hold, use, and execute the several duties annexed to the mayoralty, and every of them, during such absence or disability; three aldermen, six common councilmen, and one town clerk; which mayor, recorder, aldermen, and common councilmen shall be one body politic and corporate, in deed, fact, and name, by the name, style, and title of "the Mayor, Recorder, Aldermen, and Common Councilmen of the city of New Brunswick;" and, by that name, they and their successors for ever hereafter shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever; and they and their successors may have a common seal, and use the same at their pleasure, and also, by their corporate name aforesaid, shall be in law capable of purchasing and holding and conveying any estate, real or personal, for the public use of the

City officers incorporated.

Style of incorporation and powers.

said corporation; a majority of the said mayor, recorder, aldermen, and common councilmen shall constitute a common council; and, in the absence of the said mayor and recorder, the said common council may elect or appoint a presiding officer pro tempore, who, during the time he presides, shall be fully vested with the power and authority of the mayor, for the transaction of all the business of such meeting; *provided always*, no by-laws nor ordinances of the said common council shall pass without the concurrence of at least six votes.

Time and mode
of election of
officers.

SEC. 3. It shall and may be lawful for such of the inhabitants of said city of New Brunswick, as are by law qualified to vote for representatives in the General Assembly of this state, to assemble at the city hall, in the said city, on the second Monday in May next, and on the second Monday in May yearly and every year thereafter, and there and then, by ballot and by a plurality of votes, to elect a mayor, recorder, three aldermen, and six common councilmen, a town clerk and city marshal, to hold their respective offices for one year and until their successors are elected and sworn into office; the time of opening and closing the poll at said election, and the mode and manner of conducting the same, shall be prescribed by an ordinance of common council; *provided*, that the poll shall be opened as soon as twelve o'clock at noon, and not closed before seven o'clock in the afternoon.

Vacancy, how
supplied.

SEC. 4. In case of a vacancy in either of the offices of mayor, recorder, aldermen, or common councilmen, the common council may, at their discretion, order a new election to fill such vacancy, at such time and place as they may see proper, giving at least ten days' notice thereof; which election shall be conducted in the same manner as the regular election; and in case of a vacancy in either of the offices of town clerk or city marshal, the common council shall and may appoint a town clerk or city marshal pro tempore.

Officers to take
oath.

SEC. 5. The aforesaid officers shall, before entering upon the duties of their respective offices, and within thirty days after their election, take and subscribe an oath or affirmation for the faithful discharge and execution of the duties of their respective offices, or in default thereof, his or their election, as the case may be, shall be deemed void and of none effect, and a new election may be ordered by the mayor for the time being to supply such vacancy or vacancies; the said oath or affirmation, or any oath or affirmation required under this act, may be administered by any officer authorized to administer an oath by the laws of this state; and besides the oath required of the city marshal, he shall, before he enters upon the duties of his office, and within the said thirty days after his election, enter into a bond to the mayor, recorder, aldermen, and com-

Marshal to give
bond.

mon councilmen of the city of New Brunswick, with one or more sureties, to be approved of by the said common council, in such sum as they may direct, conditioned for the true and faithful performance of all the duties of his said office of said city marshal; and if he neglect or refuse to enter into said bond within the said period of thirty days, then his said election shall be deemed void and of none effect, and a new election shall be ordered and held, to supply the vacancy, in the same manner as is prescribed in the case of the other officers before mentioned.

SEC. 6. The said common council shall and may pass, seal with the common seal, and publish such by-laws and ordinances, not repugnant to the laws of this state or of the United States, as they may consider calculated to promote the welfare, good government, health, and prosperity of the said city of New Brunswick, and the inhabitants thereof, and the same to put into execution, revoke, alter, amend, and make anew, as to them, in their discretion, may appear necessary and proper, which by-laws and ordinances shall be published in one or more of the public newspapers of the said city, within twenty days after the passage thereof, for the general information of the said inhabitants.

Common council to make by-laws, &c.

SEC. 7. The said common council shall and may make and appoint a city treasurer, clerk of the market, assessor, collector, and such other subordinate officers as to them may seem proper and necessary for the good government and welfare of the said city; all the officers of the said corporation, except those elected by the people, shall hold their offices during the pleasure of common council, and shall give such security for the faithful performance of the duties thereof, to the mayor, recorder, aldermen, and common councilmen of the city of New Brunswick, as they may order and direct.

To appoint certain officers.

SEC. 8. It shall and may be lawful for the common council of the said city, to make and establish ordinances and regulations for the levelling, grading, regulating, paving, flagging, or gravelling of the streets and side-walks of the said city; to require the work to be done by the owners or occupants of lots fronting or adjoining such streets, and to be superintended by the city paver, who, under the direction of common council, shall prescribe the manner in which such work shall be done; if the owner or legal representative or guardian of the owner of any lot in front whereof the street or walk shall, by such ordinance or regulation, be directed to be levelled, paved, graded, regulated, flagged, or gravelled, shall neglect to comply with such ordinance or regulation, within two months after the passage and publication of the same, it shall be lawful for the common council to cause the work to be done, agree-

Authorized to pave side-walks

ably to the ordinance, for such person so neglecting, and to cause a particular statement and account of the expenses of the said work to be rendered to them, and recorded in their minutes and properly filed; if the said account be approved and allowed by common council, or if any amount be allowed by them for the performance of said work, they shall cause an advertisement to be inserted in the public papers printed in New Brunswick, for one month, stating the amount allowed and approved of for the performance of the work, and requiring the owner or legal representative, or guardian of the owner, as the case may be, to pay the same to the treasurer of the said city at a certain time and place, and also appointing a certain time and place where such lot will be sold at public auction, if default be made in such payment, for the lowest term of years at which any person shall offer to take the same, in consideration of paying the amount due as aforesaid; and if, notwithstanding such notice and demand, the owner or owners of such lot or lots, or the legal representative of such owner or owners, shall neglect to pay the amount due as aforesaid, with the costs and charges thereof, and the costs of the advertisement, it shall be lawful for the said common council to cause the said lots to be sold at public auction for a term of years, at the time, for the purpose, and in the manner expressed in the advertisement, and to give a declaration of such sale to the purchaser or purchasers thereof; his or their executors, administrators, or assigns; and he or they shall, by virtue thereof, and of this act, lawfully hold and enjoy the same, for his and their own proper use, against the owner or owners, and all claiming under him or them, until his time therein shall be complete and ended, and be at liberty to remove all the buildings and materials which he or they may erect or place thereon; *provided nevertheless*, that in case the owner or owners, or the representative or guardian of such owner or owners, be a non-resident or non-residents of the counties of Middlesex and Somerset, he or they shall have due written notice of the passage or enactment of the ordinance requiring said work to be done, which said written notice shall be served personally, or sent by mail, directed to the said person or persons, within thirty days after the passage of such ordinance; and proof of having put the said written notice in the post office at New Brunswick, directed to such person or persons, at his or their most usual place of abode, shall be deemed and taken as full proof of the service of such notice; and in case of neglect as aforesaid, and the performance of the work by common council, the said common council may, instead of the remedy aforesaid, sue for and recover the amount paid by them for the work aforesaid, from the owner or owners of such lot or lots, or his or their legal representative, with inter-

est and costs, in any court in this state having cognizance thereof, in an action on the case, for so much money by them paid, laid out, and expended, to and for the use of such owner or owners, or his or their legal representative; and in any such action, the proof of the amount paid by the common council shall be conclusive evidence, for the plaintiffs, of the amount due.

SEC. 9. It shall and may be lawful for the tenant of any lot, or house and lot, within the said city, upon the neglect or refusal of the owner or owners thereof, to cause the side-walks, or the said street in front thereof, to be levelled, paved, graded, flagged, or gravelled, in obedience to an ordinance or regulation, and to deduct the charges and expenses thereof out of his rent; *provided* nothing in this act shall affect any contract or agreement made, or to be made, between landlord and tenant, respecting such charges and expenses.

Tenant may have side-walks paved, &c.

SEC. 10. It shall and may be lawful for the inhabitants of the said city of New Brunswick, who are entitled to vote at their annual town meeting, to vote such a sum or sums of money, as they may think necessary to be raised for the ensuing year, for the expenses of the said city; which sum or sums shall be assessed upon the inhabitants of said city by the assessor, agreeably to the laws and regulations to be made by the common council of the said city for that purpose, and collected by the collector, at such time, and be paid and disposed of in such manner, as the common council shall direct; and if no sum, or an insufficient sum, shall then be voted to be raised, and the interest of the city require it, the common council are hereby authorized to call a meeting of the said inhabitants so entitled to vote, by advertisement or otherwise, giving at least ten days' notice, and to propose to them the sum, in their opinion, necessary to be raised; and whatever sum the said inhabitants shall, by plurality of voices, vote to be raised, shall be assessed and collected, paid and disposed of, in manner aforesaid; *provided*, that every person in said city who may think him or herself aggrieved by any fine, penalty, or assessment, imposed on them in virtue of this act, may appeal to the common council, who are hereby required to hear his or her cause of complaint, and to do therein what to them may appear just and equitable.

City expenses, how assessed and collected.

Provided.

SEC. 11. The mayor, recorder, aldermen, and common councilmen of the city of New Brunswick shall and may make, limit, and impose and tax reasonable fines and amercements against all, and upon persons who shall offend against the laws, ordinances, and regulations of the said common council; and the said mayor, recorder, or either of the said aldermen, is hereby constituted a court of record to take cogni-

Corporation may impose fines, &c.

zance of all offences against such by-laws and ordinances, and punish all offenders against the same, by fine, not exceeding fifty dollars, and imprisonment in the jail of the county of Middlesex, not exceeding six days, together with the costs of conviction; and it shall and may be lawful for the said mayor, recorder, or either of the said aldermen, upon complaint, made on oath, of an offence committed against the said by-laws and ordinances, to issue his warrant to the marshal, or other proper officer, commanding him, in case such offender or offenders be sentenced to imprisonment, to convey him to the jail of the said county of Middlesex, there to remain until the term of imprisonment shall have expired, and from thence until the costs of prosecution shall be paid; and in case the offender or offenders shall be adjudged to pay a fine, then it shall and may be lawful for the said mayor, recorder, or either of the said aldermen, before whom such conviction may be had, to issue an execution to said marshal, or other proper officer, commanding him to levy and make such fine and costs of the goods and chattels of the offender or offenders, and for want of goods and chattels, to take and convey such offender or offenders to said jail, there to remain until such fine and costs shall be paid, and the said marshal is hereby required to execute the process aforesaid; *provided always*, that any person convicted of a breach of any by-law or ordinance, may appeal to the common council, upon such terms and conditions as said common council may by ordinance impose, but such appeal shall be brought within thirty days after conviction.

Actions, how
brought and
prosecuted.

SEC. 12. All actions to be brought for the recovery of any penalty or penalties created or imposed by any by-law or ordinance made and passed, or that hereafter may be made and passed by the said common council, may be brought and prosecuted in the name of "the treasurer of the city of New Brunswick," without specifying the individual name of the treasurer of the said city for the time being; and the books of records of the ordinances and by-laws of the said common council shall be taken and received as evidence of the due passage of all ordinances and by-laws recorded therein; and the publication, by authority of common council, of their ordinances and by-laws in a volume or pamphlet form, shall, in like manner, be taken and received in evidence of the due passage thereof; and the publication of the said ordinances and by-laws in one or more of the public newspapers of the said city, according to law, shall in all cases be presumed to have been done, until the contrary shall be proved.

Inhabitants not
incompetent
witnesses.

SEC. 13. Upon the trial of any issue, or upon the judicial investigation of any fact, to which issue or investigation the said common council are a party, or in which they are inter-

ested, no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant or freeholder of said city; and if any person be sued or impleaded by reason of anything done by virtue of this act, such person may plead the general issue, and give this act and the special matter in evidence at the trial.

SEC. 14. There shall be three justices of the peace for the said city, who shall be elected at the time and in the manner herein provided for the election of the members of common council, who shall be commissioned in the same manner and for the same term of office, from and after the day of their election, as justices of the peace throughout this state are or shall be commissioned, and who shall have the like power and jurisdiction within the bounds of the said city as the said justices shall have in their respective counties, and be amenable in like manner; the courts held by such justices shall be courts of record; and the said justices of the peace shall have full power to keep, and cause to be kept, all laws or ordinances made or to be made for the conservation of the peace, and for the good government of the citizens and inhabitants of this state, within the said city of New Brunswick, according to the force, form, and effect of the same laws or ordinances, and to cause to come before them, or any of them, all persons who, within said city, shall break the peace, or have used or shall use threats to any of the citizens or inhabitants of this state, concerning his or her body, or the firing his or her house or other building, or who are not of good fame when they are fined, to enter into recognizance with sufficient surety for the peace, or their good behaviour towards the people and inhabitants of this state; and if they enter not into such recognizance, then to cause them to be safely kept in prison until they do the same, and further to do, perform, and execute all such matters, acts, and things as by law appertain to their offices respectively, and are or shall be enjoined upon them and committed to their charge and execution; and all recognizances taken before any of the said justices by virtue of this act, may be sent to the court of general quarter-sessions of the county of Middlesex or Somerset, as the case may be, according to the territorial jurisdiction of the said respective courts, to the end that the said recognizance may be prosecuted to judgment and execution, if need be.

Justices of the peace, their powers and duties.

SEC. 15. The marshal and assistant marshals of the city of New Brunswick shall be ministerial officers, and shall and may execute all process of the said courts according to law.

Marshal and assistants.

SEC. 16. The common council shall have the sole and exclusive power of licensing all and every innkeeper and tavern-keeper residing within the bounds of the said city, subject to

Common council to license innkeepers.

the same provisions, restrictions, and regulations, and in like manner, as the said licenses now are or may at any time hereafter be granted by the laws of this state.

Former acts re-
pealed.

Proviso.

SEC. 17. The act entitled, "An act to alter and amend the charter of the city of New Brunswick," passed the seventh day of March, eighteen hundred and forty-four, and every other act heretofore passed incorporating the said city of New Brunswick, and supplementary thereto, be, and the same are hereby repealed; *provided*, that this repealing clause shall in no wise be considered to repeal any ordinance, by-law, or regulation, or any other legal act heretofore passed, made, or done by the common council, and not repugnant to this act; but all such by-laws and ordinances shall be and remain in full force until revoked, altered, or amended by the common council, and may be executed and carried into full force and operation, or to affect the right, title, and interest of the said city to or in any property, claim, or demand, had and held under and by virtue of the act or acts herein repealed, but that the same shall be in the same manner vested in and held by the said city, under and by virtue of this present act of incorporation; and that the present mayor, recorder, aldermen, and common councilmen, with the officers by them appointed, together with the marshal, shall continue in and hold their respective offices according to the tenure of their appointments.

Act may be re-
pealed.

SEC. 18. It shall and may be lawful for the legislature, at any time hereafter, to alter, modify, or repeal this act, whenever in their opinion the public good shall require it.

Act, when to
take effect.

SEC. 19. This act shall take effect immediately after it becomes a law, and shall be deemed and taken to be a public act, and, as such, be taken notice of by all courts of justice within this state.

Approved, April 4, 1845.

A supplement to the act entitled, "An act to enable the owners and possessors of flowed lands on the Passaic river, and its branches, between the mill-dam at Chatham and Horse-neck bridge, in the counties of Essex and Morris, and also certain owners and possessors of lands lying in the Long meadows, in the township of Caldwell, in the county of Essex, to dig a canal or ditch from the said mill-dam at Pine brook, in a direct course, to intersect the river again near the Deepavaal bridge, to drain said lands, by diverting a part of the waters of said river from their present channel."

WHEREAS a doubt has arisen whether it be not the duty of the managers, appointed under and by virtue of the first section of the act to which this is a supplement, to proceed to perform the duties devolved upon them by said act, without reference to the wishes of the owners and possessors of said lands, hereafter to be expressed—therefore,

Preamble.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

The said managers, so elected as aforesaid, be hereafter, and at all times, subject to the order and control of a plurality of the owners and possessors of said lands; the said owners and possessors voting, in all respects in regard to such future order and control, in the manner specified in the first section of the act to which this is a supplement.

Managers to be subject to control of owners.

Approved, April 4, 1845.

AN ACT to authorize the inhabitants of the several townships in the county of Morris, to vote by ballot at their town meetings.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. The inhabitants of the several townships of the county of Morris, that do not now vote by ballot, who are or shall be entitled to vote at town meetings to be hereafter held,

Townships not voting by ballot authorized to vote for certain officers.

shall, at the same time that they vote for justices of the peace, and on the same ballot, and not otherwise, vote for one clerk, one assessor; one collector, three commissioners of appeal, two chosen freeholders, two surveyors of the highways, one overseer of the poor, as many constables as they elect justices of the peace, a school committee, to consist of three persons, one judge of election, and a township committee, to consist of five persons.

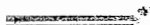
To decide on
mode of elec-
tion.

SEC. 2. It shall be lawful for each and every township, at their annual town meeting, to decide whether they will elect township officers, overseers of the highways, and pound-keepers by ballot or viva voce, which shall be entered on the minutes of the town meeting, and shall not be changed the ensuing year.

Act, when to
take effect.

SEC. 3. This act shall go into effect immediately.

Approved, April 4, 1845.



AN ACT to provide for the support of the government of this state, and to fix the salaries of public officers.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Salaries of cer-
tain officers.

SEC. 1. The several herein after named public officers of this state, for the time being, shall, respectively, be entitled to receive the annual salaries herein after mentioned, that is to say:

The governor of this state, at the rate of sixteen hundred dollars by the year.

The chancellor, at the rate of eighteen hundred dollars by the year.

The chief justice of the supreme court, at the rate of fifteen hundred dollars by the year.

Each of the associate justices of the supreme court, at the rate of fourteen hundred dollars by the year.

The treasurer, at the rate of one thousand dollars by the year.

The law reporter and chancery reporter, at the rate of two hundred dollars, each, by the year.

The attorney general, at the rate of eighty dollars by the year.

The quartermaster general, at the rate of one hundred dollars by the year.

The adjutant general, at the rate of one hundred dollars by the year.

All of which salaries shall be paid, quarterly, to the several officers before mentioned, their executors, administrators, or assigns, on warrants produced to the treasurer, signed by the governor or president of the Senate, for the salaries of the said officers, other than the governor, and signed by the president of the Senate, or the speaker of the House of Assembly, for the salary of the governor; and the salary of the treasurer may be retained by him, in quarterly payments, on such warrants of the governor or president of the Senate; and in case any of the said officers shall be removed from office, by death or otherwise, the salary of such officer shall cease and determine on such removal.

Salaries, how paid.

SEC. 2. The said salaries shall commence as follows, that is to say:

For the governor, on and from the third Tuesday of January next ensuing his election by the people.

Time of commencement of salaries.

For the other officers herein before mentioned, from the dates of their respective commissions; but the salaries of such of the said officers as were appointed previous to the adoption of the present constitution, shall commence from the time of the falling due of the last quarterly or yearly payment due to such officers, respectively, under the "Act for the support of the government of this state," passed the eighth day of November, eighteen hundred and forty-three.

SEC. 3. The president of the Senate and the speaker of the House of Assembly shall, each, be entitled to receive the sum of four dollars, and each member of the Senate and Assembly shall be entitled to receive three dollars, for each of the first forty days, from the commencement of the session, they have attended, or shall attend, the sitting of their respective houses; and the president of the Senate and the speaker of the House of Assembly shall, each, be entitled to receive two dollars, and each member of the Senate and Assembly shall be entitled to receive one dollar and fifty cents, for every day of such attendance for the remainder of such session, after the first forty days; they shall also be allowed, once in each sitting, the sum of one dollar for every ten miles they have travelled, or shall travel, in going to and returning from their place of meeting, by the most usual route.

Pay of members of legislature.

SEC. 4. When the legislature shall be convened in extra session by the governor, the president of the Senate, the speaker of the House of Assembly, and each member of the Senate

Extra sessions.

and Assembly, shall be entitled to receive, for every day of their attendance at such session, the sums allowed to them, respectively, by the preceding section, for the first forty days of the ordinary session, and also such mileage as aforesaid.

Members of legislature, how paid.

SEC. 5. The sum due to each member of the Senate and General Assembly, as aforesaid, shall be paid to him by the treasurer, upon a certificate, to be produced to the treasurer, expressing the sum due and the number of days and miles, signed by the president of the Senate for the members of the Senate, and by the speaker of the House of Assembly, or by any two members named by him, for the members of the Assembly; when the session for which such sums shall become due shall be an extra session, called by the governor, the same shall be set forth in such certificate.

Pay of secretary of Senate and clerk of House of Assembly.

SEC. 6. There shall be allowed to the secretary of the Senate and to the clerk of the House of Assembly the sum of three dollars and fifty cents, each, for every day they shall attend the sitting of such house, whether convened in ordinary or extra session; and the sum of eight cents, by the sheet of one hundred words, for entering the minutes of the Senate and the General Assembly, respectively, and of the joint meeting, in the respective journals, and eight cents, by the sheet, for the respective copies thereof, for the printers; the amount due to them, respectively, shall be paid by the treasurer, on a certificate, produced to him, expressing the sum due, the number of days, and the number of sheets in the journal, signed by the president of the Senate, for the secretary of the Senate, and by the speaker of the House of Assembly, for the clerk of the House of Assembly.

Pay of sergeant-at-arms and doorkeeper.

SEC. 7. There shall be allowed to the sergeant-at-arms of the Senate, or to any person or persons acting in that capacity, and to the doorkeeper of the House of Assembly, for the time being, the sum of two dollars for each day's attendance on the sitting of the respective houses; and the like sum to the sergeant-at-arms of the House of Assembly, or any person or persons acting in that capacity, whenever any person or persons, other than the doorkeeper, are appointed by said house to act in that capacity; and the sergeant-at-arms of the Senate and the doorkeeper of the House of Assembly shall be allowed seventy-five cents a day, each, for the compensation of an assistant, to be employed by them; which sums shall be paid to such officers, respectively, on a certificate, to be produced to the treasurer, expressing the sum due and the number of days of attendance, signed by the president of the Senate and the speaker of the House of Assembly, respectively.

SEC. 8. There shall be paid to the engrossing clerk or clerks

of the Senate and the General Assembly, who shall engross the bills of said houses, respectively, at the rate of eight cents by the sheet of one hundred words, on a certificate, to be produced to the treasurer, expressing the number of sheets and the amount, signed by the president of the Senate and the speaker of the General Assembly, respectively.

Engrossing clerk.

SEC. 9. The restriction of the pay of members of the legislature, after the first forty days of the session, contained in the third section of this act, does not apply to the present legislature.

Restriction of pay, not to apply to present legislature.

SEC. 10. This act shall go into effect immediately after it becomes a law.

Act, when to take effect.

Approved, April 4, 1845.

A supplement to the act entitled, "An act to provide for the support of the government of this state, and to fix the salaries of public officers."

WHEREAS an act has passed the legislature, authorizing the sale of the government house and lot, for which the governor has heretofore received a yearly rent of two hundred dollars, as one of the perquisites of his office—therefore,

Preamble.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows :

SEC. 1. If the said house and lot should be sold, pursuant to said law, then the governor shall be entitled to receive, in lieu of said rent, from the treasurer of the state, the sum of two hundred dollars, yearly, in addition to the salary otherwise provided, and payable at the same time and in the same manner.

Additional salary of governor.

SEC. 2. The secretary of state shall be entitled to receive the sum of two hundred dollars, annually, for the performance of the duties of auditor of accounts, as provided by the constitution, and the salary of the auditor of accounts shall commence and take effect on and after the fourteenth day of January last.

Compensation of auditor of accounts.

SEC. 3. This act shall take effect immediately after it becomes a law.

Act, when to take effect.

Approved, April 4, 1845.

A supplement to an act entitled, "An act ascertaining the duties of commissioners of appeal in cases of taxation," passed the fourth of November, seventeen hundred and ninety-seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Time of meeting changed.

The eighth section of the act to which this is a supplement, which requires the commissioners of appeal in cases of excessive taxation to convene on the second Tuesday of November, shall be so changed as to require them hereafter to convene on the fourth Tuesday of November.

Approved, April 4, 1845.

A supplement to the act entitled, "An act to establish public schools," passed the first day of March, eighteen hundred and thirty-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Duties of superintendent.

SEC. 1. There shall be appointed, by the trustees of the school fund, a superintendent of public schools, whose duty it shall be to visit every township in the counties of Essex and Passaic, at least once in each year, to examine, as far as practicable, the schools, and to communicate with the school committees thereof, and on or before the first day of January, in each and every year, to make a written report to the trustees of the school fund, embracing a full statement of his proceedings during the year, together with such suggestions in relation to education as he shall deem important; he shall also transmit to the trustees of the school fund all reports of the school committees of the respective townships, which shall be made to him in conformity with the provisions of this act; he shall, on the first day of May, in each and every year, or within two weeks thereafter, transmit to the board of chosen freeholders of each of the aforesaid counties, and as many other counties as may choose to come under the provisions of this act, a list of the townships in said counties from which reports have been received according to law; he shall cause to be trans-

mitted to the school committees of the respective townships of the counties aforesaid, forms and regulations prepared and adopted by the trustees of the school fund, in conformity to the provisions of the fourteenth section of the act to which this is a supplement; he shall, by public lectures and other suitable measures, labour to elevate the condition of the schools, and to advance the cause of education generally; and shall perform such other services in this behalf as shall be required of him by the trustees of the school fund; and, as a compensation for the faithful performance of the services herein prescribed, he shall receive the sum of three dollars per day for every day he shall have spent in such service, to be paid by the board of chosen freeholders of the several counties which shall come under the provisions of this act, in the same proportion or ratio as the school fund shall be apportioned to them by the trustees of said fund.

Compensation.

SEC. 2. The annual reports of the school committees of the respective townships in the counties aforesaid, directed and prescribed to be made in the thirteenth section of the act to which this is a supplement, shall hereafter be transmitted to the superintendent of public schools aforesaid; and if the school committee of any township shall fail to transmit to said superintendent the report so directed to be made in any year, such township shall not be entitled to receive any portion of the moneys distributed out of the annual income of the school fund for the support of public schools, until such report shall have been made agreeably to the provisions of this act.

Reports to be made to superintendent.

SEC. 3. It shall be the duty of the trustees of the several school districts, to employ no teacher or teachers who shall not first produce a certificate of license, signed by a majority of the county board of examiners, or by the school committee of the townships where such school is to be taught.

Teachers to be licensed.

SEC. 4. All moneys received from the state school fund shall be applied to purposes of education.

Money, how appropriated.

SEC. 5. Any county in this state, not recognized by the first section of this act, and which may be desirous to come under the provisions of the same, and which shall so signify by their board of chosen freeholders, shall first give notice to the trustees of the school fund of such intent; and, upon and after the receipt of such signification by the secretary of state, the provisions of this act shall apply to, and extend to such county.

Provisions of act extended to other counties.

SEC. 6. All the provisions of the act to which this is a supplement as are inconsistent with the provisions of this act, are hereby repealed.

Part of former act repealed.

SEC. 7. This act shall go into effect immediately.

Act, when to take effect.

Approved, April 4, 1845.

A further supplement to the act entitled, "An act respecting conveyances," and to an act entitled, "An act to register mortgages," passed the twenty-seventh day of December, eighteen hundred and twenty-six.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Appointment of additional commissioners authorized.

SEC. 1. The governor of the state is hereby authorized to name, appoint, and commission two additional commissioners in the state of New York; which commissioners shall have the same power and authority as is now granted to commissioners appointed under and by virtue of the first section of an act entitled, "A further supplement to the act respecting conveyances," and to an act entitled, "An act to register mortgages," passed the twenty-seventh day of December, eighteen hundred and twenty-six.

SEC. 2. This act shall take effect immediately.

Approved, April 4, 1845.

Approved by the Senate and General Assembly of the State of New Jersey, as follows:

AN ACT to regulate the election of justices of the peace in Jersey City, and supplementary to "An act further to regulate the proceedings of the annual town and ward meetings."

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Elections of justices of the peace, how conducted.

SEC. 1. The election of justices of the peace in Jersey City shall be under the direction of the same board of election and clerk, and shall open and close at the same hours, as are prescribed by "An act to incorporate Jersey City," passed the twenty-second day of February, eighteen hundred and thirty-eight, anything in the eleventh section of the act to which this is a supplement to the contrary notwithstanding; and the officers of said election shall be eligible to any office to be voted for at such election, except that of justice of the peace.

SEC. 2. The statements of the result of the election for jus-

tices of the peace shall be separate and distinct from the certificates of the result of the election, as to the other officers voted for at such election.

SEC. 3. This act shall go into effect immediately.

Act, when to
take effect.

Approved, April 4, 1845.

AN ACT to incorporate the Perth Amboy Steamboat Company.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows :*

SEC. 1. Alexander Bruen, Joel Smith, William Berry, Henry Monee, Henry Cole, Augustus Coddington, and John Manning, and all such persons as may become members or partners of an association, to be called and known by the name of the Perth Amboy Steamboat Company, and their successors, are hereby made and declared to be a corporation and body politic, by the name of "the Perth Amboy Steamboat Company;" and, by that name, may have continual 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.

Names of corpor-
ators.

Style of incor-
poration.
General pow-
ers.

SEC. 2. The capital stock of said corporation shall not exceed seventy-five thousand dollars, which shall be divided into shares of twenty-five dollars each; and the said capital stock shall be employed in running one or more steamboats from Perth Amboy, in the county of Middlesex, to New York and elsewhere, and shall 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 the said capital stock shall be deemed personal estate, and shall be assignable and transferable upon the books of the said corpo-

Amount of capi-
tal stock.

ration, agreeably to the by-laws for that purpose to be made and adopted.

First directors. SEC. 3. Alexander Bruen, Joel Smith, William Berry, Henry Monee, Henry Cole, Augustus Coddington, and John Manning shall be the directors of the said corporation, from the time this act becomes a law 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 powers by this act granted to said corporation, and to allow such compensation as shall be agreed upon, and, if they judge it necessary, to exact and take from their officers and agents bonds for the proper and faithful execution of their several duties and trusts; to and for the faithful performance of their several contracts; 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.

When corporation may commence business. SEC. 4. As soon as the sum of ten 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, and shall be filed in the office of the secretary of state, it shall be lawful for the said company to commence their said business, and with that capital conduct and carry it on until they shall deem it expedient to extend their operations and capital, which they are hereby authorized to do, from time to time, not to exceed in the whole the sum of seventy-five thousand dollars.

Directors to open books of subscription. SEC. 5. The board of directors for the time being 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 ten 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 the sum of ten 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 thirty days' notice of the time and place appointed for the payment of each instalment shall be pub-

lished in one or more newspapers published in the county of Middlesex.

SEC. 6. 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 directors, and in all other cases, each share shall be entitled to one vote; should a vacancy occur at any time in the board of directors, the place shall be supplied by the remaining directors until the next annual election; the first election for directors under this charter shall be held at Perth Amboy, on the first Monday of May next, ten days' notice being first given thereof, in a newspaper published in the county of Middlesex, and the stockholders, when met, to 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.

Time and mode of annual election.

SEC. 7. 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 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.

Powers and duties of directors.

SEC. 8. 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.

Corporation not dissolved for failure to elect on day prescribed.

SEC. 9. The said corporation shall not use or employ any part of the capital stock or other funds for banking or other

Restriction.

purposes, not clearly indicated in this act, under the penalty of an immediate forfeiture of their charter.

Limitation.

SEC. 10. It shall be lawful for the legislature, at any time hereafter, to alter, amend, modify, or repeal this act; and this act shall not continue in operation longer than twenty years.

Approved, April 4, 1845.



A supplement to "An act to regulate elections," passed the twelfth day of March, eighteen hundred and thirty-nine.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Qualifications
of voters.

SEC. 1. Every white male citizen of the United States, of the age of twenty-one years, or upwards, (other than such as are herein after excepted) who shall have been a resident of this state one year, and of the county in which he claims his vote five months, next before the election, is entitled to vote in the township in which he actually resides, and not elsewhere, for all officers that now are, or hereafter may be elective by the people; and no other person shall have a right to vote at any election which shall be held under this act, or that to which it is a supplement.

Paupers, &c.,
not entitled to
vote.

SEC. 2. No pauper, idiot, or insane person shall be entitled to the right of an elector at any such election.

Persons con-
victed of certain
crimes not enti-
tled to vote.

SEC. 3. No person who shall have been convicted, at any time previous to an election, of blasphemy, treason, murder, piracy, arson, rape, sodomy, or the infamous crime against nature, committed with mankind or with beast, polygamy, robbery, conspiracy, forgery, larceny of above the value of six dollars, perjury, or subornation of perjury, shall be entitled to the right of an elector at such election, unless pardoned or restored by law to the right of suffrage.

Mode of proving
such conviction.

SEC. 4. If a person be challenged, as convicted of any of the crimes enumerated in the preceding section, 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 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.

SEC. 5. No person in the military, naval, or marine service of the United States shall be considered a resident in this state, by being stationed in any garrison, barrack, or military or naval place or station within this state. Military residents.

SEC. 6. All such elections shall be opened at the hour of eight o'clock in the morning, and close at the hour of seven in the evening, and shall continue one day only; and all such parts of the act to which this is a supplement, as contemplate the continuance of an election for two days, are to be understood as modified and conformed to the provision of this section. Time of opening and closing polls.

SEC. 7. At the next and every subsequent 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 held. Annual town meetings to appoint places for holding elections.

SEC. 8. On the Tuesday next after the first Monday in November next, after the passage of this act, and in each year thereafter, 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, each of whom shall be entitled to the right of suffrage, and shall have attained the age of twenty-one years, and have been a citizen and inhabitant of the state for two years, and of such county for one year, next before his election; 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 members of Assembly, &c.

SEC. 9. 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 Secretary of state to give notice of expiration of term of service of senator.

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 tenth section of the act to which this is a supplement, a notice that a senator for said county is to be chosen at the ensuing election.

Time and mode
of election of
clerks and sur-
rogates.

SEC. 10. 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 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 tenth section of the act to which this is a supplement, 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.

SEC. 11. 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
for governor.

SEC. 12. 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 tenth section

of the act to which this is a supplement, a notice that a governor is to be chosen at the ensuing election.

SEC. 13. 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 in this state, to elect, for this state, such a number of persons to be members of the House of Representatives of the United States, as this state shall be entitled to elect and send as members thereof, each of whom shall be a 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 for seven years next preceding such election.

Time of election of representatives in congress.

SEC. 14. 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.

SEC. 15. 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.

When election of representatives to be held in certain cases.

SEC. 16. 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

Vacancies in legislature, how supplied.

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 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.

Vacancies in college of electors, how supplied.

SEC. 17. When any vacancy shall happen in the college of electors of this state, or when any such 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 majority of votes, all such vacancies in the electoral college.

Mode of issuing writ of election.

SEC. 18. Every writ of election which shall be issued under the provisions of this act, or that to which it is a supplement, shall be of a 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.

Special elections to be held on one day only

SEC. 19. Every special election shall be held on one day only, which shall be Tuesday.

Seats of senators or members vacated in certain cases.

SEC. 20. 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.

SEC. 21. No justice of the supreme court, nor judge of any other court, sheriff, justice of the peace, nor any person possessed of any office of profit under the government of this state, shall be entitled to a seat either in the Senate or the General Assembly, but, on being elected and taking his seat, his office shall be considered vacant; and no person holding any office of profit under the government of the United States shall be entitled to a seat in either house.

Persons holding certain offices not entitled to seats in either house.

SEC. 22. 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, member 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.

Persons incapable of holding more than one of certain offices

SEC. 23. The hour for the organization of the board of election, mentioned in the thirtieth, thirty-second, and thirty-third sections of the act to which this is a supplement, is changed to eight o'clock in the morning of the day of election.

Hours of meeting of board of election.

SEC. 24. 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 clerk of the township, under the thirty-second or thirty-third sections of the act to which this is a supplement, 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.

Officer appointed to fill vacancy, to be member of board.

SEC. 25. 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."

Board may adjourn.

SEC. 26. When such board shall have become organized, and the members and clerk 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.

Form of oath tendered to person challenged.

SEC. 27. 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:

"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.

Part of former act revived.

SEC. 28. The forty-fifth, one hundred and sixth, and one hundred and seventh sections of the act to which this is a supplement, are hereby revived and continued in force.

Mode of canvassing votes.

SEC. 29. 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.

SEC. 30. 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 the act to which this is a supplement, 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 the act to which this is a supplement.

Judges of election to keep keys of ballot box.

SEC. 31. In all elections which shall be held under this act, or that to which it is a supplement, 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-first section of the act to which this is a supplement, 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 sixtieth section of the act to which this is a supplement; and the secretary of state, on receiving the same, shall forthwith file it in his office, as an official paper.

Statements of result of election to be made.

SEC. 32. When a governor, a clerk of a county, or a surrogate, shall be voted for at any election, the provisions of the act to which this is a supplement, 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.

Statement of result of election for governor, &c.

SEC. 33. The provisions of the eighty-first section of said act shall apply and be extended to the statements of the votes in each county, in relation to the office of governor.

Provisions of former act extended.

SEC. 34. The board of state canvassers shall meet at Trenton, on the twenty-first day next after the day of any election for electors of president and vice president, members of the House of Representatives, or governor; and the provisions of the eighty-first and eighty-second sections of said act are to be understood as modified accordingly.

Time of meeting of board of state canvassers

SEC. 35. 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

Board of state canvassers, how constituted.

for governor; and the provisions of the eighty-second, eighty-third, eighty-fourth, eighty-fifth, eighty-sixth, eighty-seventh, eighty-eighth, eighty-ninth, ninetieth, and ninety-first sections of said 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-second section of said act, and shall without delay deliver the same to the person thereby declared to be elected.

Time of meeting
of legislature.

SEC. 36. The Senate and General Assembly shall convene, and commence their sessions, on the second Tuesday in January next after they shall have been elected; and the ninety-fourth section of the act to which this is a supplement is modified accordingly.

Penalty for illegal
voting.

SEC. 37. Any person who shall vote, or shall fraudulently offer to vote, at any election held under this act, or that to which it is a supplement, 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 so 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 ad-
vising illegal
voting.

SEC. 38. 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.

Certain sections
of original act
modified.

SEC. 39. Where the words "the Legislative Council" or "the Council" occur in the act to which this is a supplement, the words "the Senate" are hereby substituted therefor; where "the vice president of the Legislative Council" is spoken of "the president of the Senate" shall be understood as substituted therefor; and the sections in said original act, in which such modifications are hereby made, shall have the like effect as if

said sections were now herein repeated at length, with such alterations incorporated therein; and this act and such parts of said original act as now remain in force shall, from the time this act becomes a law, have the like force and effect as if such subsisting sections of the original act were now repeated, and the provisions of this supplement incorporated therein.

SEC. 40. 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 ninth and twelfth 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 tenth 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.

Compensation
to certain officers.

SEC. 41. All sections and clauses of the act to which this is a supplement, or of any other act inconsistent with the provisions of this act, so far as they conflict with the provisions of this act, are repealed or modified, so as to conform to the provisions hereof.

Part of former
act repealed.

SEC. 42. The first, second, third, fourteenth, fifteenth, sixteenth, twenty-second, thirty-fourth, thirty-sixth, forty-second, forty-third, forty-fourth, forty-sixth, forty-ninth, fiftieth, fifty-seventh, one hundred and ninth, one hundred and tenth, and one hundred and eleventh sections of the act to which this is a supplement, are repealed: the supplements to said act, passed, respectively, on the twelfth day of March, eighteen hundred and thirty-nine; and on the ninth day of March, eighteen hundred and forty-two, and on the twenty-third day of February, eighteen hundred and forty-three, and on the thirteenth day of March, eighteen hundred and forty-four, are repealed.

Certain sections
of former act
repealed.

SEC. 43. This act shall go into effect immediately.

Approved, April 4, 1845.

Act, when to
take effect.

AN ACT to incorporate the Mount Holly Water Company.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Commissioners
to open books
of subscription.

SEC. 1. Subscription books to the capital stock of the Mount Holly Water Company may be opened, within six months after the passing of this act, by Abraham Brown, Charles Bispham, James Langstaff, Clayton B. Rogers, and Richard Jones, who are hereby appointed commissioners to receive subscriptions of the said stock, at such times and places as they, or a majority of them, shall direct, giving notice thereof, at least twenty days prior to the opening of the said books, in all the newspapers published in the county of Burlington.

Amount of capi-
tal stock.

SEC. 2. The capital stock of the said company shall be fifteen thousand dollars, with the privilege of increasing the same to twenty thousand, to be divided into shares of twenty dollars each; and when two hundred and fifty shares are subscribed for, the persons holding the same, their successors and assigns, shall be, and they are hereby incorporated into a company, by the name of "the Mount Holly Water Company;" and, by that name, shall be capable of purchasing, or of otherwise becoming seized and possessed of, holding and conveying, real and personal estate, and of using, selling, hiring, and renting, and otherwise disposing of the water they may raise and procure; shall have power to make and use a common seal, and the same to alter; and by said corporate name to sue and be sued; and shall have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies, and necessary to promote and effect the object of this incorporation, which is hereby declared to be the supplying the town of Mount Holly with pure and wholesome water.

Instalments,
how paid.

SEC. 3. At the time of subscribing for the said stock, two dollars on each share shall be paid, or secured to be paid, to the said commissioners, or to some one of them, in such mode as the said commissioners in their discretion shall direct, which money and securities shall be paid and delivered over to the treasurer of said company, as soon as one shall be appointed; and the residue of the subscriptions shall be paid in such instalments, at such times and places, and to such person or persons, as the president and directors of the said company shall from time to time direct, by notices published for two weeks, successively, in such newspaper or newspapers as may be published in the town of Mount Holly aforesaid; and upon failure of payment thereof, as so directed, the said president and directors shall have power to forfeit the share or shares

of each and every person so failing to pay the said instalments, or any or one of them, for the use of the said company.

SEC. 4. When two hundred and fifty shares of the said stock are subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, by advertising the same in the newspapers published in Mount Holly, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon elect, by ballot, seven directors, a majority of whom shall be residents in Mount Holly, to manage the affairs of the said company for one year, of which election some discreet person, to be chosen by the said commissioners, or by a majority of them, shall be the judge; and at the expiration of that term, and annually thereafter, at a day and time to be designated, and upon like notice to be given by the said directors for the time being, or a majority of them, the said stockholders shall elect the same number of directors, a majority of whom shall be residents in Mount Holly as aforesaid; and in all cases of elections the stockholders may vote either in person or by proxy; and each stockholder holding one share shall have one vote, each stockholder holding five shares two votes, and an additional vote for each succeeding five shares.

Manner of annual election of seven directors.

SEC. 5. Within twenty days after each annual election as aforesaid, the said directors shall elect, from their own body, a president of the said company, who shall hold his office for one year or until another shall be elected, and shall receive such compensation for his services as the said directors, or a majority of them, shall direct, and 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 his death, absence, inability, or refusal to act, the said directors, or a majority of them, shall appoint, from their body, a suitable person in his place, who, for the time being, shall possess the same power and authority, and perform the duties herein prescribed.

Directors to elect president.

SEC. 6. If, from any cause, any election herein before named shall not be had at the time specified therefor, this charter shall not be avoided thereby, but the same may be made at any time, on notice as aforesaid; and until such election is had, the officers previously elected by the stockholders shall continue to hold their respective offices until others are elected in their stead.

Officers to hold offices until others are elected.

SEC. 7. Four directors, with the president, shall be a quorum for business; and the said directors, or a majority of them, shall have power to supply any vacancy in their body occurring

Powers and duties of directors.

between the annual elections, by death, removal, or refusal to act, and to appoint a treasurer and all other officers, engineers, agents, superintendents, and servants that may be required to transact the business of the company, with such compensation, respectively, as they may determine on, and to exact from them, respectively, due security; to regulate and assess the tolls, taxes, and water rates to be paid to and levied by the said company; to have the superintendence and direction of all the effects, receipts, disbursements, and other affairs of the said company; and to make, prescribe, and enforce such ordinances and by-laws as they may deem necessary and expedient to govern the conduct of all persons with whom they may contract for a supply of water from their works, in order to regulate the use of the said water, and to preserve the same from waste; and, by such ordinances and by-laws, to impose penalties and forfeitures for a breach thereof, or for a neglect or refusal to comply therewith; *provided* such penalty or forfeiture shall not in any one case exceed the sum of five dollars; *and provided also*, the said by-laws and ordinances shall be published for two weeks, successively, in one or more of the newspapers published in Mount Holly, before any attempt shall be made to enforce the same; which penalties and forfeitures shall be recoverable in the name of the said company, before any justice of the peace of the county of Burlington, with costs, in an action of debt, as well from any stockholder of said company, as from any other person; and to enable, prescribe, and enforce such by-laws and ordinances as they may deem expedient for regulating the transfer of stock and for the general government of the company, and the management of its affairs; *provided* the same be not repugnant to the constitution and laws of this state or of the United States.

Proviso.

Proceedings
when company
and owners of
land cannot
agree on value.

SEC. 8. It shall and may be lawful for the said company to erect, upon the most eligible site, on either bank of the north branch of Rancocus creek, above the road leading from Mount Holly to Vincentown, all the works necessary to promote and effect the object of this incorporation, and to take from the said creek such and so much water as may be necessary for the purposes aforesaid; and to excavate, embank, and construct upon the mount near Mount Holly, or upon the lands adjacent, a reservoir of such size, capacity, and materials as the said directors, or a majority of them, may deem necessary, and the same to repair, alter, and extend, the consent of the owner or owners of the property to be taken to be first obtained; and to lay, sink, and extend their pipes, conduits, and branches through any lands that may be, by the said directors, or a majority of them, deemed necessary for the purposes aforesaid; and the same to repair, alter, and remove, first giving notice in writing of their intention to the owner or owners or persons interested,

or to the guardian or guardians of any minors who may be interested, and making satisfaction for any damages that may be sustained by any person or persons interested in the lands or waters that may be occupied, injured, or affected by the construction of the said works and reservoir, the laying, sinking, and extending of the said pipes, conduits, and branches, and the direction and use of the said waters, according to a reasonable agreement between the parties; but in case of disagreement between the parties, as to the value or sum to be paid for such damages, then and in such case it shall be the duty of the said parties, each, to choose a reputable freeholder, not stockholders in the said company, and they two a third, whose judgment, or the judgment of any two of them, made in writing, as to the amount to be paid for the damages aforesaid, shall be conclusive; and in case such owner or owners, guardian or guardians, or person or persons interested, shall neglect or refuse, for the space of fifteen days after such notice in writing given, to choose a person as aforesaid, or cannot be found in the state of New Jersey to be served with notice as aforesaid, then it shall be lawful, on the application of the said company or their officers, for any justice of the peace of the county of Burlington, not interested, to issue his venire, directed to any constable of said county, commanding him to summon twelve good and lawful men of the county, qualified to act as jurors, not being members or stockholders of the said company, nor interested therein, who, having been duly sworn, by and before the said justice, justly and truly to assess the said damages, upon examining the lands and premises, and the facts disclosed by the evidence produced before them by the said company, or its officers, in the presence of the said justice, shall find and assess such damages as to them shall appear just and reasonable; which assessment shall be entered by the said justice in his docket, and shall be conclusive between the parties.

SEC. 9. It shall and may be lawful for the said company to lay, sink, and extend their said pipes, conduits, and branches through such of the highways and streets of the said town of Mount Holly as the said directors, or a majority of them, may deem advisable and necessary; and for that purpose, and whenever it may be necessary to alter, remove, or repair the same, to dig, excavate, and remove so much of the earth and soil in the said highways and streets as may be necessary for the objects and purposes aforesaid; *provided*, that so much of the said soil and earth as may be necessary to restore the said streets and highways to their former condition, shall be replaced at the expense of the said company, as soon as may be compatible with a judicious prosecution of the said work.

Company authorized to lay pipes through streets.

Penalty for injuring works of company.

SEC. 10. If any person or persons shall wilfully injure, destroy, or obstruct the pipes, conduits, branches, machinery, fixtures, or works of the said company, such person or persons so offending shall pay to the said company triple the amount of the damages sustained by the said company, to be by them recovered, with costs, in any court of competent jurisdiction.

Directors to make dividends.

SEC. 11. The stock of the said company shall be considered personal property; and it shall be lawful for the said directors, or a majority of them, to make dividends of so much of the profits of the said company as shall appear advisable from time to time.

Restriction.

SEC. 12. It shall not be lawful for the said company to use their funds, or any part thereof, in banking operations.

Act, when to take effect.

SEC. 13. This act shall go into operation immediately.

Approved, April 5, 1845.

A supplement to "An act constituting courts for the trial of small causes."

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Justice may summon jury of six men.

SEC. 1. In all suits in any court for the trial of small causes, where the debt, demand, or matter in dispute does not exceed the sum of fifty dollars, and a trial by jury is duly demanded by either of the parties, the justice shall issue a venire to summon a jury of six men, and no more.

Costs, how paid in certain cases.

SEC. 2. When the plaintiff, in an action of debt, shall demand a jury of twelve men, and such jury shall find a sum in favour of such plaintiff, not exceeding fifty dollars, and not less than ten dollars, then such plaintiff shall pay one half of the costs of such jury; and if the sum found by such jury in favour of such plaintiff be less than ten dollars, then such plaintiff shall bear the whole costs of such jury.

Plaintiff to pay costs in certain contingency.

SEC. 3. When the plaintiff, in an action of debt, shall demand a jury of six men, and such jury shall find a sum, in favour of such plaintiff, under ten dollars, such plaintiff shall bear the whole costs of such jury.

SEC. 4. There shall be no stay of execution upon any judgment to be obtained in this court, unless the party or parties

against whom such judgment is rendered shall give freehold security, in the manner now provided by the last clause of the twenty-fourth section of the act to which this is a supplement. Security to be given for stay of execution.

SEC. 5. So much of the act to which this is a supplement, as is inconsistent with the provisions of this act, is hereby repealed. Part of former act repealed.

Approved, April 5, 1845.

AN ACT to repeal "An act concerning small notes for the payment of money," and "An act to prevent the issuing and circulation of small notes for the payment of money," and the supplement thereto, passed on the ninth day of March, eighteen hundred and thirty-six, and "An act to repeal so much of certain acts as prohibit the issue and circulation of notes of incorporated banks of this state under the denomination of five dollars."

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

"An act to prevent the issuing and circulation of small notes for the payment of money," passed the fourth day of March, eighteen hundred and thirty-five, and the supplement thereto, passed on the ninth day of March, eighteen hundred and thirty-six, and "An act to repeal so much of certain acts as prohibit the issue and circulation of notes of incorporated banks of this state under the denomination of five dollars," passed the thirty-first day of January, eighteen hundred and thirty-eight, and "An act concerning small notes for the payment of money," passed the nineteenth day of February, eighteen hundred and thirty, are hereby repealed; and this act shall take effect immediately. Former acts repealed.

Approved, April 5, 1845.

AN ACT to require justices of the peace to give security.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Justices of the
peace to give
bond.

SEC. 1. Every person elected to the office of justice of the peace, in any of the counties of this state, who has not yet been commissioned, shall give bond to the state of New Jersey, in such sum as the judges of the court of common pleas of such county, or any three of them, may deem sufficient, not less than five hundred, nor more than three thousand dollars, with good freehold security, to be approved by such judges, conditioned for the payment on demand, to the person entitled or authorized to receive the same, of all moneys that may come into his hands, as such justice of the peace, during the continuance of his office.

Bond, how pro-
secuted.

SEC. 2. Such bond shall be for the benefit of any person concerned or aggrieved; and the circuit court of the county may, from time to time, upon application in writing by any person concerned or aggrieved, order a prosecution of the bond, to be conducted at the expense of the applicant.

Where filed.

SEC. 3. Such bond shall be filed in the office of the clerk of the proper county.

Penalty for act-
ing before bond
is filed.

SEC. 4. If any justice of the peace shall enter upon the execution of his office before taking his official oaths and filing such bond, he shall forfeit, for each offence, the sum of one hundred dollars.

Act, when to
take effect.

SEC. 5. This act shall take effect immediately.

Approved, April 5, 1845.

Repealed by Act of April 5, 1845.

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

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Part of former
act repealed.

SEC. 1. "An act to repeal so much of the act entitled, an act to authorize the inhabitants of the townships of Westfield,

New Providence, Rahway, and Caldwell, in the county of Essex, to vote by ballot at their township meetings, passed February twentieth, eighteen hundred and forty-one, as relates to or is binding upon the inhabitants of the township of Rahway, in the county of Essex, and for other purposes," passed the thirteenth day of March, eighteen hundred and forty-four, is hereby repealed, so far as relates to the inhabitants of the township of Rahway aforesaid.

SEC. 2. The said act, entitled, "An act to authorize the inhabitants of the townships of Westfield, New Providence, Rahway, and Caldwell, in the county of Essex, to vote by ballot at their town meetings," passed the twenty-sixth day of February, eighteen hundred and forty-one, is revived and continued in force, as to the inhabitants of the said township of Rahway, except so much thereof as requires the amount of money to be raised for such purposes as are or may be authorized by law, and the amount of tax to be levied on dogs, and the sum to be allowed per day for labour upon roads to be determined by ballot, and the overseers of the highways to be elected by ballot.

Part of former act revived.

SEC. 3. The officers of election shall be eligible to any office to be voted for at town meeting, except that of justice of the peace.

Officers of election not eligible for justices of the peace.

SEC. 4. This act shall take effect immediately.

Act, when to take effect.

Approved, April 5, 1845.

AN ACT to establish a new township in the county of Somerset, to be called the township of Branchburgh.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. All that part of the township of Bridgewater, in the county of Somerset, contained within the following bounds, that is to say: beginning on the corner of lands of Abraham C. Van Doren and William I. Voorhees, in the line between Hunterdon and Somerset, and running from thence down the south branch of Raritan river and the line of Hillsborough township, the several courses thereof, to the junction of the north and south branches thereof; thence, up the north branch, to the

Boundaries of township.

Lamington river; thence, up the Lamington river, to the line between Hunterdon and Somerset; thence along said line, the several courses thereof, (southerly) to the place of beginning, shall be, and hereby is set off from the township of Bridgewater, in the county of Somerset, and made a new township, to be called and known by the name of "the township of Branchburgh;" *provided*, that this act shall not take effect and be in force until from and after the second Monday of April next.

Proviso.

Inhabitants incorporated.

SEC. 2. The inhabitants of the township of Branchburgh 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 Branchburgh, in the county of Somerset," and shall 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 Somerset are or may be entitled or subjected to by existing laws of this state.

First town meeting in Branchburgh.

SEC. 3. The inhabitants of the township of Branchburgh shall hold their first town meeting at the house of Isaac H. Hall, in the said township, on the day appointed by law for holding the annual town meetings in the other townships in said county of Somerset.

Township committees to divide property, &c.

SEC. 4. The town committees of the townships of Branchburgh and Bridgewater shall meet on the Monday next after the annual town meetings in said townships, at the inn lately kept by David Sanderson, at Somerville, 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 Branchburgh shall be liable to pay their just proportion of the debts, if any there should be; and if any of the persons comprising either of the township committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division; and the decision of a majority of those present shall be final and conclusive.

Right of township in surplus revenue not impaired.

SEC. 5. Nothing in this act shall be so construed as to impair, or in any wise affect the right of said township of Branchburgh of, 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.

Paupers, how chargeable.

SEC. 6. All the paupers now chargeable to the township of Bridgewater, in the county of Somerset, whose settlements

were acquired within the bounds of the said township of Branchburgh, shall be chargeable to, and supported by the said township of Branchburgh.

Approved, April 5, 1845.

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

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. There shall be assessed, levied, and collected, on the inhabitants of this state, their goods and chattels, 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-six.

\$40,000 to be raised by tax.

SEC. 2. 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:

Proportions to be raised by the several counties.

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.

Enumeration of
articles taxed at
specific sums.

SEC. 3. 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:

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 upwards, any sum not exceeding eight cents.

All neat cattle, three years old and upwards, any sum not exceeding four cents.

SEC. 4. 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:

All tracts of land of more than twenty acres, at any sum not exceeding one hundred dollars, by the hundred acres; 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.

Articles to be
valued and rated
at the discretion
of the assessor.

All fisheries where fish are caught for sale, any sum not exceeding twenty dollars.

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 bloomerics 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 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 stage 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.

Every printing, bleaching, and dyeing manufactory, any sum not exceeding ten dollars.

Every earthen or stone ware manufactory, any sum not exceeding seven dollars and fifty cents.

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 oil cloth manufactory, any sum not exceeding ten dollars.

Tax of single men.

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 construed to 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.

Proviso.

Duties of assessor.

SEC. 5. 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 per centage upon such valuation.

Manner of assessing, levying, and collecting.

SEC. 6. The said 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 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 col-

lection of said tax, shall be entitled to the fees and compensation allowed by law.

SEC. 7. This act shall take effect immediately.

Approved, April 5, 1845.

Act, when to
take effect.

AN ACT to defray incidental expenses.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. It shall be lawful for the treasurer of this state to pay, to the several persons herein after named, the following sums, viz:

Certain incidental charges directed to be paid.

1. To Thomas Macpherson, for stationery for the use of the Senate, ninety dollars and thirty-nine cents.

2. To Thomas Macpherson, for stationery for House of Assembly, twenty-one dollars and thirty cents.

3. To Thomas Macpherson, for paper for supreme court, eight dollars.

4. To Samuel R. Gummere, for cash paid D. Fenton, Charles Scott, and others (as per receipts), one hundred and thirteen dollars and ninety-two cents.

5. To William Marseilles, for repairs done to the government house, four dollars and fifty-six cents.

6. To William W. Norcross, for candles for supreme court, ten dollars and eighty-eight cents.

7. To Titus & Brother, for green baize to cover desk in secretary's office, and sundries per engrossing clerk, five dollars and thirty cents.

8. To Phillips & Boswell, for printing commissions, pedler's licenses, bank circulars, &c., including amount paid Charles Scott for stitching and covering one thousand constitutions (as per receipt), one hundred and fifty-three dollars.

9. To Charles Brearley, for oil, glass, paints, &c., furnished for the New Jersey arsenal, ten dollars and twenty-nine cents.

10. To Jonathan Cook, for horse and carriage hire for use of state prison committee, eighteen dollars.

11. To Kinney & Co., for two dozen congress knives (per secretary of Senate), twenty-eight dollars.

12. To Daniel Hart, for one load hickory wood, and sawing the same, for court of chancery, two dollars and eighty-eight cents.

13. To Robert Shay, for taking care of the senate chamber through the summer and fall (as per resolution of Council), thirty dollars.

14. To John Fausset, for repairing pipes in heater, two dollars.

15. To Jasper Scott, for mason work at furnaces, three dollars.

16. To William Hancock, for taking down and putting up pipes to heater, two dollars and fifty cents.

17. To president and directors of the Trenton water works, for water twelve months, ten dollars.

18. To A. L. Dennis, for stationery for Senate and Assembly, eighty-one dollars and fifty cents.

19. To Daniel Dodd, jun., for clock for senate chamber, twenty-five dollars.

20. To Charles Parker, George S. Green, and Samuel S. Stryker, for appraising stock at state prison, one hundred and forty-seven dollars and seventy-five cents.

21. To Joseph Levy, for steel pens per D. Dodd, jun., ten dollars.

22. To Elias Phillips, for tubs, tumblers, and pitchers, &c., six dollars and three cents.

23. To Southard, Grant, & Co., for posts and boards to repair fence around state house yard, one dollar and forty cents.

24. To Stryker & Steward, for candles and sundries (per bill), twenty-four dollars and thirty-one cents.

25. To Jonathan S. Fish, for three tons egg coal for arsenal, thirteen dollars and fifty cents.

26. To W. A. & A. B. Green, for ten tons broken coal, forty dollars.

27. To Franklin S. Mills, for two hundred copies of the new constitution, thirty dollars.

28. To John C. Miller, for sundries for senate chamber, assembly room, office of secretary of state, and chancery office, &c., one hundred and four dollars and fifty-nine cents (as per bill).

29. To Jacob Luther, for coal for senate chamber and work in state house cellar and yard, nine dollars and fifty cents.

30. To James M. Newell, for indexing and preparing a copy for printing the journal index of the session of eighteen hundred and forty-three and eighteen hundred and forty-four, fifty dollars.

31. To Sherman & Harron, for printing three hundred copies of the rules of the supreme court, fifty-three dollars.

32. To William Paterson, for furnishing a copy of the journal of the convention to revise the constitution to the printer, for publication, ninety-two dollars and eighty cents.

33. To Joseph G. Brearley, for sundries for senate chamber, assembly room, &c., nine dollars and eighty-six cents.

34. To Orrin Pharo, for publishing the constitution, and governor's proclamation relative thereto, in the Monmouth Inquirer, one hundred dollars.

35. To Charles Scott, for stationery for the use of Assembly (per James Newell), one hundred and forty-six dollars and forty-cents.

36. To Charles Scott, for stationery for the use of the supreme court and office, thirty-nine dollars and twenty-nine cents.

37. To Charles Scott, for stationery for the use of the Senate, sixty-nine dollars and ninety-seven cents.

38. To Charles Scott, for stationery for the use of the governor and secretary of state's office, one hundred and four dollars and forty-one cents.

39. To Charles Scott, for stationery for the use of the engrossing clerks, thirty-one dollars and forty-two cents.

40. To Charles Scott, for books and stationery for the treasurer's office, eighteen dollars and thirty-eight cents.

41. To Charles Scott, for stationery for the House of Assembly (per A. G. Cattell), thirteen dollars and five cents.

42. To Charles Scott, for binding journals of the convention and putting up in blue covers the acts of the sixty-eighth legislature, forty-five dollars and sixty cents.

43. To Charles Scott, for binding law books for state library and for putting up in blue covers eight hundred and sixty copies of journal of convention, fifty-nine dollars and seventy-seven cents.

44. To Phillips & Boswell, for one hundred and fifty copies of "Halsted's Digested Index to the Decisions of the Supreme Court," by concurrent resolution of the legislature, six hundred dollars.

45. To G. W. Clawson, for publishing the laws of the session of eighteen hundred and thirty-eight and eighteen hundred and thirty-nine in the Warren Journal, ten dollars.

46. To Isaac Dunn, for repairing blinds in senate and assembly rooms, three dollars and twenty-five cents.

47. To George H. Tindall, for carpenter work to out-house,

putting on locks, repairing desks in the senate and assembly rooms, sixteen dollars and thirty-two cents.

48. To W. W. Norcross, for one box candles for Council, October twenty-first, eighteen hundred and forty-three, not settled for, per bill, eleven dollars and eighty-nine cents.

49. To Isaac Fowler, for plastering and mason work to the ceiling in supreme court room and the wall of the state house yard, nine dollars and twenty-five cents.

50. To John B. Boling, for glass and glazing for state house, offices, and government house, per bill, fourteen dollars and eighteen cents.

51. To David Clark, for paper and papering government house and binding for library, twelve dollars and ninety cents.

52. To J. G. Brearley, for hardware, nails, locks, hinges, &c., per bill, fourteen dollars and thirty-three cents.

53. To William Marseilles, for carpenter work to government house, thirty dollars.

54. To William G. Cook & Co., for lumber for government house, per Marseilles, fourteen dollars and seventy-one cents.

55. To Taylor & Disbrow, for blacksmith work at government house, three dollars and twenty-seven cents.

56. To John Bateson, for repairing pump, &c., at government house, &c., three dollars.

57. To C. B. Howell, for repairing gutter on government house, one dollar and seventy-five cents.

58. To John Crossley, for mason work at government house, per bill, three dollars and fifty-nine cents.

59. To Jonathan S. Fish, for twenty-nine cedar posts, at sixteen cents, four dollars and sixty-four cents.

60. To Halsey Canfield, for making fence and repairing gate in state house lot, ten dollars and thirty-seven cents.

61. To Philemon Dickinson, for lumber for fencing in state house yard, per bill, nineteen dollars and eighty-two cents.

62. To William Crossley, for cleaning state house yard with horse and cart, &c., three dollars and fifty cents.

63. To Charles Stedman, for repairing state house gate, one dollar.

64. To Charles G. McChesney, for amount paid William Clark, Charles Thomas, as per receipts, for transmission of laws, notification to banks, of appointment of treasurer, &c., eight dollars.

65. To P. S. Phillips, for millet seed, &c., for testing measures, as per bill, one dollar and fifty cents.

66. To William Kinney & Co., bill knives per A. G. Cattell, seventy dollars.

67. To A. G. Cattell, for stationery, &c., furnished for the use of Assembly, eighty-seven dollars and eighty-seven cents.

68. To Enoch W. Green, for repairing desks and putting on locks in senate chamber, two dollars and sixty-two cents.

69. To Jones & Corlies, for candles, crape, and sundries for Assembly, forty-eight dollars and forty-six cents.

70. To Daniel Fenton, for pen-holders, stamps, sand-boxes, &c., for Assembly, six dollars and seventy-five cents.

71. To Sherman & Harron, for printing pamphlets and bills for Assembly and Senate, sixteen hundred and sixty-five dollars and sixty-seven cents.

72. To Jane Ann Hartshorne, widow of James M. Hartshorne, deceased, one of the members elected to this legislature, one hundred and twenty-one dollars and fifty cents.

73. To Mrs. Lowrey, widow of John Lowrey, deceased, one of the members elected to this legislature, one hundred and twenty-one dollars and fifty cents.

74. To each of the members of the Senate and General Assembly, and the secretary of the senate and clerk of the House of Assembly, any sum not exceeding three dollars, for postage and newspapers during the session of this legislature.

75. To A. G. Cattell, for cash paid (as per receipt) for three hundred copies of Miss D. L. Dix's memorial to the legislature, agreeably to resolution, eighteen dollars.

76. To Franklin S. Mills, for balance on printing for the last session of the legislature, seven dollars.

77. To David Clark, for stationery for the use of Senate, per R. Shay, forty-seven dollars and thirty-seven cents.

78. To Franklin S. Mills, for balance on printing the proceedings of the convention to revise the constitution, forty-three dollars and twenty-seven cents.

79. To Joseph C. Potts, for services rendered relative to the late treasurer's accounts, agreeably to joint resolution of Council and Assembly, fifty dollars.

80. To Joseph W. Scott, for services rendered relative to the late treasurer's accounts, agreeably to joint resolution of Council and Assembly, fifty dollars.

81. To William Pearson, for locks and bolts for desks, &c., one dollar.

82. To C. Breawley, for locks, &c., for state house, one dollar and seventy-five cents.

83. To Franklin S. Mills, for twelve copies of the new con-

stitution of New Jersey, for the Senate, one dollar and eighty cents.

84. To Franklin S. Mills, for advertising Governor Haines' proclamation relative to the murder of G. A. Martins and proclamation relative to thanksgiving day, nine dollars.

85. To Francis A. Brognard, for services rendered as private secretary to the governor, during the present session of the legislature, seventy-five dollars.

SEC. 2. This act shall take effect immediately.

Approved, April 5, 1845.

JOINT RESOLUTIONS.

To prescribe a uniform mode of printing the enacting clause of the several laws of the present session.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey, as follows:*

The secretary of state be, and he is hereby directed, in preparing copies of the laws of the present session of the legislature, for the printers thereof, to make the enacting clause of each precede the sections, in manner following :

Form of enacting clause.

“BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. &c.”

Approved, March, 27, 1845

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey, as follows:*

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 thirty thousand dollars, at a rate of interest not to exceed six per centum per annum.

Treasurer authorized to borrow money.

Approved, April 3, 1845.

Relative to the apportionment of the annual appropriation for the support of common schools.

WHEREAS there has been a number of changes in the lines of several counties of this state within the past two years,

Preamble.

which will materially affect the apportionment of the sum of thirty thousand dollars, to be made by "the trustees for the support of free schools," for the year one thousand eight hundred and forty-five, as directed by law—therefore,

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Mode of making annual apportionment.

The trustees for the support of free schools are hereby authorized and required, in the apportionment of the annual appropriation of the sum of thirty thousand dollars, for the support of public schools, as directed in an "Act to establish common schools," passed March first, one thousand eight hundred and thirty-eight, to apportion the same, for the year one thousand eight hundred and forty-five, in the ratio of the taxes paid for the support of the government of this state by the several counties, respectively, in the year eighteen hundred and forty-two, excepting the counties of Gloucester and Camden.

Approved, April 4, 1845.

To provide for the distribution of the journal of the convention that framed the constitution.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Distribution of journals of convention.

The copies of the journal of the convention that framed the constitution, now deposited with the secretary of state, be disposed of as follows:

The governor of this state be, and he is hereby authorized and requested to transmit to the executive of each state and territory of the United States, for the use of the executives and legislatures of the respective states and territories, three copies.

There be distributed to the governor and chancellor, the judges of the supreme court and the court of errors, the secretary of state, the treasurer of the state, the attorney general, the clerk of the supreme court, and the clerk of the court of chancery, each, one copy; to the clerk and surrogate of each county, one copy; to each college and theological seminary of this state, three copies; to the members of the present legislature, and the secretary and clerk, and the engrossing clerks of the two houses, each, three copies for distribution; and that the remaining copies be deposited in the state library.

Approved, April 4, 1845.

Relative to removal of the obstructions to the navigation of
the river Passaic.

WHEREAS the bar at the junction of the rivers Passaic and Hackensack, in Newark bay, New Jersey, has obstructed and seriously affected the navigation and commerce upon said river Passaic; and whereas it is represented that, in the opinion of the engineers and surveyors of the general government, who have examined and made a survey and map of the Newark bay, and rivers emptying therein, the said obstruction can be removed with great facility, and by a reasonable expenditure—therefore,

Preamble.

BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey, as follows:

In the opinion of this legislature, the removal of the said obstruction, and the protection of the navigation, by the erection of a suitable pier, or other proper means, are objects peculiarly deserving and claiming the attention of congress; and that it be recommended to congress to make the necessary appropriation for the purpose aforesaid.

Removal of obstructions recommended.

The governor of this state be requested to transmit a copy of the foregoing preamble and resolution to each of the senators and representatives in congress from New Jersey;

Approved, April 4, 1845.

To provide for printing three thousand copies of the laws regulating elections.

BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey, as follows:

Three thousand copies of the election laws of this state (carefully digested by the secretary of state), with marginal notes, be printed in pamphlet form for general circulation in every township in the state; and that John T. Robinson be appointed to print the same, he being required to have them completed and deposited with the state treasurer in time for distribution with the journals of this legislature; *provided* the expense thereof shall not exceed the sum of one hundred and fifty dollars; and upon the receipt thereof by the treasurer, he is hereby authorized to pay for the same.

3000 copies of election laws to be printed.

Approved, April 4, 1845.

To provide for furnishing certain documents to the New Jersey
Historical Society.

Preamble.

WHEREAS the New Jersey Historical Society have respectfully requested the legislature of this state to aid the same, by furnishing it with copies of the laws and journals, both state and colonial, so far as the same will not affect the interests and wants of the state, and to give the society access, by its secretary, to the office of the secretary of state (the prerogative files excepted) and other public offices of the state, for the purpose of copying, without paying office fees, such documents or records as the society may judge will promote the objects of its institution, and said request appearing reasonable and proper—therefore,

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Certain documents to be furnished to society.

The governor, secretary, and librarian of this state be authorized and directed to furnish to the librarian of the New Jersey Historical Society, for the use of said society, one copy of the laws of the colony, one copy of the laws of the state of New Jersey, one copy of the journals of Council and Senate, one copy of the minutes of the General Assembly, from the organization of these bodies to the present time, so far as the same will not affect the interest and wants of the state; and that the secretary of said society have liberty to make such copies, for the use of said society, of any public documents or records remaining in the library or public offices (the prerogative office excepted) as the said secretary may deem useful to promote the objects of the society, without paying office fees.

Approved, April 5, 1845.

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